

ORDINANCE 2012-10

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, ADOPTING AN AMENDMENT TO THE COMPREHENSIVE PLAN OF THE TOWN OF LONGBOAT KEY PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, AMENDING THE FUTURE LAND USE DESIGNATION FROM LIMITED COMMERCIAL (CL) TO OPEN SPACE – ACTIVE (OS-A) FOR TOWN-OWNED PROPERTY CONSISTING OF APPROXIMATELY 0.71 ACRES LOCATED AT 4110 GULF OF MEXICO DRIVE; AMENDING THE FUTURE LAND USE DESIGNATION FROM MEDIUM DENSITY SINGLE FAMILY/MIXED RESIDENTIAL (RM-3) TO OPEN SPACE – CONSERVATION (OS-C) FOR TOWN-OWNED PROPERTY CONSISTING OF APPROXIMATELY 3.81 ACRES LOCATED AT 5810 GULF OF MEXICO DRIVE; AMENDING THE FUTURE LAND USE ELEMENT SUPPLEMENTAL DATA AND ANALYSIS; AMENDING THE RECREATION AND OPEN SPACE ELEMENT SUPPLEMENTAL DATA AND ANALYSIS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a goal of the Town of Longboat Key's Comprehensive Plan is to ensure the provision of adequate recreational facilities and open space areas to satisfy the health, safety and welfare of the Town; and

WHEREAS, the Town wishes to expand its inventory of open space areas at Bayfront Park Recreation Center by amending the future land use classifications of certain properties owned by the Town located at 4110 and 5810 Gulf of Mexico Drive; and

WHEREAS, the Town proposes to amend the Comprehensive Plan to designate the future land use of said properties as open space – active and open space – conservation, respectively; and

WHEREAS, the Community Planning Act (Sections 163.3161 through 163.32466, Florida Statutes), authorizes and requires the Town of Longboat Key to adopt and amend a Comprehensive Plan in accordance with the Act; and

WHEREAS, Section 163.3184, Florida Statutes, requires that the Town transmit adopted small scale comprehensive plan amendments to the state land planning agency, as well as other specified agencies and parties; and

WHEREAS, the Town has given due public notice of the Town Commission's workshops and public hearings which were conducted in a manner affording public participation to the fullest extent possible for transmittal of the amended Future Land

Use Map, amended Future Land Use Element and Supplemental Data and Analysis, amended Recreation and Open Space Element and Supplemental Data and Analysis, and the amended Capital Improvement Element's Supplemental Data and Analysis report; and

WHEREAS, Section 163.3187, Florida Statutes, empowers local governments to adopt small scale development amendments that do not require review by the state land planning agency for compliance with the Act; and

WHEREAS, the proposed comprehensive plan amendments meet all criteria for adoption as a small scale development plan amendment under Section 163.3187, Florida Statutes; and

WHEREAS, the Town of Longboat Key has not exceeded the maximum number of acres provided in Section 163.3187, Florida Statutes, for small scale amendments; and

WHEREAS, the Town of Longboat Key Planning and Zoning Board, at a duly noticed public hearing on June 19, 2012, considered the proposed comprehensive plan amendments; and

WHEREAS, the Planning and Zoning Board voted to recommend approval of the proposed comprehensive plan amendments, forwarding the same to the Town Commission for their review and approval; and

WHEREAS, the Town Commission of the Town of Longboat Key, at duly noticed public hearings on XX XX, 2012, and XX XX, 2012, considered the proposed comprehensive plan 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 comprehensive plan amendments are in the best interest of the health, safety, and welfare of the citizens of Longboat Key and are consistent with the Town's Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

Section 1. The Whereas clauses set forth above are hereby adopted as findings by the Town Commission for the adoption of this Ordinance.

Section 2. The Comprehensive Plan amendments attached hereto and incorporated herein are hereby adopted by the Town of Longboat Key.

Section 3. The Town of Longboat Key Future Land Use Map is hereby amended for approximately 0.71 acres located at 4110 Gulf of Mexico Drive, Longboat Key, Florida 34228 (BEG AT CM AT INTRS OF W LINE OF JOHN RINGLING PKWY WITH N LINE OF SEC 6-36-17 TH SLY ALG SAID PKWY & ALG A CURVE TO THE RIGHT WITH A RADIUS OF 992.14 FT A DISTANCE OF 201.8 FT TO END OF SAID CURVE TH CONT ALG SAID W LINE OF PKWY & ALG A TANGENT WHICH BEARS S-12- 55-E 161.1 FT TH N-58-05-E 105.76 FT TO ELY R/W LINE OF SAID JOHN RINGLING PKWY FOR POB TH N-12-55-W ALG PKY 105.76 FT TH N-62-55-E 316.7 FT TO SEAWALL AT SARASOTA BAY TH SELY ALG SEAWALL 73.9 FT TO A PT LYING IN A N-58-05-E DIRECTION FROM POB TH S-58-05-W 340.01 FT TOP POB) from Limited Commercial (CL) to Open Space – Active (OS-A);

Section 4. The Town of Longboat Key Future Land Use Map is hereby amended for approximately for approximately 3.81 acres located at 5810 Gulf of Mexico Drive, Longboat Key, Florida 34228 (BEG AT THE NE COR OF SEC 26 FOR A POB; TH W, ALG THE N LN OF SD SEC, ALSO BEING THE S R/W LN OF BINNACLE PT DR, A DIST OF 317.57 FT TO THE NE COR OF THAT CERTAIN PARCEL OF LAND AS DESC IN OR 829 P 503; TH S 50 DEG 58 MIN 0 SEC W, ALG THE SELY LN OF SD CERTAIN PARCEL, 727.96 FT TO INTERSECT WITH THE NELY R/W OF S.R. 780; TH S 39 DEG 57 MIN 00 SEC E, ALG SD NELY R/W 200.00 FT TO INTERSECT WITH THE SELY LN OF LOT "A" OF SUB ON LONGBOAT KEY OF FRAC SECS 24, 25 & 26 (PB 7 P 16); TH N 50 DEG 58 MIN 00 SEC E, ALG SD SELY LN OF SD LOT "A", 971.44 FT TO THE POB AS DESC IN OR 1247 P 649 PRMCF PI#80028.0000/4) from Medium Density Single Family/Mixed Residential (RM-3) to Open Space – Conservation (OS-C) (hereinafter "Property").

Section 5. If any section, subsection, sentence, clause or provision of this Ordinance is held to be invalid or ineffective, the validity of the remaining portions of this Ordinance shall not be affected.

Section 6. All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed.

Section 7. This Ordinance shall become effective 31 days after the date of adoption in accordance with Section 163.3187, Florida Statutes.

Passed on the first reading and public hearing the _____ day of _____,
2012.

Adopted on the second reading and public hearing the _____ day of
_____, 2012.

James L. Brown, Mayor

ATTEST:

Trish Granger, Town Clerk

Exhibits:

- Exhibit A-1: Amended Future Land Use Element, including Future Land Use Map, Legislative Version;
- Exhibit A-2: Amended Future Land Use Element, including Future Land Use Map, Clean Version;
- Exhibit B-1: Amended Recreation and Open Space Element, Legislative Version;
- Exhibit B-2: Amended Recreation and Open Space Element, Clean Version.