

## ORDINANCE 2013-20

**AN ORDINANCE AMENDING CHAPTER 33, *BOARDS AND COMMISSIONS*, CHAPTER 157, *SUBDIVISION REGULATIONS*, AND CHAPTER 158, *ZONING CODE*, OF THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY, FLORIDA; AMENDING SECTION 33.25, *PUBLIC HEARINGS*; AMENDING SECTION 157.03, *DEFINITIONS*; AMENDING SECTION 158.006, *DEFINITIONS*; AMENDING SECTION 158.007(A), *ZONING MAP ADOPTED, INTERPRETATION*; ADOPTING REVISIONS TO THE OFFICIAL ZONING MAP AND MAP LEGEND TO REFLECT THE NEW ZONING DISTRICT NAMES FOR THE PLANNED DEVELOPMENT (PD), GULF PLANNED DEVELOPMENT (GPD), AND NEGOTIATED PLANNED DEVELOPMENT (NPD); AMENDING SECTION 158.008, *ESTABLISHMENT OF DISTRICTS*; AMENDING SECTION 158.009(L), *DESCRIPTION OF DISTRICTS AND DISTRICT POLICIES*; AMENDING SECTION 158.065, *PURPOSE*; AMENDING SECTION 158.067, *REVIEW AND APPROVAL PROCEDURE*; AMENDING SECTION 158.068, *MINIMUM AREA*; AMENDING SECTION 158.070, *RESIDENTIAL DENSITY*; AMENDING SECTION 158.071, *PROPOSED LAND USES*; AMENDING SECTION 158.097(U), *APPLICATION FOR SITE PLAN APPROVAL*; AMENDING SECTION 158.102(C), *MAXIMUM FLOOR AREA RATIO*; AMENDING SECTION 158.102(L), *SUPPLEMENTAL CONTROLS FOR MULTIFAMILY RESIDENTIAL OR TOURISM USES*; AMENDING SECTION 158.125, *SCHEDULE OF USE REGULATIONS*; AMENDING SECTION 158.128(K), *UTILIZATION OF PARKING STRUCTURES*; AMENDING SECTION 158.132, *TOURISM USES*; AMENDING SECTION 158.138, *STATUS OF NONCONFORMITIES*; AMENDING SECTION 158.145, *SCHEDULE OF LOT, YARD AND BULK REGULATIONS*; AMENDING SECTION 158.147, *LOT DIMENSIONS*; AMENDING SECTION 158.149, *MAXIMUM COVERAGE BY BUILDINGS*; AMENDING SECTION 158.150, *YARD REGULATIONS*; AMENDING SECTION 158.180, *DISTRIBUTION OF 250 TOURISM UNITS*; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Longboat Key ("Town") adopted amendments to its Comprehensive Plan through Ordinance 2011-28 on August 10, 2011; and

**WHEREAS**, through Ordinance 2011-28 the Town amended Policy 1.1.10, Table 1, and the Future Land Use Map of the Future Land Use Element of the Town of Longboat Key Comprehensive Plan, and renamed the Planned Development (PD), Gulf Planned Development (GPD), and Negotiated Planned Development (NPD) future land use designations as Mixed Use Community - Bay Isles (MUC-1), Mixed Use Community - Islandside (MUC-2), and Mixed Use Community - Water Club/Promenade (MUC-3), respectively; and

**WHEREAS**, the Town administratively revised the official zoning map and legend to reflect the new names and to be consistent with the renamed future land use designations in the Comprehensive Plan, and now desires to formally adopt a revised official zoning map and

map legend and amend Section 158.007(A) of the Zoning Code to delete the reference to Ordinance 2005-13 that had adopted an earlier official zoning map; and

**WHEREAS**, the Town previously adopted amendments to its Zoning Code through Ordinance 2012-08 on July 2, 2012, to maintain consistency with the Comprehensive Plan and to provide additional clarity for the planned unit development (PUD) review and approval process; and

**WHEREAS**, further amendments to the Town's Zoning Code are required to comply with the final judgment in *Islandside Property Owners Coalition, LLC, et al. v. Town of Longboat Key, et al.*, Case No. 2010 CA 007913 NC, that was issued on November 13, 2012 and amended on December 4, 2012; and

**WHEREAS**, the Town adopted initial amendments to its Zoning Code through Ordinance 2013-07 on March 4, 2013, to update the criteria and procedures regarding the eligibility for and allocations of the 250 additional tourism units authorized by a referendum held on March 18, 2008; and

**WHEREAS**, after review of the sections and subsections within Chapter 157 *Subdivision Regulations* and Chapter 158 *Zoning Code*, the Town determined that additional amendments were necessary to Sections 33.25, 157.03, 158.006, 158.007, 158.008, 158.009, 158.065, 158.067, 158.068, 158.070, 158.071, 158.097, 158.102, 158.125, 158.128, 158.132, 158.138, 158.145, 158.147, 158.149, 158.050, and the official zoning map; and

**WHEREAS**, at a duly noticed public hearing on May 27, 2014, the Planning and Zoning Board found the subject Zoning Code amendments and Zoning Map amendments to be consistent with the Town's Comprehensive Plan and recommended that the Town Commission approve the amendments; and

**WHEREAS**, the Town Commission of the Town of Longboat Key, at duly noticed public hearings on June 16, 2014, and on June 30, 2014, considered the proposed Zoning Code amendments and Zoning Map amendments as recommended by the Planning and Zoning Board; and

**WHEREAS**, the Town has received and considered comments from the public; and

**WHEREAS**, the Town Commission of the Town of Longboat Key, after review of the recommendations of the Planning and Zoning Board, comments made at public hearings, and careful consideration of the issues, finds that the proposed Zoning Code and Zoning Map amendments are consistent with the Comprehensive Plan and are in the best interest of the health, safety, and welfare of the citizens of Longboat Key.

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

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. Chapter 33, *Boards and Commission*, Section 33.25, *Public hearings*, Subsection 33.25(B)(3) is hereby amended as follows:

(B) Any changes in land use and zoning initiated by the town, and changes in land use and zoning not initiated by the town, including, without limitation, development agreements and adoption or amendments to outline development plans, if not initiated by the town, shall be at the petitioner's or applicant's expense. Notice of such public hearing shall:

(1) Be published at least seven days prior to the hearing in a newspaper of general circulation within the town; and

(2) Be published at least four days (including weekends and holidays) prior to the public hearing, in a publication generally circulated weekly within the town in a format similar to F.S. § 166.041(3) (c)2.b., as may be amended.

(3) A copy of the notice shall be sent by certified mail 14 days prior to the hearing to all owners of property involved in the petition or application, to all owners of property in the same MUC zoning district for applications that would add dwelling or tourism units to the subject property, to all owners of property immediately adjacent to and within 500 feet of the perimeter of the subject property, and to each homeowners', property owners' or condominium association which annually registers with the planning, zoning and building department to receive such notice by first class mail. The guide for the mailing requirement to owners shall be the most recent town or county assessment roll.

SECTION 3. Chapter 157, *Subdivision Regulations*, Section 157.03, *Definitions*, is hereby amended to modify the following definitions for consistency with Sections 157.45 and the appendix to chapter 157 and with Sections 158.006 and 158.147:

"Lot depth." The distance measured by a straight line from the midpoint of the front lot line to its intersection with the midpoint of the rear lot line. ~~in the mean direction of the side line of the lot from the midpoint of the front lot line to the midpoint of the opposite mean rear line of the lot.~~

"Lot width." The ~~horizontal~~ distance between the side lot lines measured along the minimum street setback (yard) line as required for the district in which it is located. ~~at right angles to the lot depth along a straight line parallel to the front lot line at the minimum required setback at the front building setback line. This measurement is illustrated for rectangular and non-rectangular lots in the appendix to chapter 157.~~

SECTION 4. Chapter 158, *Zoning Code*, Article I, *General Provisions*, Section 158.006, *Definitions*, is hereby amended as follows:

"Binding concept plan." A general graphic delineation and informational description ~~representation or depiction of the a proposed conceptual program of development or a development phase that is submitted with an outline development plan~~. The binding concept plan shall in its entirety indicate the existing and proposed uses and structures, lots, streets, and other physical aspects of the proposed development and as enumerated in sections 158.067 and 158.102. Binding concept plans are required as part of outline development plans (ODP) that are submitted for planned unit development (PUD) approval, except where this code explicitly allows a final site development plan to replace a binding concept plan (see, for instance, sections 158.067(B)(1) and 158.180(F)). Binding concept plans become an integral part of ODP/PUD approvals.

"Building coverage." Building coverage has the same meaning as lot coverage and land coverage.

*"Bulk."* Height and percentage of land or lot coverage of a building.

*"Columbarium."* A final resting place for containers of cremated remains.

*"Density, overall."* The maximum allowable number of tourism and dwelling units divided by the acreage of all property included respectively in the MUC-1, MUC-2, or MUC-3 zoning districts, including associated recreational areas, open space areas, road rights-of-way, wetland areas, and other nonresidential lands in each respective district. (See section 158.009(L).)

*"Density, maximum gross residential."* The maximum allowable number of dwelling or tourism units per acre of gross land area, as determined by this Zoning Code. (See "Gross Land Area.")

*"Departure."* A departure is a type of formal modification of a standard or constraint of this code that may be approved by the town commission when considering an application for a planned unit development. A departure is not a variance and thus need not be predicated on conditions peculiar to the property or require a showing of unnecessary and undue hardship. See section 158.067(D).

*"Golf course."* A tract of land improved with tees, greens, fairways, and hazards and maintained for playing the game of golf. Golf courses with at least eighteen holes may contain accessory uses such as clubhouses, restaurants, shelters, and spas.

*"Gross land area."* Those contiguous land areas under common ownership with the following provisions and exceptions:

- (1) In cases where land abuts the tidal waters of the Gulf of Mexico, Sarasota Bay, and all bayous, estuaries, tributaries and manmade canals thereof, the boundary of the land shall be delineated as established by F.S. ch. 177, pt. II, Coastal Mapping, or as may be amended.
- (2) No submerged land or aquatic areas waterward of the boundary above-described, shall be included as land under this definition. Submerged land or aquatic areas shall include both tidal waters as well as nontidal rivers, streams, lakes, and lands beneath the same. The upper limit of these water bodies is the mean high tide line in tidal areas and the ordinary high-water line in nontidal areas.
- (3) No land areas proposed to be allocated to nonresidential uses shall be included as residential land area under this definition. Such nonresidential land shall not be calculated in density calculations, excepting contiguous areas under unity of title which are stipulated for use as:
  - (a) Infrastructure required to support the proposed residential development; ~~and~~ or
  - (b) Recreational lands for the primary use of on-site residents.

*"Hotel" or "motel."* A building or structure under a common or multiple ownership interest and single management ~~that which~~ is designed, used, or held out to the public to be a place where sleeping accommodations are supplied for pay to transient guests or tenants. A

hotel or motel, with or without individual kitchen or cooking facilities, may have accessory uses including meeting rooms, conference facilities, and one or more dining rooms, restaurants, cafes, or cocktail lounges where food and drink are served.

"Liner building." A building or portion of a building constructed in front of a parking garage, cinema, supermarket, or similar building to conceal large expanses of blank wall area with a facade that has doors and windows.

"Lot coverage." That percentage of the lot area covered or occupied by principal and accessory the buildings or any part of the buildings, excluding roof overhangs not to exceed three feet, as verified by a licensed design professional. Lot coverage has the same meaning as building coverage and land coverage.

"Lot depth." The depth of a lot is the distance measured by a straight line from the midpoint of the front lot line to its intersection with the midpoint of the rear lot line. in the mean direction of the side line of the lot from the midpoint of the front lot line to the midpoint of the opposite mean rear line of the lot.

"Lot width." The width of a lot is the distance between the side lot lines measured along the minimum street setback (yard) line as required for the district in which it is located. front building line between the side lot lines of a lot. This measurement is illustrated for rectangular and non-rectangular lots in the appendix to chapter 157.

"Outline development plan." The documents submitted for planned unit development (PUD) approval are known as an outline development plan (ODP). Outline development plans include a proposed site plan, generally a binding concept plan but under some circumstances a final site development plan. See sections 158.067(B)(1) and 158.180(F).

"Planned unit development (PUD)." A development review and approval process that allows approval of a conceptual site plan, known as a binding concept plan, prior to preparation and submission of a detailed site plan known as a final site development plan. The PUD process also allows landowners to seek departures from certain provisions of this code at the conceptual design stage. The documents submitted for PUD approval are known as an outline development plan. PUD approval does not change a property's zoning district, but most density limits are reduced by section 158.070 and the terms of the outline development plan become binding on the property after PUD approval.

"Planning and zoning board." The Longboat Key Planning and Zoning Board, the legally constituted membership of the Planning and Zoning Board of Longboat Key, Florida, as referenced in this chapter and appointed by the town commission in accordance with chapter 33 of the town's code of ordinances.

"Pre-existing legal use" A use of land listed in section 158.125 that lawfully existed on January 1, 2014. A use that qualifies as a "pre-existing legal use" may also be classified as a nonconforming use, but by virtue of its listing in section 158.125, it shall be afforded the privileges of a permitted use and may be reconstructed up to its pre-existing density in accordance with all applicable current regulations, but only on the specific parcel on which it is located.

"Site plan, final." A detailed site plan that must be approved before building permits can be obtained for land uses listed as "Permitted uses with site plan review" in section 158.145. A final site plan is also known as a site development plan or final site development plan.

"Site development plan." Site development plan has the same meaning as final site plan.

"Variance." A variance is a type of formal modification of departure from the dimensional or numerical requirements of the zoning code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship. A variance is authorized only for height, area, and size of structure or size of yards and open spaces, due to conditions peculiar to the property and not the result of the actions of the applicant, where a literal enforcement of the chapter would result in unnecessary and undue hardship, to the extent that such variance is consistent with the comprehensive plan.

"Waiver." A grant of permission, which is authorized under this chapter that authorizes an applicant to deviate from specific standards or provisions of these regulations. Under the following circumstances, waivers may be granted in accordance with the cited code provisions:

- (1) For dredging, granted by the town manager or designee (section 152.06).
- (2) For daylight plane regulations, granted by the zoning board of adjustment pursuant to sections 158.026 and 158.153.
- (3) For supplemental controls on multifamily residential or tourism uses, granted by the town commission (section 158.102(L)).
- (4) For parking, granted by the planning and zoning board (section 158.128(O)).
- (5) For landscaping and screening, granted by the town commission, (section 158.154).
- (6) For commercial revitalization, granted by the planning and zoning board or by the planning, zoning and building director (section 158.178).

"Zoning board of adjustment." A board appointed by the town commission; see section 158.026.

SECTION 5. Chapter 158, Section 158.007, *Zoning Map Adopted; Interpretation*, is hereby amended as follows to delete the reference to a prior ordinance that had adopted an earlier official zoning map:

(A) The official zoning map of the town is hereby divided into zones or districts as shown on the official zoning map ~~that which~~, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter. The official zoning map shall be identified by the signature of the mayor, and attested by the town clerk, ~~and bearing the seal of the town under the following words:~~ It shall state: "This is to certify that

this is the official zoning map referred to in Ordinance No. ~~05-13~~ of the Town of Longboat Key, Florida=" and shall state the date of the certification and bear the seal of the town.

**SECTION 6.** The legend of the Town of Longboat Key's official zoning map is hereby amended to change the names of the Planned Development (PD), Gulf Planned Development (GPD), and Negotiated Planned Development (NPD) zoning districts to Mixed Use Community - Bay Isles (MUC-1), Mixed Use Community - Islandside (MUC- 2), and Mixed Use Community - Water Club/Promenade (MUC-3), respectively. The Town of Longboat Key's official zoning map and legend is hereby amended as depicted on Exhibit "A" attached hereto.

**SECTION 7.** Chapter 158, Section 158.008, Establishment of districts, is hereby amended as follows:

158.008 Establishment of zoning districts.

For the purpose of protecting, promoting, and improving the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the community, the town is hereby divided into the following zoning districts, with the stated densities, and intensities as regulated by sections 158.125, 158.145, and other provisions of this Zoning Code.

<b><u>ZONING DISTRICT TYPE (MAXIMUM ALLOWABLE DENSITY)<sup>1</sup></u></b>	
OS	Open Space District ( <u>no density</u> <del>0 U./A.</del> )
INS	Community Facility Institutional District ( <u>no density</u> <del>0 U./A.</del> )
R-1IP	Island Preserve Residential District (1 D.U./5A)
R-1SF	Single-Family Low-Density Estate Residential District (1 D.U./A.)
R-2SF	Single-Family Low-Density Residential District (2 D.U./A.)
R-3SF	Single-Family Low-Medium-Density Residential District (3 D.U./A.)
R-4SF	Single-Family Medium-Density Residential District (4 D.U./A.)
R-6SF	Single-Family High-Density Residential District (6 D.U./A.)
R-3MX	Low-Medium-Density Mixed Residential District (3 D.U./A.)
R-4MX	Medium-Density Mixed Residential District (4 D.U./A.)
R-6MX	High-Density Mixed Residential District (6 D.U./A.)
MUC-1	Mixed Use Community - Bay Isles (3.26 D.U./A. <u>overall density</u> )
MUC-2	Mixed Use Community - Islandside (5.05 U./A. <u>overall density</u> )
MUC-3	Mixed Use Community - Promenade/Water Club (11.26 D.U./A. <u>overall density</u> )
OI	Office-Institutional District ( <u>no density</u> <del>0 U./A.</del> )
C-1	Limited Commercial District ( <u>no density</u> <del>0 U./A.</del> )
C-2	General Commercial District ( <u>no density</u> <del>0 U./A.</del> )
C-3	Highway-Oriented Commercial District ( <u>no density</u> ) ( <del>3 tourism U./A.</del> )
M-1	Marine Commercial Service District (1 accessory D.U. located on the same lot)

T-3	Low-Medium-Density Tourist Resort Commercial District (3 <u>D.U./A.</u> or 3 <u>T.U./A.</u> )
T-6	High-Density Tourist Resort Commercial District (6 D.U./A. or 6 <u>T.U./A.</u> )

Notes:

<sup>1</sup> Dwelling units per acre D.U./A (~~du/ac~~) refers to residential units; tourism units per acre T.U./A. (~~u/ac~~) ~~refers to include both tourism units and residential units;~~ units per acre (U./A) refers to total allowed residential units and tourism units.

SECTION 8. Chapter 158, Section 158.009, *Description of districts and district policies*, subsection (L) is hereby amended as follows:

(L) Mixed Use Community - Bay Isles (MUC-1), Mixed Use Community - Islandside (MUC-2), and Mixed Use Community - Promenade/Water Club (MUC-3). MUC districts allow ~~Allows~~ a mix of residential and nonresidential uses in planned communities developed through the planned unit development procedures and standards contained in section 158.065 through 158.071. Notwithstanding the terms of any other section of this Zoning Code related to the calculation of density for residential or tourism uses, density in each MUC district cannot exceed the density is calculated on the basis of the average overall density of tourism and dwelling units per acre established by section 158.008 and cannot exceed any further limitations on the overall density that may be established by the town commission for an MUC district during the planned unit development process. When computing overall density in an MUC district, of all property is counted, included in the respective MUC, including recreational areas, open space areas, road rights-of-way, wetland areas and other nonresidential lands. An updated land intensity schedule shall be approved with each amendment to a MUC district. Clustered development patterns are encouraged to maximize shared open spaces, and thus the density of separate a specific parcel or parcels within a given each MUC district may be more dense than exceed the average overall density of the MUC district.

The approval of units on any parcel beyond the 892 units in MUC-2 and 1,267 units in MUC-1 authorized by resolution or ordinance prior to January 1, 2014, can be requested through the ODP/PUD process. Approval of additional units is not guaranteed, and in no case may the number of additional units cause the overall density for the entire MUC district to be exceeded.

~~Provided the total amount of nonresidential development does not exceed the maximums stated herein, designated nonresidential development may be relocated to other sites within the planned unit development and the types of approved nonresidential uses may be changed to other nonresidential uses. No boundary of any existing MUC district may shall be expanded to include additional lands, unless contiguous to the boundaries of the MUC as it existed on December 31, 2010. Redevelopment may occur up to the maximum densities authorized for each MUC and consistent with the public health, safety and welfare, quality design, expanded recreational and open space amenities, and adequate public infrastructure and services. Within the acreage allocated for nonresidential uses, additional lot coverage and height may be authorized pursuant to section 158.067(D)(3)(i) and (j).~~



The Town shall not use the ODP/PUD process to approve new tourism units in the MUC-2 zoning district without voter approval, unless voter approval is prohibited by applicable Florida law.

A minimum of 50% of the total property within each the MUC district shall be maintained in open space. Acreage for recreational uses is not limited. Any changes to existing land-use patterns require approval through the ODP/PUD process and shall be in accordance with the schedule of uses in section 158.125 and shall meet the approval standards in section 158.067(C). The general mix of uses within the boundaries of each MUC district, as calculated prior to the application of the 50% open space requirement, is allocated as follows:

- (1) **Mixed Use Community – Bay Isles (MUC-1).** This district category encompasses the Bay Isles community approved by Resolution 75-27 as it has been and may be amended from time to time. ~~Average~~ Overall density within the boundaries of the MUC-1 district shall not exceed 3.26 dwelling units per acre.

Use	Maximum Percent of Total Property Within MUC-1
Residential	37%
Tourism (units and associated resort/tourism uses)	0%
Commercial/Office	4%
Institutional	2.5%

- (2) **Mixed Use Community – Islandside (MUC-2).** This district category encompasses the Islandside community approved by Resolution 76-7 as it has been and may be amended from time to time. ~~Average~~ Overall density within the boundaries of the MUC-2 district shall not exceed 5.05 units per acre, including tourism units.

Use	Maximum Percent of Total Property Within MUC-2
Residential	33%
Tourism (units and associated resort/tourism uses)	12%
Commercial/Office	1.5%
Institutional	0%

- (3) **Mixed Use Community – Promenade/Water Club (MUC-3).** This district category encompasses the Promenade/Water Club communities approved by Resolution 81-8, as it has been and may be amended from time to time. ~~Average~~ Overall density within the boundaries of the MUC-3 district shall not exceed 11.26 dwelling units per acre.

Use	Maximum Percent of Total Property Within MUC-3
Residential	100%
Tourism (units and associated resort/tourism uses)	0%
Commercial/Office	0%
Institutional	0%

SECTION 9. Chapter 158, Section 158.065, *Purpose*, is hereby amended and retitled as follows:

### **Article III. Site and Development Plans**

#### **Division 1. Planned Unit Developments (PUD)**

158.065 Purpose Overview of planned unit developments (PUD).

(A) **Optional process.** Planned unit development (PUD) regulations provide an optional review and approval process for landowners who seek to develop or redevelop parcels in most zoning districts. In the MUC zoning districts, the PUD process establishes development rights on specific parcels, thus the PUD process is the only process that landowners in those zoning districts can use to request changes to the development plans for those parcels. The PUD process allows approval of a conceptual site plan, known as a binding concept plan, prior to preparation and submission of a final site development plan. The PUD process also allows landowners to seek departures from certain provisions of this code at the conceptual design stage. Landowners must conform to the approved binding concept plan when they submit final site development plans in accordance with section 158.067(F).

(B) **Effect on zoning district.** The PUD process requires the submission of an outline development plan (ODP), which becomes an integral part of a PUD approval. Planned unit development approval does not change the underlying zoning district, nor does it add permitted uses to those specified for each zoning district in the table accompanying section 158.125, the schedule of use regulations.

(C) **Where permissible.** PUD approval may be requested in any zoning district, provided the minimum area requirements in section 158.068 are met for the following zoning districts:

- (1) INS;
- (2) R-1IP, R-1SF, R-2SF, R-3SF, R-4SF, and R-6SF;
- (3) R-3MX, R-4MX, and R-6MX;
- (4) MUC-1, MUC-2, and MUC-3;
- (5) OI, C-1, C-2, C-3, and M-1; and
- (6) T-3 and T-6.

(D) **Density.** Planned Unit Developments (PUD) approvals shall comply with the special density provisions found in section 158.070.

(E) **Intent.** ~~The purpose of Planned unit developments (PUD) regulations are intended: is to: encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economical provision of streets, utilities, and public spaces; and to preserve the natural and scenic qualities of open areas.~~ The PUD application, review and approval procedure is intended to permit

diversification in the location of structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety, comfort, order, appearance, convenience, morals and general welfare, ~~both in the use and occupancy of buildings and facilities in planned groups.~~

(F) **Site plans.** A PUD is approved through the adoption of an outline development plan (ODP), ~~which~~ Binding concept plans are required as part of outline development plans, except where this code explicitly allows a final site development plan to replace a binding concept plan (see, for instance, sections 158.067(B)(1) and 158.180(F)). Binding concept plans become an integral part of ODP and PUD approvals. Binding concept plans (and final site development plans) may be subsequently amended in accordance with the standards and procedures in section 158.067.

SECTION 10. Chapter 158, Section 158.067, Review and approval procedure, is hereby amended as follows:

**158.067 Review and approval of planned unit developments procedure.**

(A) **Approving authority.** ~~Planned unit developments are a permitted use with review, and shall be~~ subject to the approval of the town commission after review and recommendation by the planning and zoning board and after public hearings are held by the town commission in accordance with law.

(B) **Applications.** In order to provide an expeditious method for processing an outline development plan application for a planned unit development, under the terms of this chapter, it is hereby declared to be in the public interest that all procedures with respect to the review, approval or disapproval of a plan for a planned unit development, and the continuing administration thereof, shall be consistent with the following provisions:

(1) **Application requirements.** An application for an outline development plan for a planned unit development, including full payment of an application fee as set forth by resolution of the town commission, shall be filed and signed by or on behalf of the landowner by an authorized agent, with the planning and zoning official. The purpose of the outline development plan is to provide the town with information with respect to the type, character, scale, and intensity of development as well as the time phasing of the proposed planned unit development in order for the town to evaluate the impact of the development to the town. Any application for outline development approval shall be submitted on a form provided by the town and in addition shall include at a minimum the following information, unless the planning and zoning official determines in writing that one or more of the following elements do not apply to the particular application:

- (a) A scaled drawing delineating the relationship of the site to existing development in the area, including streets, utilities, residential and commercial development, and important physical features in and adjoining the project, including ecological features.
- (b) A scaled drawing delineating the approximate location and dimensions of all boundary lines of the development, and of any contiguous lands, including those separated only by a street, canal or similar feature, in which the developer or property owner presently has any legal interest.
- (c) A verified statement, including a certificate of ownership, showing each and every individual person having a legal ownership interest in the subject property except publicly held corporations whose stock is traded on a nationally recognized stock exchange, in which case the name and

address of the corporation and principal executive officers will be sufficient.

- (d) A scaled drawing delineating the approximate location, nature and extent of all existing easements, streets, buildings, land uses, zoning, tree groupings, watercourses, uplands, wetlands, and topographic contours (i.e., at six-inch intervals with reference to mean sea level), on the site; the existing zoning and land use for all contiguous property; and flood protection elevation data and flood zones ~~delineated, if applicable.~~
- (e) Tabulations by acreage and percentage as to the amount of the site that is uplands and wetlands, indicating those wetlands landward and seaward of the mean high-water line (MHWL). ~~Additional related information shall include~~ ing the extent and type of wetlands in accordance with the town's comprehensive plan.
- (f) A scaled drawing delineating the approximate locations, intensity and acreages of general land uses (proposed), including dwelling types and units and general types of nonresidential uses, open spaces, recreational facilities and other proposed uses.
- (g) A traffic impact analysis shall be provided, except for voluntary reconstruction without additional dwelling or tourism units, to ensure that the adopted level of service standards are not exceeded before capacity-related improvements are implemented; and a scaled drawing delineating a circulation facilities plan indicating approximate locations and types of proposed streets, bicycle paths, pedestrian walks, and emergency vehicle access points, including all curb cuts, driveways, off-street parking and loading areas and off-street ~~vehicular~~ surfaces available for maneuvering vehicles ~~shall be provided.~~
- (h) Tabulations of total project acreage and proposed densities for each tourism and dwelling unit type and total number of tourism and dwelling units by type.
- (i) Tabulations demonstrating compliance with the floor area ratio provisions of section 158.102(C), including floor area ratios for all land uses and approximate square footage of gross area for all nonresidential buildings by general type (e.g., offices, limited commercial, etc.). ~~Compliance with the floor area ratio provisions of section 158.102(C) shall be demonstrated.~~
- (j) A proposed development schedule indicating approximate starting and completion dates for the entire project and any phases thereof, together with appropriate identification and description of such phases.
- ~~(k) Such additional data, maps, plans or statements as may be required for the particular uses or activity involved.~~
- (k) ~~(l)~~ Such additional data, and information as the applicant may believe is pertinent to the plan of development plan.
- (l) ~~(m)~~ Such additional relevant data ~~material~~ and information the town may reasonably require.
- (m) ~~(n)~~ A written statement by the landowner or any other entity having a cognizable interest in the land, describing fully the character and intended use of the planned unit development and setting forth the reasons why, in his opinion, a planned unit development would be in the

public interest and would be consistent with the town's statement of purposes of a planned unit development.

- (n) ~~(e)~~ A statement specifically indicating any requested departures from article IV of this chapter and section 158.102, and a statement of any existing hardship and/or clear and specific statement of how the code departures are necessary or desirable to accomplish one or more of the stated purposes of the a planned unit development as set forth in section 158.065. under sections 158.065 through 158.071. The statement shall include the applicant's position as to why each requested departure either meets or has no material adverse effect on each of the departure criteria in section 158.067(D).
- (o) A binding concept plan, which is a conceptual site plan that depicts the proposed development and is intended to become an integral part of a planned unit development approval. The binding concept plan shall show the existing and proposed uses and structures, lots, streets, and other physical aspects of the proposed development as enumerated in sections 158.067 and 158.102. At an applicant's discretion, a final site plan may be submitted for approval concurrently with the outline development plan, thus eliminating this requirement for a binding concept plan.
- (p) Additional requirements for applications for voluntary reconstruction of nonconformities:
  - 1. ~~shall include~~ A statement specifically indicating modifications and adjustments from the requirements of this Code of Ordinances which would otherwise be applicable to the project if voluntary reconstruction were not granted by the town and.
  - 2. A clear and specific statement of any hardship which might that exists making the modifications and adjustments from the Code necessary or.
  - 3. A clear and specific statement of how the modifications and adjustments are necessary or desirable to accomplish one or more of the stated purposes of the voluntary reconstruction provisions ordinance as set forth in section 158.140.

(2) **Application procedures.** The application for an outline development plan of a planned unit development shall be filed with the planning and zoning official. As an alternative to submitting a binding concept plan, the applicant may concurrently file an application for site plan approval. If filed, the application for site plan approval shall be processed in accordance with article III, division 2, herein. Upon receipt of the application the planning and zoning official shall review the application to determine its appropriateness and completeness and accept or reject it in writing. Upon acceptance of the application, the town's administrative staff shall refer the application, together with all supporting documentation and a staff report, to the Planning and Zoning Board for its review and recommendations. The planning and zoning board and town commission shall not receive, review, make recommendations or act on applications for outline development plan approval except during the town's annual site and development plan season. During the review process, the Town may retain consultants to assist in the review. The cost of retaining the consultants shall be borne by the applicant. For purposes of this chapter, the annual site and development plan season shall include the months of September, October, November, December, January, February, March, April, May and June of each year. For purposes of

calculating the required processing times set forth in this section for the planning and zoning board and the town commission, the period of time from July 1 through August 31 shall not be counted in said computation.

**(3) Planning and zoning board public hearing.** Upon receipt of the application from the planning and zoning official, the planning and zoning board shall review the outline development plan and make recommendations to the town commission. ~~The planning and zoning board shall that are based its recommendations on competent, substantial evidence of record, but shall not be required to make written findings of fact to support its decision.~~ The planning and zoning board may also formulate findings of fact as to the consistency of the application with this code and with the comprehensive plan. The board shall recommend approval of the application as submitted, approval of the application with changes or special conditions, or disapproval of the application. The determination and recommendations of the planning and zoning board shall be advisory only and shall not be binding upon the town commission. For purposes of this section the planning and zoning board shall receive an outline development plan application from the planning and zoning official at the board's next regular meeting where a quorum is present following the planning and zoning official's submittal of the application to the board. The planning and zoning board is specifically authorized to continue its deliberations, reasonably request additional relevant materials, and elicit expert testimony to aid in its deliberations.

**(C) (4) Town commission public hearing.** A public hearing on the planned unit development application shall be held by the town commission upon the commission's receipt of the application from the planning and zoning board, public notice of which shall be given in accordance with the provisions of the Charter and this chapter. For purposes of this section, the town commission shall receive an outline development plan application from the planning and zoning board at the commission's next regular meeting where a quorum is present, following the submittal of the board's action on the application to the commission. A transcript of the hearing may be caused to be made by the town commission at the cost of the applicant, copies of which shall be made available at cost to any party to the proceedings; and all exhibits accepted in evidence shall be identified and duly preserved, or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record. ~~During the review process, the Town may retain consultants to assist in the review of an outline development plan. The cost of retaining the consultants shall be borne by the applicant.~~ The town commission is specifically authorized to continue its deliberations, request additional materials and elicit expert testimony to aid in its deliberations, and may, at its sole discretion, remand the application to the planning and zoning board for additional hearing and consideration. If changes are made to the application, accompanying plans or conditions of approval after review by the planning and zoning board, the commission may, at its sole discretion, remand the application back to the board, but is not required to do so.

**(D) (5) Town commission decision procedures.** ~~The town commission shall, following~~ At the conclusion of the public hearing, the town commission shall review the outline development plan application and either approve it as submitted, approve it with changes or special conditions, or disapprove it. The action taken by the Town Commission shall be by ordinance. The Town Commission may unilaterally extend the time for final action where the commission determines additional time is necessary to properly and completely review the outline development plan application.

**(a) (1)** In the event approval is granted, the Town Commission shall, as part of its ordinance, specify the drawings, plan sheets, renderings,

specifications, and form of performance and maintenance bonds that shall be considered part of the final approval.

(b) ~~(2)~~—In the event approval is granted subject to changes or special conditions, the applicant shall, within 30 calendar days after receiving a copy of the ordinance of the town commission, notify the town commission in writing of the applicant's acceptance or refusal of all the conditions. In the event the applicant refuses to accept all the conditions or fails to reply within 30 calendar days, the applicant shall be deemed to have withdrawn the plan. Nothing contained herein shall prevent the town commission and the applicant from mutually agreeing to a change in the conditions, or an extension of the time during which the applicant shall notify the town commission of acceptance or refusal of the conditions.

(c) In the event an outline development plan is granted approval, the town commission shall set forth in the ordinance the time within which an application for final site plan approval, or applications in the case of a phased development, shall be filed. However, if a final site plan was approved concurrently with the outline development plan, the ordinance does not need to specify a time period.

(C) **Standards for approval or disapproval of application.** ~~(3)~~ The town commission shall base its decision on each outline development plan application on competent, substantial evidence of record, but shall not be required to make and shall include conclusions but may also include written findings of fact related to the specific proposal and shall set forth the reasons for the grant of to support approval, with or without changes or special conditions, or for the disapproval of an outline development plan application. The commission's approval, approval with changes conditions or special conditions, or disapproval of an outline development plan application, shall be based on the application, evidence and testimony presented in the public hearing, and the following standards:

(1) ~~(a)~~ In what respects the outline development plan is or is not consistent with the statement of objectives of the intent of a planned unit development as provided in section 158.065, and

(2) Whether the plan is consistent with the town's comprehensive plan.

(3) ~~(b)~~ The extent to which the plan meets the ~~departs from~~ zoning and subdivision regulations otherwise applicable to the subject property without departures, waivers, or variances.

(4) ~~(c)~~ The purpose, location and amount of common open space in the ~~planned unit development~~, the reliability adequacy or inadequacy of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of development.

(5) ~~(d)~~ The physical design of the plan and the manner in which the design makes adequate provision for public services, provides adequate control over vehicular traffic and parking, and enhances ~~further~~ the amenities of light and air, recreation and visual enjoyment.

(6) ~~(e)~~ The relationship, beneficial or adverse, of the proposed ~~planned unit development~~ to the neighborhood in which it is proposed to be established.

- (7) (f) In the case of a plan that proposes development over a period of years, the sufficiency of the terms and conditions intended to protect ~~the interest of~~ the public interest and of the residents and owners of the planned unit development in the faithful completion integrity of the plan.
- (8) The extent to which the plan provides for an effective and unified ~~treatment of~~ the development ~~possibilities~~ on the project site making appropriate provision for the preservation of scenic features and amenities of the site and the surrounding areas.
- (9) For the MUC-1 and MUC-2 zoning districts only, all permitted uses as listed in Section 158-145 for each district are considered *generally* to be compatible uses in the MUC districts based on the intent to encourage mixed use and clustering at varying scales and intensity. Compatibility shall be achieved at *specific* locations by implementing compatibility techniques, such as those listed in this section as appropriate to the context:
- (a) Tourism uses and restaurants shall be designed to minimize noise from outdoor activities, such as outdoor music;
  - (b) Loading areas and parking at grade shall be screened and landscaped to minimize impacts to residential uses and adjacent rights of way/private roads;
  - (c) Anti-glare glass shall be utilized in all windows that could potentially reflect toward another residential use; and
  - (d) Lighting shall be designed to minimize impacts to residential units and adjacent public rights of way/private roads.
  - (e) Additional compatibility techniques shall be employed wherever a proposed structure exceeding four stories is located within 500' of another structure that is substantially lower in height. "Substantially lower" means there is a difference of four stories or more between the proposed structure and the structure within 500'. For the purpose of this provision, acceptable compatibility techniques include, but are not limited to, perimeter berms, landscaping buffers, building orientation, building design and architectural treatments.
  - (f) This section does not apply to the compatibility of uses within a proposed PUD development site, as permitted uses are deemed internally compatible.
- (10) The additional criteria listed below apply to requests for buildings taller than four stories in the MUC-2 zoning district:
- (a) Yard sizes (building setbacks) are greater than required by section 158.145; and
  - (b) The taller buildings are consistent with the intent of the district and compatible with similar existing uses within the overall district.



- (D) **Standards for approval or disapproval of departures.** (g) Planned unit development applications may be accompanied by requests for ~~The departures from specific the standards of article IV of this chapter and from the standards of section 158.102 which would otherwise be applicable to the planned unit development if the plan were not approved, whether the application for final site plan approval is concurrently filed or not. However, departures may not be granted to add uses that are not listed in the schedule of uses in section 158.125 for the zoning district underlying the planned unit development. Before approving a departure, the town commission must shall determine by competent, substantial evidence of record that each departure is consistent with the Longboat Key comprehensive plan and shall decide whether each that the requested departures either meets or hasve no material adverse effect on the following criteria, except where clearly inapplicable to the requested departure: as deemed applicable to the request by the town commission:~~
- (1) i. The departure is no less consistent with the health, safety, and welfare of abutting landowners and the general public than the standard from which the departure is being requested, and the departure Promote the most appropriate use of the land upon which the project is to be located, adequately protectsting against adverse impacts to adjacent parcels and the surrounding area.
  - (2) ii. The departure preserves or enhances the natural or and scenic qualities of open areas or preserves a larger percentage of open space than required by the Zoning Code or preserves higher quality natural areas or more attractive and useful public spaces.
  - (3) iii. The departure facilitates desirable infrastructure, storm water retention, or parking facilities and public spaces.
  - (4) iv. The departure reduces traffic impacts or improves traffic circulation.
  - (5) v. The departure enhances the project's character and compatibility within the development and with adjacent developments.
  - (6) vi. The departure allows the project to add or improve on-site amenities and recreational opportunities serving the development and the community.
  - (7) vii. The departure helps allow the project to promote walkability, offers multimodal transportation options, improves access to existing commercial or other amenities, or improves proximity or connections to beach or bay accesses.
  - viii. ~~The criteria listed below shall apply to applicants requesting building height departures:~~
    - (a) ~~The building setbacks as set forth in section 158.145 are greater than that which is required by the Zoning Code.~~
    - (b) ~~There is adequate distance from other structures on the site and adjacent properties.~~
    - (c) ~~There is adequate distance from rights-of-way.~~
    - (d) ~~The requested additional height is appropriate in relation to the height of on- and off-site structures.~~
- (h) ~~The extent to which the plan provides for an effective and unified treatment of the development possibilities on the project site making appropriate provision for the preservation of scenic features and amenities of the site and the surrounding areas.~~

**(E) Modified standards for planned unit developments.** Lot coverage and building standards in article IV of this code are modified for planned unit developments as follows:

- (1)** ~~(i)~~ If the plan is for land within the T-3, T-6, MUC-1, MUC-2, INS, OI, C-1, C-2, C-3, or M-1 district, lot coverage may exceed the standard lot coverage provided by section 158.145 by up to 10% to encourage flexibility in design and development without the requirement for a departure pursuant to subsection (D) above. The density/intensity table in the comprehensive plan authorizes these increases for PUDs only. The increases are reflected in the table accompanying section 158.145 of this code; further increases are not allowed by the comprehensive plan. ~~(g) above when three or more of the following conditions are met and public health, safety, comfort, order, appearance, convenience, and general welfare is preserved:~~

  - ~~i. It promotes the most appropriate use of the land;~~
  - ~~ii. It facilitates the adequate and economical provision of infrastructure and public spaces;~~
  - ~~iii. It preserves or enhances the natural and scenic qualities of open areas; and~~
  - ~~iv. It improves site qualities.~~
- (2)** ~~(j)~~ If the plan is for property within the T-3, T-6, or MUC-1 district, building height may exceed the standard height provided by section 158.145 by one story at a maximum of 15 feet, ~~and in~~ If the plan is for property within the MUC-2 district, the height for buildings with tourism units may be a maximum of 12 stories at a maximum of 130 feet, and the height of other uses may be a maximum of eight stories at a maximum of 87 feet, provided the standards in section 158.067(C) are met. The density/intensity table in the comprehensive plan authorizes these increases for PUDs only. The increases are reflected in the table accompanying section 158.145 of this code; increases beyond those heights are not allowed by the comprehensive plan. ~~to encourage flexibility in design and development without the requirement for a departure pursuant to subsection (g) above, when two or more of the following conditions are met and public health, safety, comfort, order, appearance, convenience, and general welfare is preserved:~~

  - ~~i. It promotes the most appropriate use of the land;~~
  - ~~ii. It facilitates the adequate and economical provision of infrastructure and public spaces;~~
  - ~~iii. It preserves or enhances the natural and scenic qualities of open areas; and~~
  - ~~iv. It improves site qualities.~~
- ~~(4) In the event an outline development plan is granted approval, the town commission shall set forth in the ordinance the time within which an application for final site plan approval, or applications in the case of a phased development, shall be filed.~~

- (F) **Actions after decision.** ~~(E)~~ Within seven days after the adoption of the ordinance provided for in subsection (D) above, it shall be certified by the town clerk and shall be filed in his office, and a certified copy shall be mailed to the applicant. ~~Where approval of an outline development plan has been granted, the same shall be noted on the zoning map maintained in the office of the town clerk.~~ An outline development plan upon approval and acceptance, as provided herein, is defined as running with the land; however, an applicant may apply for a revision to the outline development plan in accordance with the procedures for an original submission, review and approval. Approval of an outline development plan shall not qualify a plat of the planned unit development for recording purposes or authorize development or the issuance of any building permits. Upon approval and acceptance, if applicable, the town clerk shall file with the clerk of the court the outline development plan to record it for recordation in the official records of the county in which the property is located.
- (G) **Final site plan required.** ~~(F)~~ An application for final site plan approval may be for all the land included in an outline development plan, or to the extent set forth in the outline development plan approval, for a section thereof.
- (1) The final site plan application shall include any drawings, plan sheets, renderings, specifications, covenants, easements, conditions, and form of performance and maintenance bonds as were set forth by the town commission in the ordinance approving the outline development plan and required by subsection 157.31(B).
  - (2) The submission, review and approval of an application for final site plan approval shall be subject to the procedures and provisions of a site plan review as set forth within sections 158.095 through 158.103.
  - (3) Planned unit development applications may include a request for final site plan approval at the same time as outline development plan approval; see section 158.067(B)(1).
  - (4) ~~(G)~~ An application for approval of a final site plan for a portion of or all of an outline development plan shall be in compliance with the approved outline development plan with respect to open space and lot, yard and bulk regulations.
  - (5) If the final site plan is not in compliance, the applicant shall revise the final site plan, apply for a Site Plan Exemption, or amend the outline development plan through the outline development process provided herein, in order to achieve compliance.
- ~~(H) An outline development plan or any part thereof that has been given final approval by the town commission shall be so certified without delay by the town clerk and a record plan may be filed on record forthwith in the office of the appropriate county clerk in accordance with the state plat law or other applicable state statutes and chapter 157 before any development whatsoever shall take place in accordance therewith.~~
- (H) **Length of approval.** ~~Pending completion within five years of the planned unit development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of the outline development plan, or part thereof, as finally approved, shall be made, nor shall it be impaired by act of the town except with the consent of the applicant or successors.~~
- (1) Notwithstanding the 24-month period specified in Section 158.099(F), final site development plan approval for a planned unit development runs with the land for a

period not to exceed four calendar years from the date of the ordinance adopting the final site development plan.

- (2) For planned unit developments in the MUC-1 and MUC-2 zoning districts, this period shall be increased to ten calendar years, or for an approved period longer than ten years for a specific future phase delineated on the final site development plan, provided the developer meets at least two of the following criteria:
- (i) commenced site preparation work and maintained substantial progress during the initial four-year period affecting 33% or more of the acreage of the PUD development parcel, or if the PUD approval includes phases, affecting 66% of the acreage of the initial phase;
  - (ii) commenced site preparation work and completed at least one critical element of the required infrastructure to serve the PUD development parcel;
  - (iii) commenced site preparation work and constructed at least one principal building (not including a temporary building) within the PUD development parcel; or
  - (iv) paid all impact fees for development authorized by the site development plan.
- (3) The Town reserves the right to change or reformat the provisions of this code and adopted PUD ordinances or resolutions; such changes will not alter any rights granted by unexpired site development plan approvals.

- (I) **Conformance with subdivision regulations.** The planned unit development shall conform with chapter 157 and all applicable ordinances in respect to the design, construction and guarantee of completion and maintenance of all required physical improvements, including but not limited to, streets, drainage, water supply and sewage collection. The design, construction, and guarantee of completion and maintenance of all physical improvements—including, but not limited to, streets, drainage, potable water, and sewage collection required by a PUD—shall conform with chapter 157 of this code and all other applicable ordinances.

**SECTION 11.** Chapter 158, Section 158.068, *Minimum area*, is hereby amended as follows:

**158.068 Minimum area.**

A planned unit development shall include not less than two ~~ten~~ acres of contiguous land in any residential zoning district, and not less than one-half acre ~~two acres~~ for all other zoning districts. In the case of voluntary reconstruction in accordance with section 158.140, the existing development site area is ~~acreage shall be~~ acceptable.

**SECTION 12.** Chapter 158, Section 158.070, *Residential density*, is hereby amended as follows:

**158.070 Tourism and residential density.**

- (A) Planned unit developments shall have densities no greater than that permitted for a PUD within the zoning district in which it is located as shown below:

Districts	Maximum PUD Density <sup>1</sup>
R-1IP	0.75 dwelling unit/5 acres
R-1SF	0.75 dwelling unit/acre
R-2SF	1.50 dwelling units/acre
R-3SF	2.25 dwelling units/acre
R-4SF	3.00 dwelling units/acre
R-6SF	4.50 dwelling units/acre
R-3MX	2.25 dwelling units/acre
R-4MX	3.00 dwelling units/acre
R-6MX	4.50 dwelling units/acre
MUC-1	3.26 dwelling units/acre <u>overall density</u>
MUC-2	5.05 <del>tourism and dwelling</del> units/acre <u>overall density</u>
MUC-3	11.26 dwelling units/acre <u>overall density</u>
T-3	2.25 tourism <del>and</del> <u>or</u> dwelling units/acre
T-6	4.50 tourism <del>and</del> <u>or</u> dwelling units/acre

Notes:

<sup>1</sup> Dwelling units per acre refers to residential units; tourism units per acre refers to tourism units; units per acre refers to total allowed residential units and tourism units.

- (B) In any event a planned unit development shall be consistent with the comprehensive plan for the town and the zoning district in which it is located in respect to design compatibility, use and height regulations.

**SECTION 13.** Chapter 158, Section 158.071, *Proposed land uses*, is hereby amended as follows:

**158.071 Proposed land uses.**

- (A)
- (1) Proposed land uses shall not adversely affect surrounding development and shall be consistent with the town's comprehensive plan.
  - (2) Recreational uses, as defined in section 158.006, shall not be included in the computation of permitted nonresidential areas of a planned unit development.
- (B) In cases where land proposed for a planned unit development is zoned for both residential and nonresidential uses, a mix of residential and nonresidential land uses may be approved by the town commission through the outline development plan review process in order to achieve the purposes of the planned unit development as set forth herein.

- (C) In cases where land is proposed for planned unit development and where the existing zoning district(s) comprising the entire land area of the planned unit development is nonresidential, a nonresidential planned unit development may be approved by the town commission through the outline development plan review process in order to achieve the purposes of the planned unit development as set forth herein.
- (D) Once development rights, whether residential or nonresidential, have been assigned to a parcel within a planned unit development, any subsequent request for new or additional residential or tourism density shall be considered a transfer of density under the governing resolutions and ordinances of the planned unit development which shall require amendment of the outline development plan for the planned unit development in accordance with the procedures of section 158.067. In no event shall the ~~average~~ overall density of a planned unit development exceed the maximum ~~average~~ overall density set forth in this Code or the comprehensive plan for the planned unit development.

**SECTION 14.** Chapter 158, Section 158.097, *Application for site plan approval*, is hereby amended as follows:

**158.097 Application for site plan approval.**

- (U) A list of all waivers ~~departures~~ from the supplemental controls set forth in subsection 158.102(L) and a clear description of the nature and extent of the requested waiver ~~departure~~ and a statement specifically indicating the factual basis for any hardship claimed by the applicant and/or a statement of the facts constituting the basis for a request for a waiver of the supplemental controls as set forth in subsection 158.102(L).

**SECTION 15.** Chapter 158, Section 158.102(C), *Maximum floor area ratio*, is hereby amended as follows:

(C) *Maximum floor area ratio.*

- (1) The total square footage of floor area permitted in any zone shall be determined as a ratio to the total square footage of the gross land area of the site.
  - (a) When computing gross land area for this ratio in the MUC-1 and MUC-2 zoning districts, the gross land area includes land under common ownership even if separated by an intervening privately owned street.
  - (b) The ratio in residential or tourism facilities shall be determined from the table shown in subsection (C)(2) below, and shall be based on the maximum gross residential density (see section 158.006) of the site.
  - (b) The floor area shall be the sum of areas for residential and tourism use on all floors of the building measured from the outside faces of the exterior walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies, and below-grade floor areas used for habitation and residential access, excluding parking garages.
  - (c) Commercial space and nonresidential space such as open terraces, garages, common use areas and nonhabitable basement spaces are noncountable.
- (2) For the purpose of the table below, the following definitions shall apply:
  - "*Living space ratio*". The minimum square footage of nonvehicular outdoor space required for each square foot of floor area. When computing this ratio in the MUC-1 and MUC-2 districts, nonvehicular outdoor space includes gross land area under common ownership even if separated by an intervening privately owned street.
  - "*Open space ratio*". A minimum square footage of lot area not covered by buildings (excluding parking structures) required for each square foot of floor area. When computing this ratio in the MUC-1 and MUC-2 districts, open space includes gross land area under common ownership even if separated by an intervening privately owned street.
  - "*Recreation space ratio*". The minimum square footage of active recreation space required for each square foot of floor area. Active recreation space shall be measured as the area contained within the limits of physical recreation facilities such as swimming pools and decks, tennis courts, shuffleboard courts and the like.

<b>Land Use Intensity Table</b>						
<b>Units Per Acre</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>8</b>	<b>11</b>	<b>14/NPD</b>
Floor area ratio	0.22	0.27	0.32	0.44	0.59	0.76
Open space ratio	3.2	2.7	2.2	1.6	1.2	1.2
Living space ratio	2.2	1.7	1.5	0.90	0.65	0.65
Recreation space ratio	0.17	0.16	0.15	0.13	0.11	0.11

**SECTION 16.** Chapter 158, Section 158.102(L), *Supplemental controls for multifamily residential or tourism uses*, is hereby amended as follows:

- (L) *Supplemental controls for multifamily residential or tourism uses.* In reviewing the proposed site plan for ten or more multifamily or tourism units, the town shall be guided by the following controls. The supplemental control relating to the maximum length of buildings, as provided for in subsection (3) of this section, shall be taken as a mandatory requirement which cannot be waived by the town commission. The remaining controls in this section shall be taken as mandatory requirements, except that the town commission may waive one or more of these requirements where it determines a hardship exists. Notwithstanding any provision of this section to the contrary, for properties located in a planned unit development, the town commission may consider and grant a departure, under the standards for a requested departure as outlined in subsection ~~158.067(D)(3)(g)~~ 158.067(D), for one or more of the supplemental controls of this subsection 158.102(L), including subsection (3) for the maximum length of buildings.

In any development order approving a site plan, the town commission shall make specific findings of facts constituting a hardship, if a hardship is found to exist, and shall make specific findings of any facts constituting the basis for a waiver of these supplemental controls.

The provisions of section 158.029 shall apply in determining whether a waiver shall be granted upon a finding that a hardship exists, except that the town commission, rather than the zoning board of adjustment, shall determine whether a hardship exists or not. The facts forming the basis for the grant of a waiver under the provisions of this section shall be specifically set forth in the development order.



(1) Minimum street yards (front setbacks).

(a) The distance measured perpendicularly from any front lot line to the nearest surface of a building shall not be less than twice the height of the building, which height shall be measured from the lowest visible elevation under the building to the highest part of the building.

(b) Development lots in certain locations within the MUC-2 zoning district shall observe the following street yard (front setback) standards in lieu of the general standard above:

i. All buildings must be set back at least 100 feet from Gulf of Mexico Drive, except that a covered entrance portico that is attached to a building can be as close as 50 feet to Gulf of Mexico Drive.

ii. Development lots that are separated by a private street from an adjacent lot that is permanently restricted as open space or golf course shall have the minimum street yard (front setback) measured as follows:

i. Buildings must be set back from the private street at least a distance equal to their height, but never more than 100 feet.

ii. If the front of a building has two or more vertical planes, the setback distances apply to each plane. For example, a building with a two-story podium and six stories above the podium must have its podium set back at least a distance equal to the podium's height and the remainder of the building must be set back at least a distance equal to the height of all eight stories, but never more than 100 feet.

iii. These private street setbacks shall be measured to the edge of the street's pavement.

(2) *Distance between buildings.* No building shall be located closer to another building on the same lot than a distance equal to half the sum of the heights of both buildings (measured from the lowest visible elevation under each building), nor shall any structure be located closer to a site lot line than a distance equal to 70 percent of the building height (measured from the lowest visible elevation under the building). In addition, the front or rear of any building may be no closer to the front or rear of any other building than 40 feet. The side of any building should be no closer to the side, front or rear of any other building than 30 feet.

As to subsections (L) (1) and (2), "visible elevation" shall not include elevator shafts, stairwells and other mechanical equipment areas, so long as such areas do not exceed ten percent of the area under the building.

(3) *Maximum length.* No portion of any individual building shall extend beyond a line drawn from the front lot line 30 degrees either side of a line through the building and perpendicular to the front lot line.

(4) *Distance between buildings and driveways.* No driveway or parking lot should be closer than 25 feet to the front of any building or ten feet to the side or rear of any building except where parking under or within the building is proposed or in the case of a front entrance to a building.

**SECTION 17.** Chapter 158, Section 158.125, *Schedule of use regulations*, is hereby amended for the MUC-1, MUC-2, MUC-3, C-3, T-3, and T-6 zoning districts as shown in Exhibit "B" attached herein, in addition to the deletion of the phrase "Planned unit development overlays (see sections 158.065 through 158.071)" from the column titled "PERMITTED USES WITH SITE PLAN REVIEW" for the following zoning districts: R1IP, R-1SF, R-2SF, R-3SF, R-4SF, R-6SF, R-3MX, R-4MX, and R-6MX.

**SECTION 18.** Chapter 158, Section 158.128(K), *Utilization of parking structures*, is hereby amended as follows:

- (K) *Utilization of parking structures.* When off-street parking facilities are located within a separate parking structure or are integrated into another building, the following conditions and restrictions shall apply:
- (1) The parking structure shall conform to all lot, yard and bulk requirements of the district in which it is located;
  - (2) The parking facilities shall be designed to conform to all other provisions of this chapter and all other ordinances of the town;
  - ~~(3) All nonstructural portions of the exterior elevations, except for vehicular ingress and egress areas, shall be screened by a four-foot-high wall of at least 60 percent solidity that covers the entire length of the structure areas between deck levels;~~
  - ~~(4) When parking facilities are located on the roof of a parking structure, a four-foot sight block shall be provided in accordance with subsection (K) (3) above. The definition for height of building in section 158.006 shall be applied;~~
  - ~~(5) Carports shall be computed in the total percentage of lot coverage.~~
  - (3) Parking facilities that are visible from a street or public waterway or that are enclosed by a solid wall without openings must contain architectural features such as windows, decorative grillwork, planter boxes, mosaics, vertical trellises, sculptures, or similar decorative treatments that together cover 90% of each visible facade. Other screening methods including berms, trees, hedges, and vines may be used to accomplish the same result.

**SECTION 19.** Chapter 158, Section 158.132, *Tourism uses*, is hereby amended as follows:

**158.132 Tourism uses.**

- (A) **Purpose.** The purpose of this section is to:
- (1) Preserve and enhance the residential character of the Town of Longboat Key;
  - (2) Preserve and protect the character and viability of the commercial districts of the Town of Longboat Key;
  - (3) Promote the public health, safety and general welfare of the Town of Longboat Key;
  - (4) Expressly prohibit tourism use of property for remuneration; except where the property is: ~~not~~
    - (a) located within the T-3 or T-6 zoning districts;
    - (b) explicitly approved by the Town Commission for tourism uses in the MUC-2 zoning district; or of the Town of Longboat Key; and
    - (c) approved for additional tourism units pursuant to section 158.180(B).

(5) Prohibit unauthorized time-share uses in any district of the Town of Longboat Key.

~~(B) Tourism use of property for remuneration is allowed within T-3 and T-6 zoning districts or as may be permitted in a planned unit development within the Town of Longboat Key.~~

~~(C) Except as provided in subsection (B) above, tourism use of property for remuneration is prohibited in all other zoning districts of the Town of Longboat Key.~~

(B) ~~(D)~~ Tourism uses that ~~which~~ were legally conforming as of October 6, 1982, but were rendered legal nonconforming uses by virtue of Ordinance No. 82-10, shall maintain their legal nonconforming use status provided that the use has not been abandoned or terminated as provided in this Code.

(C) ~~(E)~~ Any use of facilities and accommodations located within the Town of Longboat Key that ~~which~~ constitutes a time-share plan or multi-site time-share plan regulated by F.S. ch. 721, ~~must~~ shall be qualified under and comply with all requirements of that chapter and all other requirements of this Code.

(D) ~~(F)~~ ***Penalties for Violations.***

- (1) Any person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who arranges or negotiates for the use of property in violation of the provisions of this section is guilty of an infraction for each date for which such property is used or allowed to be used in violation of this section.
- (2) Any person who uses or allows the use of property in violation of the provisions of this section is guilty of an infraction for each day for which such property is used or allowed to be used in violation of this section.
- (3) The remedies and penalties provided in this section are cumulative and not exclusive.

**SECTION 20.** Chapter 158, Section 158.138, *Status of nonconformities*, is hereby amended to add Subsection (B)(9) as follows:

**158.138 Status of nonconformities.**

(B) The following policies shall determine the management of nonconformities:

(9) *Pre-existing legal uses.* Certain uses of land that cannot be added under current regulations are legal because they lawfully existed on January 1, 2014, and are authorized as “pre-existing legal uses” on the schedule of uses in section 158.125. “Pre-existing legal uses” uses may also be classified as nonconforming uses, but by virtue of their listing in section 158.125 shall be afforded the privileges of permitted uses and may be reconstructed up to their pre-existing density in accordance with all applicable current regulations, but only on the specific parcels on which they are located. The abandonment and termination provisions in subsection (B)(8) do not apply to uses that qualify as “pre-existing legal uses.”

**SECTION 21.** Chapter 158, Section 158.145, *Schedule of lot, yard and bulk regulations*, is hereby amended for the MUC-1, MUC-2, MUC-3, T-3, and T-6 zoning districts as follows and as shown in Exhibit “C” attached herein.

**158.145 Schedule of lot, yard and bulk regulations.**

The restrictions and controls intended to regulate development in each zoning district are set forth in the schedule below and in the schedule in section 158.125, which are supplemented by other sections of this chapter.

- (A) Where there is more than a single building on a single lot, but fewer than ten dwelling units, the minimum distance between buildings must ~~shall~~ be equal to the combined (both) side yards requirement for that zoning district and use.
- (B) Any building that lawfully existed on January 1, 2014, in the MUC-1, MUC-2, and MUC-3 zoning districts shall not be deemed nonconforming as a result of the lot, yard, and bulk regulations that were adopted for these districts in 2014. Any such building may be reconstructed in its current configuration in accordance with all other applicable current regulations, but only on the specific parcel on which it is located.
- (C) Calculations of lot coverages shall be verified by a licensed design professional.

**SECTION 22.** Chapter 158, Section 158.145, *Schedule of lot, yard and bulk regulations* is hereby amended as shown in Exhibit “C” attached herein.

**SECTION 23.** Chapter 158, Sections 158.147(A) and (B), *Lot dimensions; reduction prohibited*, is hereby amended as follows:

**158.147 Lot dimensions; reduction prohibited.**

- (A) The minimum lot width of any lot ~~shall be~~ is measured between the side lot lines along the minimum street building setback (yard) line as required for the district in which it is located. This measurement is illustrated for rectangular and non-rectangular lots in the appendix to chapter 157.
- (B) The minimum lot depth of any lot ~~shall be~~ is measured by a straight line from the midpoint of the front lot line ~~and~~ to its intersection with the midpoint of the rear lot line.

**SECTION 24.** Chapter 158, Section 158.149, *Maximum coverage by buildings*, is hereby amended to conform with Section 158.006 as follows:

**158.149 Maximum coverage by buildings.**

Land or lot coverage by principal and accessory buildings ~~or structures~~ on each lot, excluding roof overhangs not to exceed three feet, shall not be greater than is permitted in the district, as set forth in section 158.145, where the principal and accessory buildings are located. The calculation of land (lot) coverage shall be verified by a licensed design professional.

**SECTION 25.** Chapter 158, Sections 158.150(D), *Required waterfront yard requirements*, is hereby amended as follows:

**158.150 Yard Regulations.**

- (A) ***Generally.*** *[no change required]*
- (B) ***Required side street yards.*** *[no change required]*
- (C) ***Reserved.*** *[no change required]*
- (D) ***Required waterfront yard requirements.***
- (1) **Required gulf waterfront yard.** Every lot which abuts the Gulf of Mexico or an established erosion control line shall have, on the gulfside, a required gulf waterfront yard. The required gulf waterfront yard shall be a minimum of 150 feet in depth. The seaward edge of the yard from which the depth shall be measured shall be the mean high-water line; except that, where an erosion control line has been established, the depth shall be measured from that line.
- (a) *[no change required]*
- (b) No structures, buildings, swimming pools (except as proved in section 158.127), drives, vehicular parking, walls and fences may be built within the required gulfside waterfront yard except for beach shelters, beach access parking on land owned or controlled by the public, pool fences and windwalls, as defined in section 158.006, and dune walkover structures, sand fences, accessory decks or marine structures as authorized in chapter 151.
- (c) *[no change required]*
- (d) *[no change required]*
- (e) *[no change required]*

- (2) **Required pass waterfront yard.** Every lot which abuts New Pass or Longboat Pass shall have, on the pass side, a required pass waterfront yard. The required pass waterfront yard shall be a minimum of 150 feet in depth. The seaward edge of the required yard from which the depth shall be measured shall be the mean high-water line, except that, where an erosion control line has been established, the depth shall be measured from that line. The landward edge of the required yard shall be determined in the same manner as the required gulf waterfront yard, in accordance with subsection (D) of this section [subsection (1)(d) of this subsection (D)]. No structures, buildings, swimming pools (except as provided in section 158.127), drives, vehicular parking, walls, and fences may be built within the required pass waterfront yard except for beach shelters as defined in section 158.006, beach access parking on land owned or controlled by the public, dune walkover structures, accessory decks, outdoor dining areas as defined in section 158.006 and in compliance with section 158.136, a dock access ramp or stairs, a ladder or other device pursuant to subsection 158.151(F)(2), or marine structures as authorized in chapter 151. Subject to site plan review, the required pass waterfront yard may be used for other purposes if it lies within an M-1 district. No variance shall be granted from these requirements; however, a variance for a single-family dwelling may be permitted by the board of adjustment where the setback requirement cannot be applied, but can never be less than 50 feet from the mean high-water line or erosion control line, whichever is most landward.
- (3) **Required bay waterfront yard.** *[no change required]*
- (4) **Required canal yard.** *[no change required]*
- (5) **Canal view preservation.** *[no change required]*

**SECTION 26.** Chapter 158, Section 158.180(B), *Distribution of 250 tourism units*, is hereby amended as follows:

**158.180 Distribution of 250 tourism units.**

- (B) *Eligible properties.* The following properties are eligible to apply for additional tourism units based upon applicable conditions as described under this section:
- (1) T-3 and T-6 zoned properties may be eligible for additional tourism units. Two or more contiguous T-3 or T-6 properties may be merged to create one larger development lot.
  - (2) Residentially zoned properties with an existing legal tourism use may be eligible for additional tourism units. Two or more contiguous nonconforming tourism used properties may be merged to create one larger development lot.
  - (3) OI, C-1, C-2, C-3, and M-1 zoned property with a conforming principal use may be eligible for additional tourism units.
    - (a) For commercial and office zoned property, the tourism use shall not exceed that allowed for an accessory use, as defined.
    - (b) For M-1 zoned property, a marina shall ~~must~~ be its principal use, and no more than 33 percent of the buildable land area shall be allowed for total floor area of the tourism use. The total allowable floor area shall include the square footage of common use areas and open terraces, but not garages and nonhabitable basement spaces.

- (4) Additional tourism units under this section are not permitted in OS-A, OS-P, OS-C, MUC-1, ~~MUC-2~~, and MUC-3 zoning districts.
- (5) Additional tourism units in the MUC-2 zoning districts are governed by the provisions of section 158.009(L).
- (6) ~~(5)~~ Properties with existing PUD overlays may be eligible for additional tourism units based upon the underlying zoning district. All property owners within the PUD overlay shall ~~must~~ join in an ODP amendment application in order for the application to be processed by the town.

**SECTION 27.** If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

**SECTION 28.** All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

**SECTION 29.** This Ordinance shall take effect upon second reading in accordance with Law and the Charter of the Town of Longboat Key.

Passed on the first reading and public hearing the 16<sup>th</sup> day of June, 2014.

Adopted on the second reading and public hearing the 30<sup>th</sup> day of June, 2014.

ATTEST:

/s/ James L. Brown

James L. Brown, Mayor

/s/ Trish Granger

Trish Granger, Town Clerk

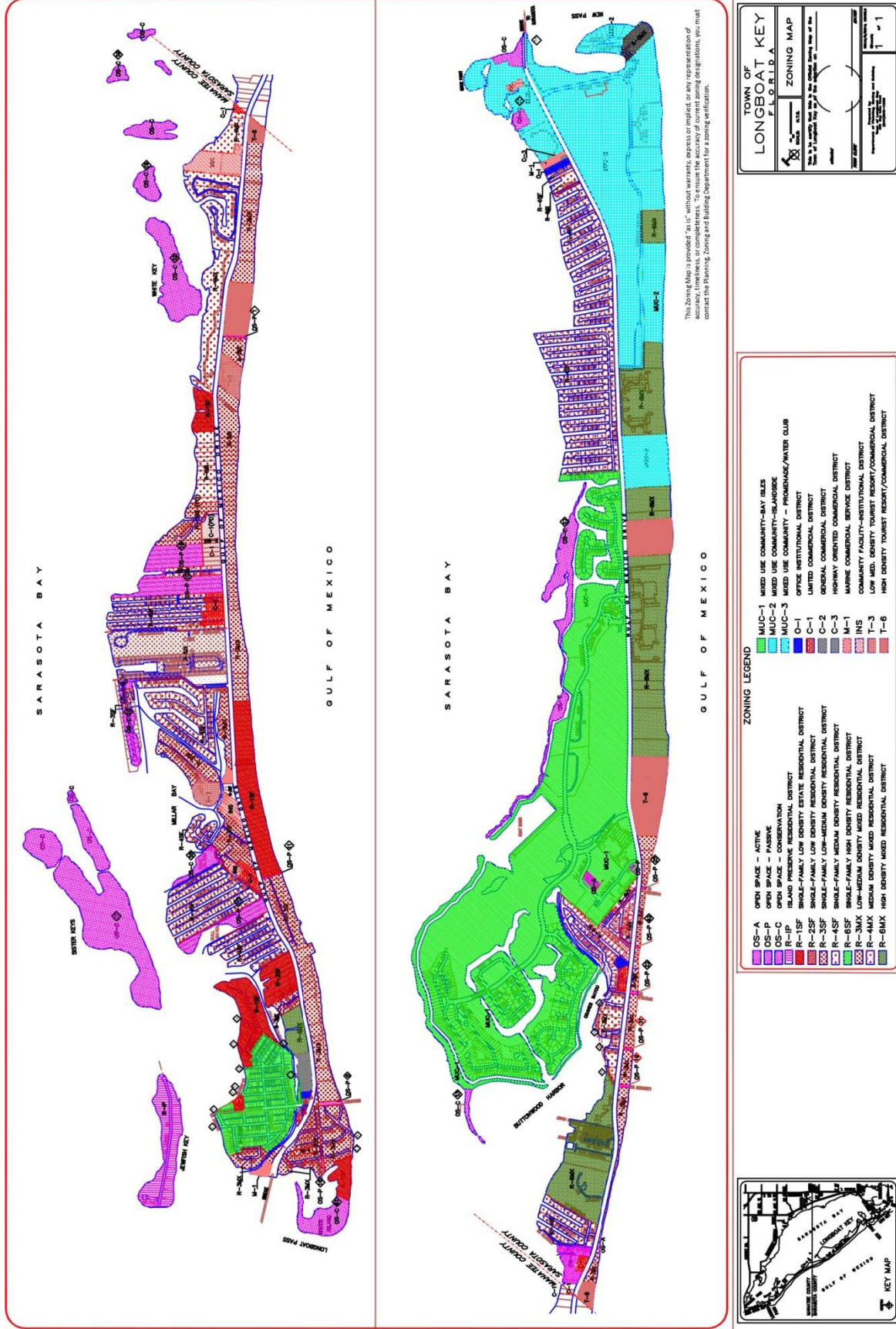
EXHIBITS: Exhibit "A" – Revised Official Zoning Map

Exhibit "B" – Amendments to the table accompanying Section 158.125  
*Schedule of use regulations*

Exhibit "C" – Amendments to the table accompanying Section 158.145  
*Schedule of lot, yard and bulk regulations*



## Exhibit "A"



# Exhibit "B"

## Amendments to the table accompanying Section 158.125 Schedule of use regulations

### 158.125 Schedule of use regulations.

The restrictions and controls intended to regulate development in each zoning district are set forth in the schedule below and in the schedule in section 158.145, which are supplemented by other sections of this chapter.

DISTRICT (Maximum Gross Residential Density)	PURPOSE	PERMITTED USES WITHOUT SITE PLAN REVIEW	PERMITTED USES WITH SITE PLAN REVIEW	ACCESSORY USES	SPECIAL EXCEPTION USES
(MUC-1) Mixed Use Community – Bay Isles (overall density: 3.26 D.U./A.)	The purpose of this district is to recognize an area of the town approved by the town commission for a development with a mix of uses, encompassing the Bay Isles community approved by Resolution No. 75-27 as it has been and may be amended from time to time.	<ol style="list-style-type: none"> <li>1. Single-family dwellings.</li> <li>2. Multifamily developments with less than 10 dwelling units.</li> <li>3. 4- Essential services.</li> <li>4. 2- Community residential homes with six or fewer residents plus staff.</li> </ol>	<ol style="list-style-type: none"> <li>1. <del>Planned unit development overlays (see §§ 158.065 through 158.074).</del></li> <li>1. Multifamily developments with 10 or more dwelling units.</li> <li>2. Churches, synagogues and other houses of worship.</li> <li>3. Golf course.</li> <li>4. Marina, including wet storage, sale of marine fuels, boat or motor rental or maintenance, ship's store, yacht brokerage, but not including boat construction or dry storage of boats.</li> <li>5. Parks and recreation areas.</li> <li>6. Restaurants (pre-existing legal use only, except where permitted through a PUD).</li> <li>7. Tennis courts and associated accessory uses.</li> <li>8. Uses permitted with site plan review and special exception uses in O-1 and C-1 districts.</li> <li>9. 2- Government buildings and services.</li> <li>10. 3- Community residential homes.</li> <li>11. 4- Personal wireless services rooftop antennas and building or structure mounted antennas.</li> <li>5. <del>Uses allowed in the MUC-1 district pursuant to § 158.009(L).</del></li> </ol> <p>NOTE: See also sections</p>	<ol style="list-style-type: none"> <li>1. Other accessory uses customarily incidental to a permitted use, a use permitted with the site plan review, or a special exception use.</li> <li>2. Private noncommercial dish antennas.</li> <li>3. A columbarium is a permitted accessory use to a church, synagogue, or other house of worship.</li> </ol>	<ol style="list-style-type: none"> <li>1. Windwalls.</li> <li>2. Trellis, subject to the standards contained in § 158.152(J).</li> <li>3. Boat dock in excess of 500 square feet.</li> </ol>

DISTRICT (Maximum Gross Residential Density)	PURPOSE	PERMITTED USES WITHOUT SITE PLAN REVIEW	PERMITTED USES WITH SITE PLAN REVIEW	ACCESSORY USES	SPECIAL EXCEPTION USES
			<u>158.009(L) and 158.067(C).</u>		

DISTRICT (Maximum Gross Residential Density)	PURPOSE	PERMITTED USES WITHOUT SITE PLAN REVIEW	PERMITTED USES WITH SITE PLAN REVIEW	ACCESSORY USES	SPECIAL EXCEPTION USES
<b>(MUC-2)</b> Mixed Use Community - Islandside (overall density: <u>5.05 D-U./A.)</u> )	The purpose of this district is to recognize an area of the town approved by the town commission for a development with a mix of uses, encompassing the <u>Islandside community approved by Resolution No. 76-7 as it has been and may be amended from time to time.</u>	<p>1. <u>Single-family dwellings.</u></p> <p>2. <u>Multifamily developments with less than 10 dwelling units.</u></p> <p>3. <u>4. Essential services.</u></p> <p>4. <u>2. Community residential homes with six or fewer residents plus staff.</u></p>	<p>1. <u>Planned unit development overlays (see §§ 158.065 through 158.074).</u></p> <p>1. <u>Multifamily developments with 10 or more dwelling units.</u></p> <p>2. <u>Golf course.</u></p> <p>3. <u>Hotels, motels, and other tourism and time-share tourism units (pre-existing legal use only, except where additional tourism units may be permitted by the town's charter and comprehensive plan).</u></p> <p>4. <u>Parks and recreation areas.</u></p> <p>5. <u>Restaurants (pre-existing legal use only, except where permitted through a PUD).</u></p> <p>6. <u>Tennis courts and associated accessory uses.</u></p> <p>7. <u>Business and professional offices.</u></p> <p>8. <u>2. Community residential homes.</u></p>	<p>1. Other accessory uses customarily incidental to a permitted use, a use permitted with the site plan review, or a special exception use.</p> <p>2. Private noncommercial dish antennas.</p>	<p>1. Windwalls.</p> <p>2. Trellis, subject to the standards contained in § 158.152(J).</p> <p>3. Boat dock in excess of 500 square feet.</p>

				<p><u>9. 3. Personal wireless services rooftop antennas and building or structure mounted antennas.</u></p> <p><u>4. Uses allowed in the MUC-2 district pursuant to §158.009(L).</u></p> <p><u>NOTE: See also sections 158.009(L) and 158.067(C).</u></p>		
<p><b>(MUC-3)</b> Mixed Use Community – Promenade/ Water Club (<u>overall density:</u> 11.26 D.U./A.)</p>	<p>The purpose of this district is to recognize an area of the town approved by the town commission for a development with a mix of uses, encompassing the <u>Promenade/Water Club communities</u> approved by <u>Resolution No. 81-8</u>, <u>as it has been and may be amended from time to time.</u></p>	<p>1. Essential services.</p> <p>2. Community residential homes with six or fewer residents plus staff.</p>	<p><u>1. Planned unit development overlays (see §§ 158.065 through 158.071).</u></p> <p><u>2. Multifamily developments with 10 or more dwelling units.</u></p> <p><u>3. 2. Community residential homes.</u></p> <p><u>4. 3. Personal wireless services rooftop antennas and building or structure mounted antennas.</u></p> <p><u>4. Uses allowed in the MUC-3 district pursuant to §158.009(L).</u></p>	<p>1. Other accessory uses customarily incidental to a <u>permitted use, a use permitted with the site plan review, or a special exception use.</u></p> <p>2. Private noncommercial dish antennas.</p>	<p>1. Windwalls.</p> <p>2. Trellis, subject to the standards contained in § 158.152(J).</p> <p>3. Boat dock in excess of 500 square feet.</p>	

DISTRICT (Maximum Gross Residential Density)	PURPOSE	PERMITTED USES WITHOUT SITE PLAN REVIEW	PERMITTED USES WITH SITE PLAN REVIEW	ACCESSORY USES	SPECIAL EXCEPTION USES
<p><b>(C-3)</b> Highway Oriented Commercial District</p>	<p>The purpose of this district is to delineate those areas suitable for highway-oriented commercial and related uses.</p>	<p>1. Essential services.</p>	<p>1. Uses permitted with site plan review and special exception uses in OI, C-1 and C-2 districts.</p> <p>2. Service stations and other minor retail sales, services and repairs oriented to the motoring public, excluding body repair</p>	<p>1. Off-street parking and loading.</p> <p>2. Other accessory uses customarily incidental to <u>a</u> permitted use, <u>a</u> use permitted with site plan review, <u>use</u> or <u>a</u> special exception use.</p> <p>3. Private noncommercial dish</p>	<p>1. <del>Hotel, motel accommodations, not exceeding three tourism units per acre.</del></p> <p>1. <del>2.</del> Windwalls.</p> <p>2. <del>3.</del> Trellis, subject to the standards contained in</p>

DISTRICT (Maximum Gross Residential Density)	PURPOSE	PERMITTED USES WITHOUT SITE PLAN REVIEW	PERMITTED USES WITH SITE PLAN REVIEW	ACCESSORY USES	SPECIAL EXCEPTION USES
			and finishing. 3. Personal wireless services, rooftop antennas, and building or structure mounted antennas.	antennas.	§ 158.152(J). <u>3.</u> 4- Boat dock in excess of 500 square feet.
(T-3) Low-Medium Density Tourist Resort Commercial District (3 T.U. or 3 D.U./A.)	The purpose of this district is to implement the comprehensive plan through delineation of those areas suitable for low-medium-density tourist resort oriented facilities and multifamily residential uses.	1. Multifamily developments with less than 10 dwelling units. 2. Essential services. 3. Community residential homes with six or fewer residents plus staff.	1. Multifamily developments with 10 or more dwelling units. 2. Hotels, motels, and <u>tourism and 3.</u> <del>Community resi-</del> timeshare tourism units. <u>3.</u> 4- Community residential homes. <u>4.</u> <del>5-</del> Personal wireless services, rooftop antennas, and building or structure mounted antennas.	1. Private swimming pools or cabanas and related structures. 2. Private recreational facilities designed for the exclusive use of occupants. 3. Private docks, including the dockage and rental of boats and the sale of marine fuels limited to use of residents and guests only. 4. Off-street parking. 5. Other accessory uses customarily incidental to a permitted use, a use permitted with site plan review, <del>use</del> or a special exception use. 6. Private noncommercial dish antennas.	1. Windwalls 2. Trellis, subject to the standards contained in § 158.152(J). 3. Boat dock in excess of 500 square feet.

DISTRICT (Maximum Gross Residential Density)	PURPOSE	PERMITTED USES WITHOUT SITE PLAN REVIEW	PERMITTED USES WITH SITE PLAN REVIEW	ACCESSORY USES	SPECIAL EXCEPTION USES
(T-6) High-Density Tourist Resort Commercial District (6 T.U. or 6 D.U./A.)	The purpose of this district is to implement the comprehensive plan through delineation of those areas suitable for high-density tourist resort oriented facilities and multifamily residential uses.	<ol style="list-style-type: none"> <li>1. Multifamily developments with less than 10 dwelling units.</li> <li>2. Essential services.</li> <li>3. Community residential homes with six or fewer residents plus staff.</li> </ol>	<ol style="list-style-type: none"> <li><del>1. Permitted uses with site plan review in T-3 districts:</del></li> <li><u>1.</u> <del>2.</del> Multifamily developments with 10 or more dwelling units.</li> <li><u>2.</u> <del>3.</del> Hotels, motels, and other tourism and time-share tourism units.</li> <li><u>3.</u> <del>4.</del> Community residential homes.</li> <li><u>4.</u> <del>5.</del> Personal wireless services, rooftop antennas, and building or structure mounted antennas.</li> </ol>	<ol style="list-style-type: none"> <li>1. Private swimming pools or cabanas and related structures.</li> <li>2. Private recreational facilities designed for the exclusive use of occupants.</li> <li>3. Private docks, including the dockage and rental of boats and the sale of marine fuels limited to use of residents and guests only.</li> <li>4. Off-street parking.</li> <li>5. Other accessory uses customarily incidental to <u>a</u> permitted use, <u>a</u> use permitted with site plan review, <del>use</del> or <u>a</u> special exception use.</li> <li>6. Private noncommercial dish antennas.</li> </ol>	<ol style="list-style-type: none"> <li>1. Windwalls.</li> <li>2. Trellis, subject to the standards contained in § 158.152(J).</li> <li>3. Boat dock in excess of 500 square feet.</li> </ol>

**Exhibit “C”**  
**Amendments to the table accompanying Section 158.145 Schedule of lot, yard and bulk regulations**

<u><b>DISTRICT</b></u>	<b>LOT</b>				<b>YARD</b>			<b>BULK* (i)</b>		
	<b>Min. Area (sq. ft.)</b>	<b>Min. Width (feet)</b>	<b>Min. Depth (feet)</b>	<b>Max. Gross Res. Den.</b>	<b>Min. Street (feet)</b>	<b>Min. Side Yard (both/one, feet)</b>	<b>Min. Rear (feet)</b>	<b>Min. Floor Area *(d) (sq. ft.)</b>	<b>Max. Height (stories/feet)</b>	<b>Max. Coverage (percent)</b>
<b>C-1</b>	10,000	75	125	N.A.	45	15/15*(b)	20	N.A.	2/30	30 (40 with PUD/ODP )
<b>C-2</b>	30,000	150	200	N.A.	35	50/20*(b)	25	N.A.	3/40	30 (40 with PUD/ODP )
<b>C-3*(f)</b>	30,000	150	175	N.A.	35	50/20*(b)	25	N.A.	3/40	40 (50 with PUD/ODP )
<b>M-1</b>	30,000	150	175	1 accessory D.U. located on the same lot	45	50/20*(b)	25	N.A.	2/30	40 (50 with PUD/ODP )
<b>OS-A</b>	N.A.	N.A.	N.A.	N.A.	45	40/15	20	N.A.	2/30	30
<b>OS-P</b>	N.A.	N.A.	N.A.	N.A.	45	40/15	20	N.A.	1/15	15
<b>OS-C</b>	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	0
<b>MUC-1</b> <u>Single-family</u> <u>Two-family</u> <u>Multifamily and other permitted buildings</u>	<del>*(g)</del> 10,000 15,000 30,000	<del>*(g)</del> 100 125 150	<del>*(g)</del> 100 100 150	<u>(overall density: 3.26 D.U. /A.)</u>	<del>*(g)</del> 20 20 50	<del>*(g)</del> 20/8 20/8 80/30	<del>*(g)</del> 20 20 30	<del>*(g)</del> 1,600 1,000/D.U. 750/bedroom D.U. and 250 each add'l bedroom	4/50 (5/65 with PUD/ODP)	30*(e) (40 with PUD/ODP )
<b>MUC-2</b>	<del>*(g)</del>	<del>*(g)</del>	<del>*(g)</del>	<u>(overall)</u>	<del>*(g)</del>	<del>*(g)</del>	<del>*(g)</del>	<del>*(g)</del>	4/50	30*(e)

DISTRICT	LOT				YARD		BULK* (i)			
District Uses	Min. Area (sq. ft.)	Min. Width (feet)	Min. Depth (feet)	Max. Gross Res- Den.	Min. Street (feet)	Min. Side Yard (both/one, feet)	Min. Rear (feet)	Min. Floor Area *(d) (sq. ft.)	Max. Height (stories/feet)	Max. Coverage (percent)
Single-family	10,000	100	100	density: 5.05 U./A.)	20	20/8	20	1,600	(up to 12/130	(40 with
Two-family	15,000	125	100		20	20/8	20	1,000/D.U.	for tourism	PUD/ODP
Multifamily and other permitted buildings	30,000	150	150		(g)	80/30	30	750/bedroom D.U. and 250 each add'l bedroom	units and up to 8/87 for other units with PUD/ODP)	)
MUC-3	*(g)	*(g)	*(g)	(overall density: 11.26 D.U./A.)	*(g)	*(g)	*(g)	*(g) 750/bedroom D.U. and 250 each add'l bedroom	4/50 (10/120 with PUD/ODP)	30*(e)
Multifamily	30,000	150	150		50	80/30	30			

<u>DISTRICT</u>	LOT				YARD			BULK*(i)		
District Uses	Min. Area (sq. ft.)	Min. Width (feet)	Min. Depth (feet)	Max. Gross Res. Den.	Min. Street (feet)	Min. Side Yard (both/one, feet)	Min. Rear (feet)	Min. Floor Area *(d) (sq. ft.)	Max. Height (stories/feet)	Max. Coverage (percent)
T-3 Multifamily	25,000	100	125	3 <u>D.U. /A.</u>	40	35/15	25	750/ bedroom D.U. and 250 each additional bedroom	3/40 (4/55 with PUD/ODP)	25 (35 with PUD/ODP)
Tourism Unit (including time-share Tourism Unit)	40,000	150	250	3 <u>T.U. /A.</u>	45	50/20	25	300/ bedroom D.U. and 125 each	3/40 (4/55 with PUD/ODP)	25 (35 with PUD/ODP)



<u><b>DISTRICT</b></u>	<b>LOT</b>				<b>YARD</b>			<b>BULK*(i)</b>		
	<b>Min. Area</b> (sq. ft.)	<b>Min. Width</b> (feet)	<b>Min. Depth</b> (feet)	<b>Max. Gross Res. Den.</b>	<b>Min. Street</b> (feet)	<b>Min. Side Yard</b> (both/one, feet)	<b>Min. Rear</b> (feet)	<b>Min. Floor Area</b> *(d) (sq. ft.)	<b>Max. Height</b> (stories/feet)	<b>Max. Coverage</b> (percent)
<b>T-6</b>								additional bedroom		
Multifamily	30,000	150	150	6 <u>D.U. /A.</u>	50	80/30	30	750/ bedroom D.U. and 250 each additional bedroom	4/50 (5/65 with PUD/ODP)	30 (40 with PUD/ODP)
Tourism Unit (including time-share Tourism Unit)	55,000	175	300	6 <u>T.U. /A.</u>	50	80/30	30	300/ bedroom D.U. and 125 each additional bedroom	4/50 (5/65 with PUD/ODP) (j)	30 (40 with PUD/ODP)
<b>R-3MX</b>										
Single-family	10,000	100	100	3	20	25/10	25	1,600	2/30	25
Two-family	20,000	100	100	3	20	20/8	20	1,000/D.U	2/30	25
Multifamily	25,000	100	125	3	30	35/15	25	750/bedroom m D.U. and 250 each add'l bedroom	2/30	20

<u><b>DISTRICT</b></u>	<b>LOT</b>				<b>YARD</b>			<b>BULK*(i)</b>		
	<b>Min. Area</b> (sq. ft.)	<b>Min. Width</b> (feet)	<b>Min. Depth</b> (feet)	<b>Max. Gross Res. Den.</b>	<b>Min. Street</b> (feet)	<b>Min. Side Yard</b> (both/one, feet)	<b>Min. Rear</b> (feet)	<b>Min. Floor Area</b> *(d) (sq. ft.)	<b>Max. Height</b> (stories/feet)	<b>Max. Coverage</b> (percent)
<b>R-4MX</b> Single-family Two-family Multifamily	10,000 15,000 25,000	100 100 100	100 100 125	4 4 4	20 20 40	20/8 20/8 35/15	20 20 25	1,600 1,000/D.U 750/bedroom m D.U. and 250 each addl' bedroom	2/30 2/30 2/35	30 25 30
<b>R-6MX</b> Single-family Two-family Multifamily	10,000 15,000 30,000	100 125 150	100 100 150	6 6 6	20 20 50	20/8 20/8 80/30	20 20 30	1,600 1,000/D.U 750/bedroom m D.U. and 250 each addl' bedroom	2/30 2/30 4/50	30 25 30
<b>O-I</b>	20,000	100	150	N.A.	45	40/15	20	N.A.	2/30	30 (40 with PUD/ODP)
<b>INS</b>	20,000	100	150	N.A.	45	40/15	20	N.A.	2/30	30 (40 with PUD/ODP)

- (a) Density expressed in terms of dwelling or tourism units per acre is fractional and dependent upon lot sizes.
- (b) If commercial use adjoins another commercial use or district, no side yard setback is required; however, if one is provided, it shall be 15 feet. If commercial use adjoins a residential use or district, the minimum side yard setback shall be 30 feet.
- (c) In R-4SF districts all lots which existed on October 15, 1969, shall contain a minimum of 9,500 square feet of area with an average width between front and rear lines to be at least 80 feet with at least 40 feet fronting on the street.

- (d) Minimum floor area with respect to residential, hotel, motel or other tourism uses means minimum living area of the first habitable floor, not including garage.
- (e) The maximum ground coverage by all buildings or structures (principal and accessory) shall be limited to 15 percent when one or more of the buildings or structures on the lot is six or more stories in height.
- (f) For minimum area, width, depth and special regulations governing service stations, see section 158.130.
- (g) See subsection 158.102(L). ~~To be determined at the time of outline development plan approval and site plan approval.~~
- (h) In the Special Canal Waterfront Yard District for all lots abutting privately owned manmade residential canals, credit shall be given for lot depth and area by measuring lot depth to the middle of the canal. Under these circumstances, the required lot depth shall be reduced to a minimum of 80 feet. For purposes of determining all other provisions of this Code, including, but not limited to, lot coverage and setbacks, the road right-of-way, mean high-water line, bulkhead and bulkhead line shall be used in accordance with this chapter in making those determinations.
- (i) Pursuant to subsections 158.067 ~~(D)(3)(i) and (j)~~, additional lot coverage and height may be authorized through the outline development plan approval process.
- (j) Additional story and height may also be approved through a site plan under section 158.180.