ORDINANCE 2012-14

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, CALLING FOR A REFERENDUM TO BE PLACED BEFORE THE QUALIFIED ELECTORS OF THE TOWN OF LONGBOAT KEY AT THE NEXT GENERAL ELECTION FOR THE PURPOSES OF DETERMINING WHETHER THE TOWN OF LONGBOAT KEY COMPREHENSIVE PLAN AND RELATED DOCUMENTS MAY BE AMENDED TO ALLOW FOR A CHANGE IN DENSITY AND INTENSITIES TO ALLOW FOR RESIDENTIAL USES WITH A MAXIMUM OF SIX (6) RESIDENTIAL DWELLING UNITS PER ACRE. AT THE PROPERTY LOCATED AT 5440 GULF OF MEXICO DRIVE; 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 property located at 5440 Gulf of Mexico Drive is currently zoned C-1, Limited Commercial; and

WHEREAS, the C-1, Limited Commercial, zoning designation does not have assigned residential density; and

WHEREAS, Peter M. Dailey, acting as the agent for the property owner of the property located at 5440 Gulf of Mexico Drive, appeared before the Town Commission at the May 24, 2012, Regular Workshop Meeting, requesting the Commission place a referendum question in November, 2012, before the electors of the Town, rather than obtain the requisite number of signatures to require such referendum, to allow residential density for the property not to exceed six (6) dwelling units per acre; and

WHEREAS, the Town Commission, as an accommodation to Mr. Dailey to put the question on the ballot and not as an endorsement of the proposal, wishes to place before the qualified electors of the Town of Longboat Key at the next General Election in November, 2012, the provision contained herein to allow the Town to consider a change in density to allow the property located at 5440 Gulf of Mexico Drive, currently zoned C-1, Limited Commercial, to be assigned residential density not to exceed six (6) dwelling units per acre.

WHEREAS, the Town will address the merits of this proposal at a later date.

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 proposed change in density shall be submitted to a vote of the qualified electors of the Town for approval. The referendum shall be held on

November 6, 2012, or at such other time for the General Election of the Town of Longboat Key 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
NOVEMBER 6, 2012
REFERENDUM QUESTION:

May the Town allow conversion to residential use, with a maximum of six (6) dwelling units per acre, the property located at 5440 Gulf of Mexico Drive (currently zoned C-1, Limited Commercial), comprising approximately 0.76-acres legally described as Lot C-1 of Plat for Cedar Woodlands Subdivision, a replat of Lot 22, Subdivision on Longboat Key, as recorded in Plat Book 7, Page 16, Public Records of Manatee County, Florida.

_____ **YES** ☐

_____ **NO** ☐

SECTION 4. If a majority of the qualified electors of the Town of Longboat Key actually voting on the referendum shall vote for adoption of the proposed modification to the Town's density, said modification 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 the adoption of 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 _____ day of _____, 2012.

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

_____
James L. Brown, Mayor

ATTEST:

_____
Trish Granger, Town Clerk

End of Agenda Item