Regular Workshop – May 20. 2013
Agenda Item 16

Agenda Item:	Discussion Regarding Referendum to Redistribute Colony Tourism Units
Presenter:	Town Manager
Summary:	At the May 6, 2013, Regular Meeting, the Longboat Key Revitalization Task Force submitted a recommendation to allow the extension granted to the Colony property to expire, allowing the non-conforming tourism units (134) to be considered for inclusion in the tourism units "pool" passed by voter referendum. The Revitalization Task Force suggested that a referendum vote be scheduled for the registered voters of Longboat Key to determine if this would be a viable use of any units lost by the expiration of the Commission granted "grandfathering" extension.
Attachments:	5-14-13 Memo, Town Manager to Commission; PowerPoint Presentation.
Recommended Action:	Pending discussion, provide direction to Manager.

MEMORANDUM

Date: May 14, 2013

TO: Town Commission

FROM: Dave Bullock, Town Manager

SUBJECT: Discussion Regarding Holding a Referendum on the Release of the Grandfathered Colony Units to the Tourism Unit Pool

The Town Commission adopted Resolution 2012-07 granting an extension of time for The Colony Beach and Tennis Club ("The Colony") to redevelop or use the nonconforming uses and structures without abandoning the nonconformities. The extension is granted until the final determination is established concerning control of the property or December 31, 2013, whichever is earlier. Should the nonconformities be abandoned, the existing 237 tourism units at The Colony will reduce by 134 leaving a conforming 103 tourism units.

In March 2008, the Town residents voted to make 250 tourism units available for increasing tourism density. The premise of making additional tourism units available was based on the decrease of tourism units due to redevelopment throughout the Town. The process for requesting the additional tourism units is dictated through the Site Plan review process. The Town changed the tourism unit requesting procedure in April of this year. The units are available on a first come first serve basis. To date, only one inquiry has been made on the available 250 tourism units. The Hilton property is planning to increase density by 85 tourism units.

At the May 6, 2013 Regular Meeting, the Longboat Key Revitalization Task Force requested the Town Commission contemplate expiring or allowing the extension to expire on the 134 nonconforming tourism units at The Colony. A referendum would then be posed to the Town residents allowing the 134 tourism units to be added to the existing 250 tourism units. A total of 384 tourism units would then be available for increasing tourism density in the Town. Nothing would preclude The Colony for reapplying for the 134 tourism units or more through the process outlined through Town Code. However, other tourist properties would also be eligible to apply for those tourism units. Should the Town residents not pass the referendum, the 134 tourism units would no longer be available to any property.

Without Voter Approved Referendum Adding Colony Tourism Units
250 Tourism Units Currently Available
-85 Tourism Units Requested by Hilton
165 Tourism Units Remaining Available

With Voter Approved Referendum Adding Colony Tourism Units
250 Tourism Units Currently Available
+134 Tourism Units Redistribution of Colony Reduction
384 Tourism Units Available for Use
-85 Tourism Units Requested by Hilton
299 Tourism Units Available for Use

Referendum election requirements are outlined in Town Code, Section 160.04 and in Town Charter Articles II and VII. The referendum question is adopted via a Town Commission ordinance. The Charter provides the following options for approval of a referendum question:

1. The Town Commission directs Staff to draft an Ordinance for consideration. The Ordinance is placed on a workshop meeting and then read twice for adoption. The adoption process would take approximately 75 - 90 days.

2. The Town Commission may elect to require the petitioner(s) to obtain 10% of the registered voter's signatures on a petition requesting a referendum question be considered. Ten percent of the total number of registered voters is approximately 640 signatures. All signatures must be obtained within 90 days of submittal to the Town. The time frame would be dependent on the petitioner's ability to obtain the required number of signatures and to have the signatures verified by both Counties. Subsequently, a 75-90 day period would then be required for the Commission to adopt an Ordinance.

Special meetings could be scheduled to accelerate the timeline of Ordinance adoption in either option. Once the referendum question is established through ordinance or petition, the Charter requires the Town to schedule a special election within a 6 month period.

If the Town Commission would want to pose the referendum question to the voters prior to the expiration of The Colony extension (December 31, 2013), it would require a November election date. Currently, the Town does not have plans for a November election. The cost to put on an election is estimated at $20,000. The last election in 2013 cost $18,806. As the Town is budgeting for a planned election in March 2014, the Town Commission could place the referendum question on that ballot without incurring additional costs. A third option of sending out an All Mail ballot (no polling places open) is available, however it does not seem to offer a significant cost savings.

The process and timeline for a November 5, 2013 referendum ballot is as follows:

- August 6, 2013 - 90 days advance notice required to Supervisor of Elections office of a special election
- September 3, 2013 - deadline for submitting final referendum ballot language (adopted Ordinance deadline)
- September 17, 2013 - military and overseas ballots mailed
- November 5, 2013 - Election Day

A November election is an option by utilizing the scheduled Town Commission meetings and at least one Special Meeting.

If you should have any questions or require additional information, please let me know.

End of Agenda Item

COLONY TOURISM UNIT REFERENDUM DISCUSSION

TOWN COMMISSION SPECIAL WORKSHOP
MAY 20, 2013

NONCONFORMING USE OR STRUCTURE SECTION 158.138(B)(8)

- Not Used or Occupied, Vacant for Period of One Year Deemed Abandoned
- Abandonment Removes Nonconforming Status
- Extensions due to Legal Restraints Permissible through Town Commission Action

LOSS OF NONCONFORMING STATUS

- Must Comply with Current T-6 Zoning (6 Units/Acre)
  - 103 Units Allowed on 17.3 Acres
  - Loss of 134 Units of the Existing 237 Units

RESOLUTION 2012-07

- Grants Abandonment Extension Until Earlier of: Final Determination Concerning Control is Established or December 31, 2013
- Requires Quarterly Litigation Progress Reports
- Requires Development Plan for Re-Opening Within 90 Days of Final Control Determination
- Requires Cash Bond to Guarantee Maintenance of Property

TOWN TOURISM UNIT DENSITY STATUS

- March 2008 Referendum Made 250 Tourism Units Available for Tourism Density Increases
- Tourism Density Increases Available Through Site Plan Review Process on a First Come First Serve Basis
- Request Anticipated for 85 of the 250 Tourism Units from the Hilton property

COLONY TOURISM UNIT REDISTRIBUTION

- Allow Colony Abandonment Extension to Expire
- Remove 134 Nonconforming Tourism Units from Colony Property
- Pose Referendum Question Adding 134 Tourism Units to the Available 250 Tourism Units (March 2008 Referendum)
- Referendum Question Could be Posed Prior to or After Extension Expiration

REFERENDUM INITIATION
TOWN CODE SECTION 160.04 & CHARTER ARTICLES II AND VII

- Town Commission Adopts Ordinance Establishing Referendum Question Language
- Petitioner Obtains 10% of the Registered Voters Signatures (appx. 640) Requesting Consideration of Referendum Question

TOWN OF LONGBOAT KEY

REFERENDUM IMPLICATIONS

Referendum Does Not Pass

250 Tourism Units Currently Available

-85 Tourism Units Requested by Hilton

165 Tourism Units Available for Use

Referendum Passes

250 Tourism Units Currently Available

+134 Tourism Units Redistributed from Colony Reduction

384 Tourism Units Available

-85 Tourism Units Requested by Hilton

299 Tourism Units Available for Use

REFERENDUM COST

- November Election Allows Vote Prior to Colony Extension Expiration at an Approximate Cost of $20,000
- March Election Allows Vote to Occur During a Planned Election without Additional Cost After the Colony Extension Expires

REFERENDUM PROCESS
NOVEMBER ELECTION EXAMPLE

- Adopt Ordinance Establishing Referendum Question Language
- Provide Intent to Host Election to Supervisors of Elections by August 6, 2013
- Submit Referendum Question by September 3, 2013
- November 5, 2013 Referendum Vote
- Timeline can be accomplished by Scheduling Special Meetings