

## ORDINANCE 2016-11

**AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, PROVIDING AND CALLING FOR A REFERENDUM TO BE PLACED BEFORE THE QUALIFIED ELECTORS OF THE TOWN OF LONGBOAT KEY ON THE PRIMARY ELECTION BALLOT OF AUGUST 30, 2016 FOR THE PURPOSES OF DETERMINING WHETHER THE TOWN OF LONGBOAT KEY'S COMPREHENSIVE PLAN AND RELATED DOCUMENTS MAY BE AMENDED TO ALLOW FOR A CHANGE IN DENSITY AND INTENSITIES TO ALLOW FOR TOURISM USE WITH A TOTAL MAXIMUM DENSITY OF SIX (6) UNITS PER ACRE AT CONTIGUOUS PROPERTIES LOCATED AT 6990, 6960, 6920, 6916, AND 6910 GULF OF MEXICO DRIVE AND 6931, 6927, AND 6919 PALM DRIVE; PROVIDING FOR AN OFFICIAL BALLOT; PROVIDING FOR THE READING OF THIS ORDINANCE BY TITLE ONLY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 22 (b), of the Town Charter, does not permit an increase in the allowable density, as established by the March 12, 1984, Comprehensive Plan, without the referendum approval of the electors of Longboat Key; and

**WHEREAS**, the properties located at 6920, 6916, and 6910 Gulf of Mexico Drive and 6931, 6927, and 6919 Palm Drive (hereinafter collectively referred to as the "Properties") are currently zoned C-2, General Commercial; and

**WHEREAS**, the property located at 6990 Gulf of Mexico Drive (also hereinafter collectively referred to as the "Properties") is currently zoned C-3, Highway Commercial; and

**WHEREAS**, the property located at 6960 Gulf of Mexico Drive (also hereinafter collectively referred to as the "Properties") is currently zoned O-I, Office Institutional; and

**WHEREAS**, the C-2 General Commercial, C-3 Highway Commercial, and O-I Office Institutional zoning district designations do not have assigned tourism and/or residential density; and

**WHEREAS**, James Brearley, an authorized representative for Floridays Development Co. (hereinafter "Floridays"), has indicated to the Town that Floridays is interested in redeveloping the Properties for a tourism use, and has a contract to purchase the Properties provided that Floridays is able to increase density and rezone the Properties to a tourism use; and

**WHEREAS**, Floridays has indicated to the Town a desire to pursue a rezoning of said Properties to T-6, High-Density Tourist Resort/Commercial, which would allow tourism uses; and

**WHEREAS**, as a condition precedent to being able to file a rezone application on behalf of the Properties, to comply with Section 22(b) of the Town's Charter Floridays must obtain referendum approval for such a density increase; and

**WHEREAS**, Floridays' representatives appeared before the Town Commission at

the December 14, 2015, Regular Workshop, requesting the Commission place a referendum question to the Town's electors asking whether the Town Commission may consider a change in density to allow the Properties currently zoned C-2 General Commercial to be assigned tourism density not to exceed six (6) units per acre; and

**WHEREAS**, Floridays' representatives indicated its intention to also pursue purchase contracts for the contiguous Properties currently zoned C-3 Highway Commercial and O-I Office Institutional and, if successful, include those properties in the referendum request; and

**WHEREAS**, at the above referenced Regular Workshop, the Town Commission indicated its desire to accommodate Floridays' request to place such a referendum question on the August 2016 ballot; and

**WHEREAS**, on March 7, 2016, the Town Commission considered on first reading Ordinance 2016-11, which places a density referendum question regarding the Properties to the Town's qualified electors; and

**WHEREAS**, at the March 7, 2016, meeting, the Town Commission requested further clarification be made to the referendum question presented in Ordinance 2016-11 to clarify that the T-6 zoning designation makes such zoned properties eligible to apply for the Town's "pool" of tourism units previously approved by the Town's electorate in a referendum on March 18, 2008; and

**WHEREAS**, at the March 7, 2016, meeting, the Town Commission also requested that Floridays develop and disseminate to the Town's qualified voters by U.S. Mail at least two weeks prior to the election informational materials regarding Floriday's density referendum request and, if affirmatively approved, eligibility to apply for the Town's tourism pool units; and

**WHEREAS**, at the March 7, 2016, meeting, Floridays indicated its consent and agreement to disseminate the information at its expense to the Town's qualified voters as requested by the Town Commission; and

**WHEREAS**, affirmative approval by the qualified electors of the referendum question would enable the Town Commission to consider a proposal by Floridays to rezone the Properties to T-6, High-Density Tourist Resort/Commercial, however, such referendum does not require the Town Commission grant approval of a rezoning request; and

**WHEREAS**, should the Town Commission ultimately grant approval for a rezoning of the Properties to T-6, High-Density Tourist Resort/Commercial, the Properties would then also become eligible to request from the Town Commission and for the Town Commission to consider granting additional tourism units, over and above six (6) units per acre, from of the Town's tourism pool units; and

**WHEREAS**, if Floridays chose to apply for such an allocation of tourism pool units, the Town Commission's consideration of such a request for a distribution would occur after the August 2016 referendum, concurrently with a rezoning request; and

**WHEREAS**, the Town Commission's willingness to accommodate Floridays' request to place the requested referendum question before the Town's electors relating to the density increase sought by Floridays for the Properties is not as an endorsement by the Town Commission of Floridays' proposed future proposal, potential rezoning request, potential request for an allocation of the tourism pool units, nor ability to redevelop on the Properties for Floridays' intended use.

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

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

SECTION 2. The request for authorization to propose a change in density shall be submitted to a vote of the qualified electors of the Town for approval. The referendum shall be held on August 30, 2016, or at such other time for the General Election of the Town of Longboat Key or in conjunction with any County administered election as established by law.

SECTION 3. A ballot question shall be placed before the qualified electors substantially in the following form, which shall be printed on the ballot:

OFFICIAL BALLOT  
TOWN OF LONGBOAT KEY, FLORIDA  
DENSITY REFERENDUM  
AUGUST 30, 2016  
REFERENDUM QUESTION:

**May the Town allow contiguous properties located at 6990, 6960, 6920, 6916, and 6910 Gulf of Mexico Drive and 6931, 6927, and 6919 Palm Drive (collectively totaling approximately 2.62 acres of land), currently zoned as C-2, C-3, or O-1 districts with no density, to increase density to T-6 tourism use (which allows a maximum of six [6] units per acre), and thereby become eligible to apply for tourism pool units?**

\_\_\_\_\_ YES – IN FAVOR OF  
\_\_\_\_\_ NO – AGAINST

SECTION 4. If a majority of the qualified electors of the Town of Longboat Key actually voting on the referendum shall vote to grant authority to the Town to consider the proposed modification to the Town's density, said authority shall become effective at 12:01 a.m. on the day following the day of the Commission's canvass of the referendum results. If a majority of the qualified electors of the Town of Longboat Key actually voting on said question vote against granting the Town the authority to consider the proposed modification, then it shall not be effective or operative, and the same shall be void and of no effect, and the present density and Comprehensive Plan of the Town of Longboat Key shall remain in full force and effect.


SECTION 5. The laws and ordinances in effect in the Town of Longboat Key at the

time of this referendum governing election procedures, including the laws and ordinances governing the voting and counting of absentee ballots, shall apply to and govern the referendum provided for herein and all matters pertaining thereto, except as otherwise provided for in this Charter.

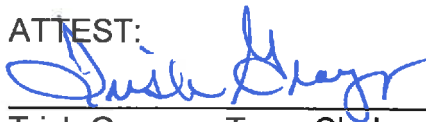
SECTION 6. This Ordinance shall take effect upon second reading and adoption.

Passed on the first reading the 7th day of March, 2016.

Adopted on the second reading and public hearing the 4<sup>th</sup> day of April, 2016.

  
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Jack G. Duncan, Mayor

ATTEST:

  
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Trish Granger, Town Clerk

