

MEMORANDUM

DATE: June 25, 2015

TO: Dave Bullock, Town Manager

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

SUBJECT: Ordinance 2015-10, Comprehensive Plan Amendment, Future Land Use Element

On March 17, 2015, the Planning and Zoning Board began evaluations of modifications to the Future Land Use categories as provided in Table 1 of the Future Land Use Element (FLUE) and described in Policy 1.1.10. As a preliminary step to the eventual modification of the Future Land Use Map, the University of Florida Resilient Communities Initiative proposes to subsume several of the current future land use categories into more general groupings focused on opportunity areas identified throughout the Town, i.e., Open Space, Single Family Residential, Multi-family Residential, Commercial, Mixed Use, etc.

The conceptual framework is to establish broader, more general future land use categories to accommodate currently nonconforming properties that provide the planning bases for new zoning districts in the land development code. Additionally, the existing future land use categories will provide for

1. “Stable Areas”—areas that are mature and settled in their development pattern, and unlikely to be desirous of, or to support a market for, dynamic changes in use; and
2. “Opportunity Areas”—e.g., commercial tourism areas that are suitable for and capable of the type of dynamic redevelopment that can restore the historic balance of residential and tourism uses the Town desires for the future.

The Planning and Zoning Board considered Ord. 2015-10 at their meeting on March 17, 2015 and recommended approval to the Town Commission. The Town Commission considered Ordinance 2015-10 at their April 20, 2015 Regular Workshop and forwarded the Ordinance to their May 4, 2015 Regular Meeting for first reading and public hearing. Ordinance 2015-10 was approved unanimously by the Town Commission on first reading on May 4, 2015.

Ordinance 2015-10 was transmitted to the Florida Department of Economic Opportunity for review and the State’s comments were returned on June 10, suggesting only that the word “Additional” begin the sentences referencing “development criteria, parameters, and standards for future land use categories . . .” in the descriptions of the Opportunity Areas. This change is reflected in the revised Ordinance 2015-10 presented for Town Commission review and approval on second reading. Revisions to the land development code to establish the various ranges of density and intensity of uses in new or revised zoning districts will be developed over the course of the summer for consideration at the Town Commission/Planning & Zoning Board joint workshop on September 21, 2015

M E M O R A N D U M

DATE: June 25, 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

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

June 10, 2015

The Honorable James L. Brown
Mayor, Town of Longboat Key
Longboat Key Town Hall
501 Bay Isles Road
Longboat Key, Florida 34228

Dear Mayor Brown:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the Town of Longboat Key, amendment number 15-2ESR, which was received on March 9, 2015. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted.

We are, however, providing a technical assistance comment consistent with Section 163.3168(3), F.S. The technical assistance comment will not form the basis of a challenge. It is offered as suggestion which can strengthen the County's comprehensive plan in order to foster a vibrant, healthy community.

Technical Assistance Comment: In order to provide clarity and ensure consistency with Sections 163.3184(2), (3) and (5), Florida Statutes (F.S.), staff recommends considering a revision to language throughout Policy 1.1.0 so that descriptions of Opportunity Areas read "Additional development criteria, parameters, and standards for future land use categories..."

Pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the Town of Longboat Key. If other reviewing agencies provide comments, we recommend the Town consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

The Town should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

If you have any questions concerning this review, please contact Samantha Parks at (850) 717-8489, or by email at Samantha.parks@deo.myflorida.com.

Sincerely,



Ana Richmond, Chief
Bureau of Community Planning

AR/sp

Enclosure(s): Procedures for Adoption

cc: Ms. Alaina Ray, Director, Planning, Zoning, and Building Development
Ms. Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, in **color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

MEMORANDUM

DATE: April 9, 2015

TO: Honorable Mayor and Town Commission

THROUGH: Dave Bullock, Town Manager

FROM: Allen Hixon, Chair
Planning and Zoning Board

SUBJECT: Proposed Ordinance 2015-10, Comprehensive Plan Amendment,
Future Land Use Element

During the public hearing held on March 17, 2015, the Planning and Zoning Board recommended APPROVAL of Ordinance 2015-10, evaluating modifications to the Future Land Use categories as provided in Table 1 of the Future Land Use Element (FLUE) and described in Policy 1.1.10, subject to a modification of the sixth 'Whereas' clause. The specific motion from the March 17, 2015, meeting of the P&Z Board is as follows:

MS. BISHOP MOVED THE P&Z BOARD RECOMMEND APPROVAL OF ORDINANCE 2015-10 WITH THE AMENDMENT TO THE SIXTH 'WHEREAS' CLAUSE TO DELETE THE LANGUAGE, "TO EFFECTUATE THE WILL OF THE ELECTORS." MR. WILD SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, NO; BISHOP, AYE; GARNER, AYE; HACKETT, AYE; HIXON, NO; SCHNEIER, AYE; SYMANSKI, AYE; WILD, AYE.

Enclosed, for your review and consideration, please find the following support documentation:

1. Ordinance 2015-10;
2. PowerPoint presentation; and
3. Draft minutes from the 3-17-15 regular P&Z Board meeting on this issue.

If you should have any questions, or desire any additional information, please do not hesitate to contact me.

AH/dmc

AGENDA ITEM 2
ORDINANCE 2015-10, COMPREHENSIVE PLAN AMENDMENTS, FUTURE LAND
USE ELEMENT

Pursuant to published notice, the public hearing was opened.

Jerry Murphy, Florida Resilient Communities, reviewed the ordinance noting:

- This was the change to the Comprehensive Plan that staff indicated was following the changes to Policies 1.1.5 and 1.1.6
- Looking at changing Policy 1.1.10, which provides the density limitations that exist and the Comprehensive Plan Land Use categories that were existing
- The language changes will “empower” the changes that were provided in Table 1
- Divided the table into two new categories – ‘Stability Areas’ that encompass all of the existing categories, but for the Open Space header, which would be a new ‘Opportunity Area’ category, as well as some general ‘Opportunity’ areas that coincide with the remaining Future Land Use categories, but at a higher level and in a more generic sense
- Would allow staff to go to the Future Land Use Map and identify areas with non-conforming properties, or density, and indicate those as potential ‘Opportunity’ areas. The discussion would then be with the P&Z Board and the Town Commission whether or not they want to provide the opportunity for those properties to elect into or opt out of being changed into a new designation.

Chair Hixon questioned the category for ‘Commercial Tourist’ and whether it allowed tourist units over Publix or the Center Shoppes, etc. Mr. Murphy explained ‘Commercial Tourist’ was properties that were directed toward the tourism community, such as smaller hotels, but placing units over Publix or the Centre Shoppes would be a policy decision that the Board would recommend. There was a potential to allow that type of facility. Chair Hixon noted that they would have to provide beach access and could not expect a tourist to cut through developed properties across the street, because it would adversely impact those properties. Mr. Murphy commented those criteria would be provided in the land development code. Mr. Aitken believed they would also need to provide parking. Mr. Hackett noted that one opportunity area that had not been discussed was the overlay district for the Town Center. Mr. Murphy responded the format was merely empowering the terminology and what gets designated would be an exercise in the Future Land Use Map.

Ms. Bishop commented the Board was discussing land use regulations and zoning and not discussing the Comprehensive Plan language in the ordinance that was presented to them. Chair Hixon voiced concern with the terms being discussing and how they were reasonably applied. Mr. Schneier believed it was difficult to discuss this without a map. He believed opportunity zones were areas right for potential change and some were not. He discussed the Publix shopping center as an example.

Mr. Symanski referred to the second 'Whereas' clause and questioned its intent. Mr. Murphy explained they were just providing the opportunity to be open to that; the Charter required a referendum for changes in density. Discussion continued on the referendum and Charter. Mr. Murphy noted the idea of amending the Charter was not taken off the table and was still under consideration. Mr. Hackett questioned whether a Charter amendment required a referendum. Mr. Murphy replied yes.

Mr. Murphy discussed that a 'Stability Area' would be a subdivision that had been platted and developed in a residential character and had no potential in the future but to be a residential subdivision. An 'Opportunity Area' could be an area that had older, unsuccessful retail shopping areas that needed additional incentives to make economically viable.

Mr. Aitken noted there were a lot of R-4SF areas on the Zoning Map and pointed out they enjoyed protection from single-family homes only; however, Exhibit 'A' showed RM-4 Stability Area, which would incorporate multi-family homes. Mr. Murphy explained the Zoning Map was an implementation of the Future Land Use Map, so the categories were somewhat different; that area would be RL-2 areas, which were low density.

Ms. Bishop recommended a consensus of whether the Board was interested in accepting Exhibit 'A' as part of the plan discussion. There was no consensus. Chair Hixon asked if the Board wished to defer their discussion to the March 31, 2015, special workshop agenda.

Mr. Garner agreed if the Board wished to explore and identify all properties on Longboat Key into two categories, he could be influenced that within those two categories they would be covering all and every eventuality or probability that may exist on the island. He commented whether the identification was in front of us was problematic; staff needs to expand on the identifications to convince the board. Mr. Schneier referred to Table 1 and assumed it took the major categories, and with each major category, added an 'Opportunity Area;' staff was not deleting anything, but only adding the new area. Mr. Symanski was not comfortable with what it meant; he did not agree with some of the 'Whereas' clauses and voiced concern with staff's cover memo.

MR. GARNER MOVED THE P&Z BOARD CONTINUE DISCUSSION OF ORDINANCE 2015-10 TO THE MARCH 31, 2015, PLANNING AND ZONING BOARD SPECIAL WORKSHOP. MR. AITKEN SECONDED THE MOTION.

Mr. Murphy noted he was unclear of the board's direction and did not understand what they wanted to change. Mr. Schneier believed it was acceptable to pursue the idea of taking our current land development, or Comprehensive Plan categories, and adding to each major category, an 'Opportunity' district as a way to proceed forward without any more detail. Mr. Aitken reviewed Table 1 and noted that it looked as if the single-family areas, where the density was 3, 4 or 6 dwelling units per acre, became RM-3, which were mixed and included multi-family. Mr. Murphy explained those areas remain as they existed with no change. The additional category provides to identify areas that

were non-conforming, that have more opportunities to redevelop as it currently exists, and designate that as an 'Opportunity Area.' There was no intent to change anything that was existing and stable.

MR. WILD MOVED THE P&Z BOARD RECOMMEND APPROVAL OF ORDINANCE 2015-10 AS PROPOSED.

Mr. Garner commented he did not understand the extent of the new designations and needed more input as to what the designations would include, how they would modify what existed, and their impact on the future of Longboat Key.

Ms. Ray explained the table changes nothing concerning the designation that was currently on the property (Future Land Use designation), and did not move any properties into the 'Stability' or 'Opportunity' areas. The purpose was to provide a new framework that could identify a property that was right for redevelopment, which would give the property owner the option of moving into those areas, and the Land Development Regulations (LDRs) would provide incentives for redevelopment. Mr. Garner noted the intent was to provide changes; however, he did not like the title 'Opportunity Area,' because it implied the owner was getting something more than they would normally get. Mr. Ray responded staff could change the titles. Mr. Garner asked how one category could embrace all.

Discussion ensued on:

- The 'Stability Area' would not change the current zoning, and 'Opportunity Areas' would be at the option of the owner
- Spanish Main and if they were the only property that wished to take advantage of the 'Opportunity Area;' in theory, they could be the only site on the island wishing to go from a 'Stability Area' to an 'Opportunity Area' to allow them to do something different with their property
- Concern that the board continued to confuse what was done by the Comprehensive Plan as opposed to Land Development Code; they would not be 'spot' zoning, and if the board did not like a word that was used, then they should suggest a revision
- Suggestion to use the word 'flexibility'
- The possibility of a developer buying a large amount of single-family properties, and requesting to be in an 'Opportunity Area' so they could turn into multi-family units in a single family area; it would be possible to request, but whether or not it was approved would be by recommendation by the P&Z Board and approval by the Town Commission

Mr. Symanski voiced concern with the sixth 'Whereas' clause that included language, which stated, "*amending the Comprehensive Plan and regulations to effectuate the will of the electors.*" He did not believe it was correct. Mr. Murphy responded the ordinance did not allow any expansion, and suggested the board strike the language.

There was consensus to delete the language, “*to effectuate the will of the electors,*” after ‘regulations’ in the sixth Whereas clause of Ordinance 2015-10.

Mr. Garner withdrew his motion and Mr. Aitken withdrew his second.

MS. BISHOP MOVED THE P&Z BOARD RECOMMEND APPROVAL OF ORDINANCE 2015-10 WITH THE SUGGESTED AMENDMENTS TO THE ‘WHEREAS’ CLAUSE. MR. WILD SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, NO; BISHOP, AYE; GARNER, AYE; HACKETT, AYE; HIXON, NO; SCHNEIER, AYE; SYMANSKI, AYE; WILD, AYE.

ORDINANCE 2015-10

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, 1.1.11, AND TABLE 1 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 Commission seeks to amend the Town's Comprehensive Plan to allow certain nonconforming properties reasonable economic redevelopment opportunities including, but not limited to, possible increases in allowable density; and

WHEREAS, Article II, Section 22, of the Town Charter requires referendum approval of the Town's electors to increase density in excess of the density limits established by the 1984 Comprehensive Plan; and

WHEREAS, the Town Commission in accordance with Article II, Section 22, of the Town Charter, adopted Ordinance 2007-48 directing to referendum of the electors of the Town the following question:

For the properties that have more dwelling or tourism units than currently allowed, but which were legal at the time they were created, may the Town consider and grant approval to allow those properties to rebuild to their current dwelling or tourism unit levels in the event of involuntary or voluntary destruction?

; and

WHEREAS, a majority of the Town electors affirmatively approved the referendum question provided for in Ordinance 2007-48; and

WHEREAS, the Town Commission seeks to amend both the Comprehensive Plan and the Town of Longboat Key's land development regulations; and

WHEREAS, the Town wishes to clarify its policy for the redevelopment of nonconforming properties in the Town's Comprehensive Plan and land development regulations; 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 March 17, 2015, 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 April 20, 2015 and considered the recommendations of the Town's Planning and Zoning Board; and

WHEREAS, on May 4, 2015, 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; and

WHEREAS, on or about June 10, 2015, the Town received notification that the reviewing agencies did not have any comments but proposed one (1) suggested modification regarding the Town's Comprehensive Plan Amendments and such modification is incorporated in the ordinance for second public hearing; and

WHEREAS, on _____, 2015, the Town Commission conducted a duly noticed second public hearing on the proposed Comprehensive Plan amendments and the Town Commission approved the adoption of the amended Future Land Use Element.

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 _____, 2015.

Adopted on the second reading and public hearing the _____ day of _____, 2015.

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 [No changes.]

OBJECTIVE 1.1 [No changes.]

Policy 1.1 through Policy 1.1.9 [No changes.]

Policy 1.1.10

The Future Land Use Map, Figure 2, shall contain the following future land use categories, which 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 Stability Areas. Opportunity Areas are real properties suitable for dynamic redevelopment. Stability 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 illustrates provides the maximum densities and intensities of development for each future land use category in the Stability Areas. Height restrictions for each category shall 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 shall limit their height. Additional Ddevelopment criteria, parameters, and standards for future land use categories in the Opportunity Areas are provided in the land development regulations.

- 1) — Open Space. ~~Open space categories Opportunity Areas (OSO).~~ This category includes lands that are publicly-owned or controlled, and which are designed, used, or intended to be used for open space and recreational activities by residents and visitors. ~~Additional Dd Development criteria, parameters, and standards are provided in the land development regulations. The open space categories are:~~
 - a. — Open Space – Active Stability Area (OS-A). Uses may 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.
 - b. — Open Space – Passive Stability Area (OS-P). Uses may 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.
 - c. — Open Space – Conservation Stability Area (OS-C). Uses may 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.

- 2) Island Preserve Stability Area (IP). This residential category includes addresses residentially developed islands offshore of the mainland of Longboat Key. Density is limited to one dwelling unit per five acres. Public service facilities shall must be provided by the developer prior to construction of any habitable structures.
- 3) ~~Low Density Single-Family Residential Opportunity Areas (SFRO). The low density single-family residential categories This category permits single-family dwelling units. Additional Development criteria, parameters, and standards are provided in the land development regulations. and community residential homes with six or fewer residents plus staff per dwelling unit. In areas which are characterized by built communities with densities lower than the maximum allowed, the land development regulations shall be applied to assure that future development or redevelopment provides a smooth transition in residential densities, while minimizing potential disruption to open space and natural systems. The single-family residential categories are:~~
 - a. ~~Low-Density Single-Family Residential Stability 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 which that cannot be accommodated in the more dense residential areas. Development and redevelopment shall must be compatible with the need for preserving an estate residential character and shall minimize potential adverse impacts to fragile natural systems, including estuaries and the dune systems.~~
 - b. ~~Low-Density Single-Family Residential Stability 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 whichthat cannot be accommodated in the more dense residential areas. Development and redevelopment shall must be compatible with the preservation of the prevailing density pattern and shall minimize potential adverse impacts to fragile natural systems.~~
- 4) ~~Medium Density Single-family/Mixed Residential. The medium density single-family/mixed residential categories permit dwelling units and community residential homes with six or fewer residents plus staff per dwelling unit. The medium density categories provide sufficient acreage for medium-density residential development which will be adequately supported by existing or anticipated future public services and facilities, with the intention of preserving the stability of established residential areas. Sufficient open space, landscaped screening and buffering systems shall be used to alleviate the potential adverse~~

impacts of land use transitions between the medium density category lands and areas designated for lower density, higher density, or nonresidential uses.

Multiple-Family Residential Opportunity Area (MFRO). This category permits multiple-family residential development. Additional development criteria, parameters, and standards are provided in the land development regulations.

- a. Medium-Density Single-Family/Mixed Residential Stability 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.
- b. Medium Density Single-Family/Mixed Residential Stability 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.
- 5) High Density Single-Family/Mixed Residential Stability 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, shall preserve stability of established residential areas, and shall include sufficient open space, parking and landscaping to reinforce goals and objectives for quality living areas.

Commercial Tourism Destination Opportunity Areas (CTDO). This category permits resort-style tourism uses. Additional development criteria, parameters, and standards are provided in the land development regulations.

- 6) Tourist Resort Commercial Stability Area (TRC-3/TRC-6). The category is These categories intended to accommodate permit the unique land 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 shall 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) 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. The two Tourist Resort Commercial categories are as follows:

a. Medium-Density Tourist Resort/Commercial (TRC-3). Density shall not exceed three units per acre. Tourism units and associated resort amenities shall not exceed a lot coverage of 25%, and maximum height shall be 40 feet.

b. High-Density Tourist Resort Commercial (TRC-6). Density shall not exceed six units per acre. Tourism units and associated resort amenities shall not exceed a lot coverage of 30%, and maximum height shall be 50 feet.

Commercial/Residential Mixed Use Opportunity Area (CRMO). This category permits a vertical mix of residential and nonresidential uses. Additional Development criteria, parameters, and standards are provided in the land development regulations.

7) 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 (PUD) 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 shall 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 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 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 shall 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:

- a. Mixed Use Community – Bay Isles **Stability 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 **shall 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%

- b. Mixed Use Community – Islandside **Stability 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 **shall 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%

- c. Mixed Use Community – Promenade/Water Club **Stability 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 **shall 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%

8) Institutional **Stability 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) process of the land development regulations.

9) Office-Institutional **Stability 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) process of the land development regulations.

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

The commercial categories are as follows:

a. Limited Commercial **Stability 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 ~~a standard~~ lot coverage of 30 percent, and maximum height ~~shall be is~~ 30 feet.

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

- e. Highway Commercial **Stability 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 **shall must** not be located adjacent to residential development. Office/Institutional, Limited Commercial and General Commercial uses may be allowed. Structures may not exceed **a standard** lot coverage of 40 percent and maximum height **shall be is** 40 feet. Tourism units **shall must** not exceed three **(3)** units per acre, except as allowed by Future Land Use Policy 1.1.11.
- d. Marine Commercial Service **Stability 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 **a standard** lot coverage of 40 percent and maximum height **shall be is** 30 feet.

In each of the Commercial Stability 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) 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.

- 11) 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 **types**: residential, tourism units, commercial, office, public facility, private institutional, or recreational. **No one One** land use type **shall must not** exceed 80% of the total site. Residential uses **shall must** not exceed 30% of a mixed use project. Development approval **shall must** follow the outline development process of the land development regulations. A complete application for development approval pursuant to the WBO **shall will** receive priority for Town development review and **approval 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 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. Tourism units on Longboat Key ~~shall~~**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. The standard maximum lot coverage and height of the future land use category in which the tourism units are located ~~shall~~**apply**, 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) 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 ~~shall~~**apply**, except that up to an additional 10% of lot coverage may be approved through the ODP 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		STABILITY AREAS							
Symbol	Category	Symbol	Category	Density	Nonresidential Intensities				
					Maximum Lot Coverage		Maximum Height (stories/feet)		
					Standard	PUD or ODP	Standard	PUD or ODP	
<u>OSO</u>	<u>Open Space</u>	<u>OS</u>	<u>Open Space</u>						
		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					
<u>SFRO</u>	<u>SF Residential</u>								
		RL-1	Low Density SF Residential	1 du/ac					
		RL-2	Low Density SF Residential	2 du/ac					
<u>MFRO</u>	<u>Multiple-Family Residential</u>								
		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					
<u>CTDO</u>	<u>Commercial Tourist Destination</u>								
		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		STABILITY AREAS						
Symbol	Category	Symbol	Category	Density	Nonresidential Intensities			
					Maximum Lot Coverage		Maximum Height (stories/feet)	
					Standard	PUD or ODP	Standard	PUD or ODP
<u>CRMO</u>	<u>Commercial/ Residential Mixed Use</u>							
		MUC-1	Mixed Use Community (Bay Isles)	3.26 du/ac	30%	40%	4/50	5/65
		MUC-2	Mixed Use Community (Islandside)	5.05 u/ac	30%	40%	4/50	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	
<u>COMO</u>	<u>Commercial</u>							
		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.



**ORDINANCE 2015-10:
COMPREHENSIVE PLAN AMENDMENT
FUTURE LAND USE ELEMENT**

**TOWN COMMISSION
REGULAR MEETING
JULY 6, 2015**

**TOWN OF LONGBOAT KEY
AND
UNIVERSITY OF FLORIDA
RESILIENT COMMUNITIES INITIATIVE (FRCI)**



Ordinance 2015-10: Future Land Use Categories

Future Land Use categories are provided in Table 1 of the Future Land Use Element (FLUE) and described in Policy 1.1.10. As a preliminary step to the eventual modification of the Future Land Use Map, Ordinance 2015-10 proposes to subsume several of the current future land use categories into more general groupings focused on opportunity areas identified throughout the Town, i.e., Open Space, Single Family Residential, Multi-family Residential, Commercial, Mixed Use, etc.



Ordinance 2015-10: Future Land Use Categories

The conceptual framework is to establish broader, more general future land use categories to accommodate currently nonconforming properties that provide the planning bases for new zoning districts in the land development code.

The land development code will subsequently be revised to provide the various ranges of density and intensity of uses in new or revised zoning districts.



Ordinance 2015-10: Future Land Use Categories

As proposed, the existing future land use categories will provide for:

1. “Stable Areas”—areas that are mature and settled in their development pattern, and unlikely to be desirous of, or to support a market for, dynamic changes in use; and
2. “Opportunity Areas”—e.g., commercial tourism areas that are suitable for and capable of the type of dynamic redevelopment that can restore the historic balance of residential and tourism uses the Town desires for the future.

These labels have been accepted by the State, but may be changed by the Town Commission as long as the substance of the concept remains.



Department of Economic Opportunity (DEO) Review

June 10, 2015

No comment related to important state resources and facilities that will be adversely impacted by the amendment if adopted.

Technical assistance comment suggesting consideration to revise the language throughout so that descriptions of Opportunity Areas read: “Additional development criteria, parameters, and standards are provided in the land development regulations.”

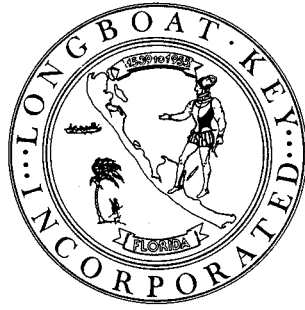


Next Steps

If Ordinance 2015-10 is approved, subsequent steps will be to revise the Future Land Use Map, amend the zoning code, and revise the zoning map.

It is likely that these steps will trigger the need for referenda approvals by the electors in satisfaction of Article II, Section 22(b) of the Town Charter.

Based on the outcome of the Joint Town Commission/P&ZB Workshop, those changes are in process and drafting will be completed over the summer.



End of Agenda Item