

PROPOSED ORDINANCE NO. 497

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING THE TOWN OF BELLEAIR CODE OF ORDINANCES, PART II, SUBPART B LAND DEVELOPMENT CODE, PURSUANT TO THE REQUIREMENTS THEREFOR INCLUDING SECTIONS 66-10, 74-82, 74-84, 74-85, 74-86, 74-112; PROVIDING FOR NEW DEFINITIONS; PROVIDING FOR A NEW ZONING DISTRICT ENTITLED “PLANNED MIXED USE” (PMU); PROVIDING FOR THE PERMITTED USES AND STANDARDS APPLICABLE THERETO, INCLUDING DENSITY/INTENSITY, BUILDING SETBACKS, BUILDING HEIGHT AND A HEIGHT BONUS FORMULA; PROVIDING FOR FLEXIBILITY PURSUANT TO THE PLANNED DEVELOPMENT PROCESS; PROVIDING FOR A HISTORIC RECOGNITION COMPONENT; PROVIDING FOR DEVELOPMENT AGREEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Belleair adopted the Code of Ordinances as set forth in Ordinance No. 349, on April 19, 1994, including Subpart B, Land Development Code; and

WHEREAS, the Town Commission of the Town of Belleair has from time to time approved amendments to the Land Development Code in order to reflect changed conditions and current needs in the Town; and

WHEREAS, the Town Commission over an extended period of time has reviewed and determined it necessary and prudent to update and revise, the Land Development Code as set forth in the Ordinance; and

WHEREAS, the Town Commission has received and considered the input and recommendation of the Planning and Zoning Board as well as relevant public comment and testimony; and

WHEREAS, the Town Commission desires to amend the Land Development Code to establish a new planned mixed use zoning district that provides for a combination of temporary lodging and residential use designed to recognize an important historic resource in the Town; and

WHEREAS, the Town Commission finds it necessary and beneficial to establish provision for Development Agreements consistent with the Florida Local Government Development Agreement Act.

NOW, THEREFORE, BE IT ORDAINED BY THE Town Commission of the Town of Belleair, as follows:

Section 1. The Land Development Code, Sec. 66-10 Definitions, is amended to add or delete as noted the following terms in their appropriate alphabetical order:

Historic Recognition Component – shall mean a project that includes a component part that both symbolizes and is directed at recognizing the historic value and importance of the Belleview Biltmore Hotel to the Town’s cultural, social, economic, political and architectural heritage based on an affirmative determination pursuant to the criteria for such determination set forth in Sec. 74-85(j) of this code.

~~Hotel means any building or group of buildings in which sleeping room accommodations are provided for more than 100 people, with the usual and customary staff in hotels of similar size and quality and providing the services generally provided by a hotel, together with accessory facilities, and recognized as a hotel in the local community; provided, further, all ingress and egress to and from the rooms in the hotel building or group of buildings shall be made through inside halls. The hotel building or group of buildings shall have a lobby and an office staffed and operated by personnel of the hotel at all hours of the day to serve the guests occupying and utilizing the hotel rooms and accessory facilities. The building described in this definition as a hotel shall not be used or operated as a motel, boardinghouse, lodging house or apartment building as such terms are generally known and defined.~~

Hotel/Inn – A temporary lodging use providing individual sleeping rooms for overnight guests for temporary occupancy and such accessory uses as dining, meeting, recreational, sundry and like facilities normally attendant to and in proportion to the number of temporary lodging units available. All ingress and egress to and from the individual units in the temporary lodging use shall be internal to and from within the main structure. The building or group of buildings comprising the hotel/inn shall have a lobby and an office staffed and operated by personnel of the temporary lodging use to serve the guests occupying and utilizing the hotel/inn and accessory facilities.

Temporary Lodging Use – A facility containing one or more temporary lodging units, the occupancy of which occurs, or is offered or advertised as being available, for a term of less than one(1) month, more than three (3) time in any consecutive twelve (12) month period, including a hotel/inn. A temporary lodging use does not include a residential dwelling, group home, boarding house or residential equivalent use.

Temporary Lodging Unit – An individual room, rooms or suite within a temporary lodging use designed to be occupied as a single unit for temporary occupancy.

Section 2. The Land Development Code, Sec. 74-82. Schedule of district regulations, is amended to insert the Planned Mixed Use (PMU) district in the table as set forth below:

DRAFT

<i>District</i>	<i>Purpose</i>	<i>Permitted Use</i>	<i>Accessory Structures and Accessory Uses</i>
RM-10, multifamily residential	This district is composed of low medium-density (10 units per acre) multiple-family residential dwelling areas where it is likely and desirable to provide for such type of development.	Single-family dwellings Duplex dwellings Multifamily residential (See section 74-83(a))	Private garages and carports Private swimming pools, hot tubs, and cabanas Gazebos Storage buildings, fences and fence walls Public parks, playgrounds and recreation areas Utility service structures
RM-15, multifamily residential	This district is composed of medium-density multiple-family residential areas with additional open areas where it is likely and desirable to extend such type of development.	Single-family dwellings Duplex dwellings Multifamily residential (See section 74-83(b))	Private garages and carports Private swimming pools, hot tubs, and cabanas Gazebos Storage buildings, fences and fence walls Public parks, playgrounds and recreation areas Utility service structures
RPD, residential planned development	This district allows variable-density areas with supporting service facilities	Planned unit development Single-family dwellings Multiple-family dwellings (See section 74-83(c))	Private garages and carports Private swimming pools, hot tubs and cabanas Fences and fence walls Parks Utility service structures Golf courses, provided that the clubhouse is located over 300 feet from any dwelling Recreational facilities and structures Marinas
H, hotel	This district is intended to provide transient residential accommodations compatible with medium-density multifamily residential development.	Hotels/ <u>inns</u> and uses permitted in the RE district (See section 74-83(d))	Guest cottages Private swimming pools, hot tubs and cabanas Servant's quarters Spas Tennis courts Fences and fence walls Playgrounds, public parks and recreation areas Public rooms for eating and drinking within the primary hotel structure Shops and offices authorized in the C-1 district and within the primary hotel structure Utility service structures
<u>PMU, planned mixed use</u>	<u>This district provides for temporary lodging and multifamily residential use with the objective of facilitating the redevelopment of the property inclusive of a historic recognition component.</u>	<u>Temporary Lodging use, including Hotel/Inn, and Multifamily Residential, when done in conjunction with Temporary Lodging Use (See section 74-85)</u>	<u>Uses accessory to Residential Use enumerated for the other Residential categories; and uses accessory to Temporary Lodging Uses, including dining, meeting, recreation, sundry and like facilities common to a Hotel/Inn</u>

Note: All other parts of this table in Sec. 74-82, including the footnotes thereto, other than as noted above in red and underlined remain as previously set forth.

Section 3. The Land Development Code, Sec. 74-84. Schedule of dimensional regulations, is amended to insert the PMU district in the table as set forth below:

DRAFT

The schedule of dimensional regulations for the various zoning districts is as follows:

District	<u>Lot Minimums</u>			<u>Minimum Yard Setbacks</u>				Minimum Offstreet Parking per Dwelling Unit ¹	Maximum Offstreet Dwelling Height ³	Flood Zone	Minimum Living Area per Unit ² (square feet)	Floor Area Ratio (FAR)
	Area (Square Feet)	Width (feet)	Depth (feet)	Density Maximum Dwelling Units peracre	Front (feet)	Side (feet)	Rear (feet)					
RM-10 ⁵	5 acres	---	---	10	25	15 ⁴	25	1.5	32	34	1,500	---
RM-15	10,000	100	100	15	25	7.5 ⁴	15	1.5	32	34	1,000	---
RPD	5 acres	---	---	5	(See section 74-83)			1	32	---	1,200	---
H	17.5 acres	---	---	28	(See section 74-83)			1	32	34	300	0.4
<u>PMU</u>	<u>17.5 acres</u>				<u>See Sec. 74-85 for standards applicable to the Planned Mixed Use (PMU) District</u>							

Note: All other parts of this table in Sec. 74-84 other than as noted above in red and underlined are as previously set forth.

¹ See article III, division 3, of this chapter, pertaining to Off-street parking regulations.

² Exclusive of garages, breezeways, porches and patios.

³ The height regulations contained in this section shall mean 32 or 34 feet from grade to the highest finished roof surface in the case of a flat roof, or to a point at the midpoint of the highest sloped roof, except for chimneys, parapets, bell towers and elevator penthouses. In no case shall a structure exceed 45 feet in height except in a RPD or RM-10 zoned district. Building height limitations for flood zone area construction are as follows: Any property which is located within an area of special flood hazard as designated on flood hazard boundary map or a flood insurance rate map, shall measure the maximum height standard from the Base Flood Elevation (BFE) of the flood zone the structure is located within. This shall not apply to any property located in the RPD district existing at the time of adoption of this land development code. See Sec. 74-83 (a)(3) for special height bonus provisions for RM-10 District.

⁴ See Section 74-113

⁵ See Sec. 74-83 (a) for additional requirements for RM-10 district.

⁶ For impervious surface ratio, see section 74-112,

⁷ On waterfront lots, all buildings, including guest cottages and servants quarters, shall be set back a minimum of 20 feet from the mean highwater mark or the seawall

⁸ All setbacks are measured from property lines except as noted.

(Ord. No. 300, § III(2.02.02), 11-7-90; Ord. No. 318, § 5, 6-2-92; Ord. No. 328, § B(2.02.04), 8-3-93; Ord. No. 342, § 1, 11-2-93; Ord. No. 363, § 2, 3-19-96;

Section 4. The Land Development Code, Sec. 74-85. Create a new Sec. 74-85 to read as follows:

Sec. 74-85. Special Regulations for Planned Mixed Use (PMU) District.

(a) Purpose. The purpose of the Planned Mixed Use (PMU) zoning district is to recognize the need and desirability of combining temporary lodging use with multi-family residential use in a manner that facilitates the redevelopment of the property to include a historic recognition component consistent with and based upon any Special Certificate of Appropriateness approved in accordance with Sec. 74-332 of the Land Development Code..

In particular, it is the objective of this district to provide an expanded range of uses and flexible standards directed at providing the economic incentives and practical considerations required to foster redevelopment in a manner that gives recognition to the historic tradition of the Belleview Biltmore property.

(b) Correlation with the Future Land Use Plan. The PMU Zoning district shall only be eligible for consideration and utilization in conjunction with the Commercial General plan category of the Future Land Use Map.

(c) Permitted Uses. Permitted uses in the PMU district include the following:

(1) Temporary Lodging Use, including Hotel/Inn

(2) Multi-family Residential Use, when part of a plan that includes Temporary Lodging Use

(3) Accessory Uses to Temporary Lodging and Residential Use

(4) Nothing in this ordinance shall be interpreted to preclude a permitted temporary lodging use and multi-family residential use from being located either horizontally or vertically in the same or attached structure(s).

(5) Any permitted accessory use to a temporary lodging use shall be accessible to the public for entry/exit only internal to and from within the temporary lodging use itself.

(d) Density/Intensity Standards. The maximum permitted density/intensity standards for the PMU district for projects that satisfactorily address the Historic Recognition Component criteria of this ordinance shall be as follows:

(1) Temporary Lodging Use – Forty-two (42) temporary lodging units (tlu) per acre.

(2) Multi-family Residential Use in conjunction with Temporary Lodging Use – Ten (10) dwelling units (du) per acre.

(3) Mixed use projects may combine both Temporary Lodging Use and Multi-family Residential Use based on the maximum density/intensity allowed for each use, calculated on the basis of the proportionate share of the property attributed to each use.

- (4) The maximum permitted impervious surface ratio (ISR) for the PMU district shall be sixty (60) percent.
- (e) Minimum District and Unit Size. Shall be as follows:
- (1) The minimum district size for utilization of the PMU district shall be seventeen and one-half (17.5) acres.
 - (2) The minimum living area of any residential dwelling unit shall be one thousand five hundred (1,500) square feet.
 - (3) The minimum room size for any temporary lodging unit shall be three hundred (300) square feet.
- (f) Building Setbacks and Separation Distances. Shall be as follows:
- (1) The minimum required setback distance for the portion of any building or structure that does not exceed thirty two (32) feet in height shall be twenty five (25) feet from the edge of pavement/curb for the perimeter roadways.
 - (2) The minimum required setback distance for the portion of any building or structure that exceeds thirty-two (32) feet in height shall be fifty (50) feet from the adjoining roadway centerline or property line – whichever provides for the greater setback distance.
 - (3) The minimum separation distance between buildings or structures shall be one-half (0.5) the height of the higher of any two structures and meet the minimum required by the applicable building code requirements.
- (g) Building Height. Shall be regulated as follows:
- (1) The maximum permitted building height shall be as follows, subject to the provisions for height bonus set forth as herein:
 - a. Temporary Lodging Use – Fifty-six (56) feet
 - b. Residential Use – Thirty-two (32) feet
 - (2) Height bonus provisions shall be as follows:
 - a. The provisions in this section are cumulative and additional height may be authorized on the basis of one or all of these provisions; however, in no event shall the height of any building in the PMU zoning district exceed eighty-eight (88) feet.
 - b. To be eligible for any height bonus, the average height of all buildings in the development, in proportion to the floor area of the first habitable floor of all buildings in the development, must not exceed fifty-six (56) feet.
 - c. Should a building take advantage of the parking height bonus identified in this section, the applicable height of the building will be reduced, as it relates to height

FINAL DRAFT ORDINANCE

June 17, 2014

calculation for average height, by the distance, measured from floor to floor of any designated parking floor, provided that:

1. Seventy-five percent (75%) of parking floor area is dedicated to parking; and
2. The cumulative height of all parking floors above grade in a given building is below twenty percent (20%) of the unadjusted building height.

d. The following four provisions may be used to qualify for a height bonus, either singularly or in combination, consistent with the above stated conditions:

1. Setbacks – The height of a building may be increased by one-half (0.5) foot up to a maximum of one-half of the height permitted as of right for every additional one (1) foot of additional setback above and beyond that which is required based on the average setback for all buildings.
2. Structured Parking – The height of a building may be increased up to a maximum of one-half of the height permitted as of right if fifty percent (50%) or more of the required parking is provided for in a parking structure beneath the building.
3. Impervious Surface – The height of a building may be increased up to a maximum of one-half of the height permitted by right, provided that the impervious surface ratio for the site is less than fifty percent (50%) of the total site area.
4. Average Height - The height of a building may be increased up to a maximum of one-half of the height permitted by right, provided that the average height of all buildings on the site, in proportion to the floor area of the first habitable floor of all buildings, does not exceed fifty-six (56) feet.

(h) *Parking. Parking requirements for the PMU district shall be as follows:*

- (1) Temporary Lodging Use and uses accessory thereto – One (1) parking space per temporary lodging unit; plus one (1) parking space for each employee anticipated to be on the property at any one time.
- (2) Residential Use and uses accessory thereto – Two (2) parking spaces per dwelling unit plus one (1) parking space for every three (3) dwelling units.
- (3) All other provisions for parking and loading shall be consistent with Article III, Div. 3, Off Street Parking and Loading.

(i) *Planned Development Flexibility Provisions.* The enumerated standards for district and unit size, and separation distances, setbacks, building height, and parking are as set forth herein, except that the Commission may approve such adjustment to one or more of these standards under the planned development district process based on the merits of the specific site

development plan, consistent with and based upon achieving the objectives of the historic recognition component of this ordinance.

Any such flexible adjustment may only be approved, and will be explicitly determined and set forth, as part of a Development Agreement approved by the Commission pursuant to Sec. 74-86. Development Agreements of the Town Code.

- (j) *Historic Recognition Component.* The recognition of historic characteristics embodies a series of factors that reflect the importance of a given structure or property to a community and the larger public interest. These factors may include the nature of the use itself, the unique architectural or structural composition of a building, the historic significance of a site or location, and the economic, social, and cultural importance to a community or region. Each of these factors should be considered in determining the need, value and practicality of recognizing and preserving, replicating, or symbolizing in some form, one or more of these contributing aspects of historic recognition.

This Historic Recognition Component section shall apply only in the event that a Special Certificate of Appropriateness has been approved pursuant to and consistent with the criteria of Sec. 74-332, Historic Preservation of the Land Development Code and the proposed project accompanying the application for the Special Certificate of Appropriateness has submitted application for rezoning to Planned Mixed Use (PMU).

For the purposes of this ordinance and determining the eligibility of a given project to qualify for the combination of use, increased density/intensity, height bonus, and related planned development flexibility provisions set forth herein, the following criteria will be evaluated by the Town as part of its determination to approve a Planned Mixed Use zoning amendment and the corresponding site development plan and Development Agreement.

- (1) General Criteria. The factors to be evaluated shall include:
- a. Use of the Property. – The proposed Temporary Lodging Use shall provide temporary lodging that is representative of the historic use of the property.
 - b. Unique Architectural Composition. – The proposed Temporary Lodging Use shall reflect or replicate the character defining features of the exterior architectural style and appearance of the Belleview Biltmore Hotel as shown in Appendix A to a reasonable degree, such that any new building incorporates one or more of the original building’s defining architectural features.

There shall be a reasonable attempt to utilize building materials and artifacts from the existing building in any new or replicated structure, such that the history of the original structure and its memorabilia can be identified, observed and used as an educational link to the past.

FINAL DRAFT ORDINANCE

June 17, 2014

- c. Site/Location. The project shall honor and reflect the original site through the location, addition, or any new replacement building relative to its positioning, approach and relationship to the site as a whole.
 - d. Economic Contribution. The proposed project shall provide, to a reasonable degree, an economic contribution that is of benefit to the community that would be otherwise lost if no temporary lodging use was included.
 - e. Social, Cultural and Community Heritage. The proposed use shall contribute to the historical character, identity and social and cultural heritage of the Town as a whole.
- (2) Specific Design Criteria. The design of the temporary lodging use and any accessory use thereto shall replicate the character defining features of the original exterior architectural style of the original Belleview Biltmore Hotel as shown in Appendix A attached hereto and hereby made a part of this Ordinance. The intent of this provision is to include, to the extent practical and consistent with current building code standards, the following design components:
- a. Victorian architecture with Queen Anne style ornamentation;
 - b. Minimum height of three (3) stories and maximum height of four and one-half (4.5) stories; with clear division of stories;
 - c. Intersection gabled, moderately pitched, roof;
 - d. Broad verandas at main entrances;
 - e. Multiple chimneys;
 - f. Exterior style and character of the architectural treatment; and
 - g. Use of original construction material^s indigenous to the area at the end of the 19th century, including those materials that may be salvaged or harvested from the existing building.

Section 5. The Land Development Code, Sec. 74-86. Create a new Sec. 74-86 to read as follows:

Sec. 74-86. Development Agreements

- (a) Purpose. The purpose of the Development Agreement process is to enable the detailed review of projects to be considered pursuant to the major development provisions of the Town Code in general and the Planned Mixed Use (PMU) zoning district in particular to ensure compliance with the objectives and standards thereof; as well as to comply with the requirements of Section 4.2.7.6 of the Countywide Rules with respect to temporary lodging use standards as may be necessary.

FINAL DRAFT ORDINANCE

June 17, 2014

- (b) Submission Requirements. Application for a Development Agreement shall include the information required for site plan review, any additional information required to determine compliance with or the basis for adjustment of the development standards and historic recognition provisions of this ordinance, and as otherwise determined necessary by the Town based on the specific features of the proposed development project.
- (c) Procedures. The procedures for consideration and action on a Development Agreement shall, at a minimum, be consistent with and meet the requirements of the Florida Local Government Development Agreement Act (Sec. 163.3220-163.3243, F.S.). In particular, the procedure shall include the following:
- (1) Public Hearings. Before entering into, amending, or revoking a Development Agreement, the Town shall conduct at least two public hearings. At the option of the Town Commission, one of the public hearings may be held by the Planning and Zoning Board.
 - (2) Notice of Intent.
 - a. Notice of intent to consider a Development Agreement shall be advertised approximately 7 days before each public hearing in a newspaper of general circulation and readership in the county. Notice of intent to consider a Development Agreement shall also be mailed to all affected property owners before the first public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.
 - b. The notice shall specify the location of the land subject to the Development Agreement, the development uses proposed on the property, the proposed densities, intensities and building height, and shall specify a place where a copy of the proposed agreement can be obtained.
 - (3) Commission Action. Upon conclusion of the second public hearing, the Town Commission shall approve, approve with conditions, or deny the application to enter into a Development Agreement. If the Town Commission proposes a change to the proposed Development Agreement at the second public hearing, the Commission may continue the hearing on a date certain to allow for a written revisions of the proposed Development Agreement to be provided to the Commission for consideration.
 - (4) Corresponding Relief. The Town Commission, in approving a Development Agreement, is authorized, to grant relief from any provision of the Land Development Regulations that is otherwise authorized to be waived, varied, or granted by the Land Development Regulations, except that no such waiver or variance shall be made to the permitted uses or maximum permitted density and/or intensity standards.
 - (5) Plan Incorporation. All plans, schematics, and conditions approved by the Town Commission will become part of, or properly identified and referenced in the Development Agreement for the project.

- (d) Content. At a minimum, a Development Agreement shall include the following:
- (1) A legal description of the land subject to the agreement, and the names of its legal and equitable owners;
 - (2) The duration of the agreement;
 - (3) The development uses permitted on the land, including densities, intensities and building height;
 - (4) A description of public facilities that will service the development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development;
 - (5) A description of any reservation or dedication of land for public purposes;
 - (6) A description of all local development permits approved or needed to be approved for the development of the land;
 - (7) A finding that the development permitted or proposed is consistent with the Town's Comprehensive Plan and Land Development Regulations;
 - (8) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the Town for the public health, safety, or welfare of its citizens;
 - (9) A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, terms, or restriction; and
 - (10) Such additional information or requirements as the Town may determine necessary.

A Development Agreement may provide that the entire development, or any phase thereof, be commenced or completed within a specific period of time.

- (e) Effect of Subsequent Code Changes. Upon approval and execution of a Development Agreement, the Town's codes and ordinances governing the development of the land at the time of the execution of the Development Agreement shall govern the development of the land for the duration of the Development Agreement. The Town may apply subsequently adopted laws and policies to a development that is subject to a Development Agreement only if the Town has had a public hearing and determined that one or more of the following apply:
- (1) They are not in conflict with the laws and policies governing the Development Agreement and do not prevent development of the land uses, intensities, or densities in the Development Agreement;

FINAL DRAFT ORDINANCE

June 17, 2014

- (2) They are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a Development Agreement;
 - (3) They are specifically anticipated and provided for in the Development Agreement;
 - (4) The Town demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the Development agreement; or
 - (5) The Development Agreement is based on substantially inaccurate information supplied by the developer.
- (f) Duration, Amendment, Filing. The following shall govern Development Agreements approved pursuant to the Section:
- (1) The duration of a Development Agreement may not exceed 30 years, unless it is extended by mutual consent of the Town Commission and the developer, subject to public hearings as required for the initial approval.
 - (2) The Town shall review land subject to a Development Agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the agreement. If the Town finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the Development Agreement, the agreement may be revoked or modified by the Town.
 - (3) A Development Agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.
 - (4) Within 14 days after execution of a Development Agreement, the Town shall record the agreement with the Clerk of the Circuit Court. A Development Agreement is not effective until it is properly recorded in the public records of the county. The burdens of the Development Agreement shall be binding upon, and the benefits of the agreement shall inure to, all successor in interest to the parties to the agreement.
 - (5) If state or federal laws are enacted after the execution of a Development Agreement which are applicable to and preclude the parties' compliance with the terms of a Development Agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws.

Section 6. The Land Development Code, Sec. 74-112. Impervious surface coverage, is amended to add the PMU district to subparagraph (e) Table of Impervious Surface Ratios as set forth below:

(e) *Table of impervious surface ratios.* Maximum impervious surface ratios shall be as follows:

<i>Zoning District</i>	<i>Maximum Impervious Surface Ratio¹</i>
RE, R-1 and R-2 (residential districts)	60 percent
RM-10 and RM-15 (multifamily districts)	60 percent
RPD (planned residential district)	60 percent
H (hotel district)	70 percent
PMU (planned mixed use)	60 percent
C-1 and C-2 (office and retail districts)	75 percent
C-3 and C-4 (retail and product distribution districts)	75 percent
C-5 (storage district)	75 percent
GC	As approved under site plan review
P:	
Institutional uses	85 percent
Transportation uses	90 percent
SPM	75 percent

¹ The maximum impervious surface ratio is given for each district, regardless of the type of use proposed and allowable pursuant to article II of this chapter.

Section 7. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

Section 8. The effective date of this ordinance shall be the date the final ordinance is read and approved by the Town Commission as provided by law.

PASSED ON FIRST READING:

PASSED ON SECOND AND FINAL READING:

Mayor

ATTEST:

Town Clerk