MEMORANDUM

Date: December 20, 2013

TO: Town Commission

FROM: Dave Bullock, Town Manager

SUBJECT: Ordinance 2014-05, Providing for Referendum Question for a Charter Amendment Regarding the Requirement to Maintain the Zoning Board of Adjustment as a Permanent Town Board

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At the November 13, 2013,Regular Workshop Meeting and subsequent to discussion, the Town Commission directed that an Ordinance be drafted to initiate a Charter Amendment that would place a referendum question on the March 25, 2014, General Election ballot to delete the requirement for the Town to maintain a permanent Zoning Board of Adjustment.

Ordinance 2014-05 was drafted for Commission consideration, first reading was held at the December 2, 2013, Regular Meeting at which time the Town Commission amended the Ordinance, and forwarded to this meeting for second reading and public hearing, as amended.

Adoption of the Ordinance will provide authorization for the Supervisor of Election Offices to include the referendum question on the March 25, 2014, ballot.

If you have any questions, please contact me.

ORDINANCE 2014-05

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 REGULAR TOWN ELECTION FOR THE PURPOSES OF AMENDING THE PROVISIONS OF THE TOWN OF LONGBOAT KEY CHARTER TO DELETE THE REQUIREMENT TO MAINTAIN A PERMANENT ZONING BOARD OF ADJUSTMENT AS MORE SPECIFICALLY DESCRIBED IN THE CHARTER TEXT SET FORTH HEREIN; PROVIDING FOR THE READING OF THIS ORDINANCE BY TITLE ONLY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the current Charter of the Town of Longboat Key, Article II, Section 20(a), provides that "the Town Commission shall establish permanent boards by ordinance and ad hoc committees by resolution" and further requires that "at a minimum, the permanent boards of the Town shall be the Planning and Zoning Board, the Zoning Board of Adjustment, and the Code Enforcement Board;" and

WHEREAS, the Town Commission has recognized the inability of the Zoning Board of Adjustment to hold regularly scheduled meetings to consider petitions filed after receipt of a matter to be acted upon due to the lack of a quorum of board members as required to conduct official business of the Board; and

WHEREAS, the Town Commission wishes to remove the requirement of the Charter that it maintain a permanent Zoning Board of Adjustment allowing it to reallocate those duties and responsibilities elsewhere; and

WHEREAS, the Town Commission has received and considered recommendations from the Town's professional Planning, Zoning, and Building Department Staff to delegate the duties and responsibilities of the Zoning Board of Adjustment; and

WHEREAS, the Town Commission wishes to place this recommendation before the electors of the Town of Longboat Key at its next general election.

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

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

SECTION 2. The proposed Charter amendment shall be submitted to a vote of the qualified electors of the Town for approval. The Referendum shall be held on March 25, 2014, at such time scheduled 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:

TOWN OF LONGBOAT KEY CHARTER AMENDMENT
CHARTER AMENDMENT
MARCH 25, 2014

Shall Article II, Section 20, Appointment of Advisory Boards, of the Charter of the Town of Longboat Key be amended to delete the requirement for maintaining a permanent Zoning Board of Adjustment allowing those duties and responsibilities to be assigned elsewhere?

_____ YES, for deletion

_____ NO, for retention

SECTION 4. If the majority of the qualified electors of the Town of Longboat Key, actually voting on the Referendum, shall vote for adoption of the proposed modification of the Charter, 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 voters of the Town of Longboat Key, actually voting on said question, vote against the adoption of the proposed amendment, then it shall not be effective or operative, and the amendment shall become void and have no further force or effect.

SECTION 5. If the qualified electors of the Town of Longboat Key adopt the Referendum, then Article II, Section 20(a) of the Charter shall read as follows:

> The Town Commission shall establish permanent boards by ordinance and ad hoc committees by resolution. Members of such boards or committees shall serve without compensation at the pleasure of the Town Commission for such terms as it deems necessary and desirable. At a minimum, the permanent boards of the town shall be the Planning and Zoning Board~~, the Zoning Board of Adjustment~~ and the Code Enforcement Board, the duties and responsibilities of which shall be established by ordinance.

SECTION 6. The laws and ordinances in effect at 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 the 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 7. This Ordinance shall take effect upon second reading and adoption if approved during the Referendum process and shall become effective as provided above.

Passed on the first reading the 2nd day of December, 2013.

Adopted on the second reading and public hearing the _____ day of _____, 2014.

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James L. Brown, Mayor

ATTEST:

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Trish Granger, Town Clerk

End of Agenda Item