

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 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.

<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/ inns 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 Hoteland/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 HotelorInn</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 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 and 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.

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 this ordinance.

- (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 ~~preservation~~ 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.

- 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 exterior architectural style of the original Bellevue 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 materials 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.
- (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.