

**M E M O R A N D U M**

**DATE:** November 19, 2014

**TO:** David Bullock, Town Manager

**FROM:** Alaina Ray, Director  
Planning, Zoning and Building Department

**SUBJECT:** Ordinance 2015-01, Providing for a Referendum and Special Election  
Regarding the MUC-2 Land Use Category and Zoning District

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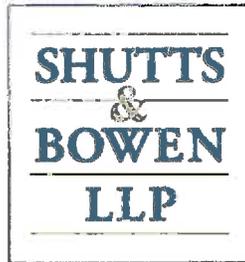
The Town is in receipt of a letter from John Patterson, representing NAECO LLC, an affiliate of Ocean Properties, requesting a referendum be placed before the Town of Longboat Key electorate during a special election. The referendum would seek to allow the Town Commission to consider conversion of Residential density to additional Tourism density and uses within the MUC-2 land use category and zoning district for the redevelopment of the Longboat Key Club. A referendum is required per Article II Section 22. (b) of the Town Charter. The specific referendum language would be as follows:

May the Town allow up to 300 new tourism units with tourism and accessory uses within certain portions of the Longboat Key Club property located at 201 and 301 Gulf of Mexico Drive and 361 Longboat Club Road and situated within the MUC-2 land use category and zoning district provided such allowance shall not exceed the maximum allowable overall MUC-2 density?

The letter also requests that the Town Commission adopt an ordinance setting forth the full text of the proposed matter for vote by referendum, rather than proceeding by gathering petitions, per Town Code Section 160.04 and Town Charter Article VII, Section 1. (a). An ordinance has been drafted to set forth the referendum language and call for a special election on May 12, 2015. The applicant would bear the full costs of the special election.

**Attachments:** 11-09-14 Letter, John Patterson to Mayor Brown;  
Ordinance 2015-01.

**xc:** Maggie Mooney-Portale, Town Attorney



*Founded 1910*

November 9, 2014

Hon. Jim Brown  
Mayor  
Town of Longboat Key  
501 Bay Isles Road  
Longboat Key, FL 34228

Re: Referendum on Nonresidential Use in MUC-2 Zoning District

Dear Mayor Brown:

Our firm represents NAECO LLC, a New Hampshire limited liability company ("NAECO"), an affiliate of Ocean Properties ("Ocean Properties"). It is the owner of the Longboat Key Club, which includes property within the present MUC-2 zoning district, sometimes referred to as "Islandside."

Islandside has had, historically, a mix of residential, commercial and tourism uses. However, the circuit court ruled in the case of Island Property Owners Coalition, LLC et al. v. Town of Longboat Key et al., Case Number 2010 CA 007913 NC, that Article II, Section 22, of the Town Charter requires that approval of the electors of the Town be obtained through a referendum before adding tourism uses to the residential density permitted in the MUC-2 land use category and zoning district.

NAECO wishes to redevelop a portion of its property in Islandside with a mix of uses including residential and tourism (a hotel, a meeting center, and related facilities including restaurants). No increase in the allowable density is being sought. According to the ruling of the circuit court, electoral approval by referendum is required for units of density to include tourism uses in the MUC-2 land use category and zoning district.

NAECO wishes for this referendum to be held at a special election as soon as practicable in accordance with Section 160.04 of the Town Code and Article II, Section 22. (b) and the Article VII, Section 1. (a), of the Town Charter. We understand and agree that the cost of the referendum will be at NAECO's expense. The referendum will be on the allowance in the MUC-2 district of uses other than residential that is consistent with the Zoning Code and consistent with historic practice. NAECO also requests that the Town Commission adopt an ordinance setting forth the full text of the

proposed matter for vote by referendum, rather than proceeding with petitions as provided in Article VII, Section 1.(b) of the Charter. We ask that this request be processed and a proposed ordinance be brought before the Town Commission as soon as practicable.

Thank you for your attention to this matter.

Sincerely,



John Patterson

Cc: Hon. Lynn Larson  
Hon. Jack Duncan  
Hon. Terry Gans  
Hon. Pat Zunz  
Hon. Phill Younger  
Hon. Irwin Pastor  
Ms. Trish Granger, Town Clerk  
Mr. David Bullock, Town Manager  
Maggie D. Mooney-Portale Esq.  
Mr. Mark Walsh

## ORDINANCE 2015-01

**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 A SPECIAL ELECTION; ESTABLISHING A REFERENDUM QUESTION THAT AUTHORIZES THE TOWN TO CONSIDER AND ALLOW A MAXIMUM OF 300 NEW TOURISM UNITS WITH TOURISM AND ACCESSORY USES ON A PORTION OF THE LONGBOAT KEY CLUB PROPERTY LOCATED AT 201 AND 301 GULF OF MEXICO DRIVE AND 361 LONGBOAT CLUB ROAD AND SITUATED WITHIN THE MUC-2 LAND USE CATEGORY AND ZONING DISTRICT AND PROVIDING THAT SUCH ALLOWANCE SHALL NOT RESULT IN A NET INCREASE IN THE MAXIMUM OVERALL ALLOWABLE DENSITY WITHIN THE MUC-2 ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town's Land Development Code authorizes the Town Commission to allocate additional tourism and residential units in the MUC-2 land use category and zoning district if the requirements of the Charter and Land Development Code are met; and

**WHEREAS**, Article II, Section 22 (b), of the Town Charter, as judicially construed in the matter of *Islandside Property Owners Coalition, LLC, et al v. Town of Longboat Key, et al*, Case No. 2010 CA 007913 NC (Fla. Cir. Ct. Dec. 4, 2012), provides that the Town may not approve tourism uses or density in the MUC-2 land use category until it secures elector approval; and

**WHEREAS**, Inn on the Beach Condominium ("Hotel") is an existing hotel resort with 245 tourism units in the MUC-2 land use category and zoning district and a physical address of 200 to 230 Sands Point Road, a legal description of the land submitted to condominium ownership is attached hereto and incorporated herein as Exhibit A; and

**WHEREAS**, LB 500 LLC owns Unit No. 500 in the Hotel, and manages other condominium units in the Hotel; and

**WHEREAS**, LB 500 LLC, a Florida limited liability company, and LB East LLC, a Florida limited liability company (hereinafter collectively referred to as the "Applicant"), is the owner of certain land adjacent to and/or in close proximity to Hotel within the MUC-2 zoning district that is a part of the Longboat Key Club and has a physical address of 201 and 301 Gulf of Mexico Drive and 361 Longboat Club Road, a legal description of such properties being attached hereto and incorporated herein as Exhibit B; and

**WHEREAS**, on November 12, 2014, the Applicant appeared before the Town Commission requesting the Town Commission adopt an ordinance setting a special election in May 2015 to place a referendum question to allow tourism (non-residential) uses in the MUC-2 zoning district in accordance with Article VII, Section 1(a) of the Town Charter; and

**WHEREAS**, the Applicant indicated that it wishes to develop new hotel facilities and related uses on portions of its above described properties by converting residential units and uses allowable within the MUC-2 zoning district to tourism uses that include hotel building or buildings, a meeting center, and related facilities; and

**WHEREAS**, Section 158.009(L) of the Land Development Code provides that approval of units on any parcel within the MUC-2 zoning district beyond the 892 units that were authorized by resolution or ordinance prior to January 1, 2014, can be requested through a process established within the Land Development Code; and

**WHEREAS**, Section 158.009(L) of the Land Development Code stipulates that approval of additional units is not guaranteed, and in no case may the number of additional units cause the overall density for the entire MUC district to be exceeded; and

**WHEREAS**, Section 158.006 of the Land development Code defines overall density as the maximum allowable number of tourism and dwelling units divided by the acreage of all property included in the MUC-2 zoning district, including associated recreational areas, open space, road rights-of-way, wetland areas, and other nonresidential lands within the district; and

**WHEREAS**, the MUC-2 zoning district is comprised of 314.6 acres of land and is limited to a maximum overall density of 5.05 units per acre; and

**WHEREAS**, the Applicant has indicated that the allowance of a maximum of 300 new tourism units and related uses will not result in a net increase in the overall density permissible within the MUC-2 zoning district; and

**WHEREAS**, a referendum of the electors of the Town relating to the allocation of the 300 new tourism units and accessory tourism uses is a necessary precursor to the Applicant undertaking the approval process for such development; and

**WHEREAS**, Section 160.04 of the Town Code provides that density increase referendums shall be conducted in the same manner as set forth in Article VII of the Charter; and

**WHEREAS**, Article VII, Section 1(a) of the Charter provides that the Town Commission may adopt an ordinance calling for a referendum to be held within six (6) months of adoption; and

**WHEREAS**, the Town Commission, in accordance with Article VII, Section 1(a) of the Town Charter seeks to place before the qualified electors of the Town of Longboat Key at a Special Election intended to be held in May 2015, a referendum question that allows the Town Commission to approve the allocation of a maximum of 300 new tourism units to Applicant's properties located within the MUC-2 land use category and zoning district in accordance with the Town's Comprehensive Plan and Land Development Code, as may be amended from time.

**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 allowance of tourism units and uses in the MUC-2 land use category and zoning district shall be submitted to a vote of the qualified electors of the Town for approval. The referendum shall be held in May of 2015, or at such other time for a special election as determined by the Town of Longboat Key as established by law and the Supervisors of Elections of Sarasota and Manatee Counties.

**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  
TOURISM USE DENSITY REFERENDUM  
\_\_\_\_\_, 20\_\_\_\_  
REFERENDUM QUESTION:**

May the Town allow up to 300 new tourism units with tourism and accessory uses within certain portions of the Longboat Key Club property located at 201 and 301 Gulf of Mexico Drive and 361 Longboat Club Road and situated within the MUC-2 land use category and zoning district provided such allowance shall not exceed the maximum allowable overall MUC-2 density?

\_\_\_\_\_ **FOR (YES)**    

\_\_\_\_\_ **AGAINST (NO)**    

**SECTION 4.** If a majority of the qualified electors of the Town of Longboat Key actually voting on the referendum shall vote in the affirmative for the referendum question, it shall become effective at 12:01 a.m. on the day following the day of the Town 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 referendum question, then it shall not be effective or operative, and the same shall be void and of no effect, and the present limitation on non-residential use 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. If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 7. This Ordinance shall take effect upon second reading and adoption.

Passed on first reading and public hearing the \_\_\_\_, day of \_\_\_\_\_, 20\_\_.

Adopted on second reading and public hearing the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
James L. Brown, Mayor

ATTEST:

\_\_\_\_\_  
Trish Granger, Town Clerk

Attachments:

Exhibit A

Exhibit B



**EXHIBIT B**

**Tract I (Club House Area) (North Parcel)**

A tract of land, lying in Section 22, Township 6 South, Range 17 East, Town of Longboat Key, Sarasota County, Florida, and lying between Gulf of Mexico Drive (100 feet wide) and Longboat Club Drive, as shown on Unit Number 1, Longboat Key Club Subdivision, recorded in Plat Book 18, Page 11 and Unit Number 3, Longboat Key Club Subdivision recorded in Plat Book 24, Page 44, Public Records of Sarasota County, Florida and being more particularly described as follows:

Begin at the intersection of the northwesterly right-of-way line of the above-described Longboat club Road in Unit No. 1 (110 feet wide at the entrance), with the southwesterly right-of-way line of Gulf of Mexico Drive (100 feet wide) for the point of beginning; thence run along said right-of-way line of Longboat Club Road the following calls and distances, South 20°13'50" West, 314.76 feet; thence South 34°45'43" West, 1242.37 feet; thence leaving said right-of-way line, run north 55°14'17" West, 264 feet; thence North 7°34'38" West, 454.33 feet; thence North 34°45'43" East, 330 feet; thence North 27°39'25" East, 275.77 feet; thence South 62°20'35" East, 150 feet; thence North 27°39'25" East, 480 feet to its intersection with the aforementioned southwesterly right-of-way line of Gulf of Mexico Drive, thence run South 69°44'39" East, along said right-of-way line, 450 feet to the point of beginning and containing 17.24 acres more or less.

**Tract II (South Parcel)**

Parcels REC-1, C-1, and C-2, being all of Tract Two, Longboat Key Club Unit No. 4, as recorded in Plat Book 30, Page 50 of the Public Records of Sarasota County, Florida.

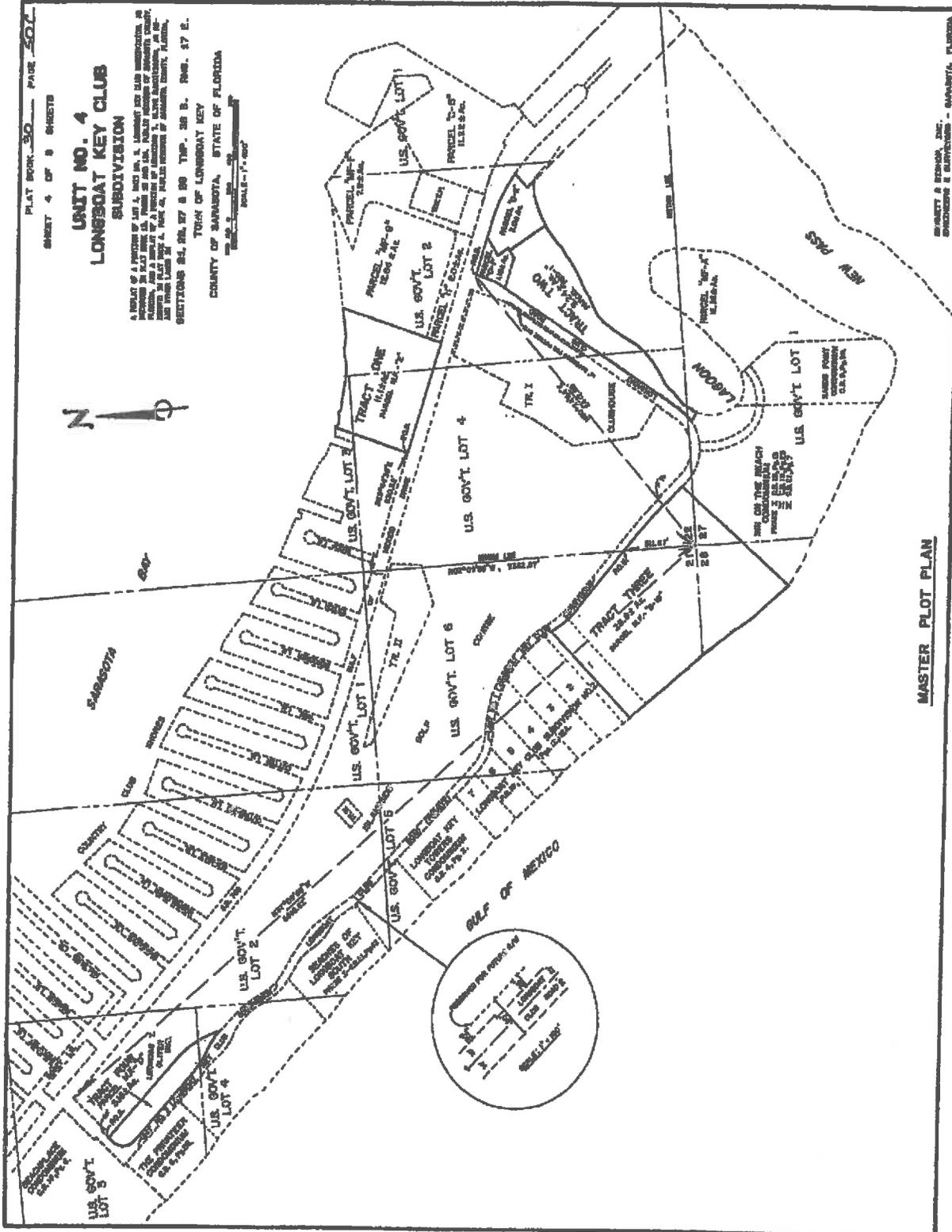
See attached copy of Page 50 C of Plat Book 30, Public Records of Sarasota County, Florida for a graphic description of these Tracts.

# UNIT NO. 4 LONGBOAT KEY CLUB SUBDIVISION

A PORTION OF U.S. LAND IN S. LONGBOAT KEY ISALAND, FLORIDA, IS BEING OFFERED FOR SALE BY THE U.S. GOVERNMENT. THIS OFFER IS MADE IN ACCORDANCE WITH THE PROVISIONS OF PUBLIC LAW 85-624, AS AMENDED, AND IS SUBJECT TO A RESOLUTION OF THE HOUSE OF REPRESENTATIVES, PASSED JULY 28, 1958, AND A RESOLUTION OF THE SENATE, PASSED AUGUST 1, 1958, AND IS SUBJECT TO THE PROVISIONS OF PUBLIC LAW 85-624, AS AMENDED, AND IS SUBJECT TO THE PROVISIONS OF PUBLIC LAW 85-624, AS AMENDED, AND IS SUBJECT TO THE PROVISIONS OF PUBLIC LAW 85-624, AS AMENDED.

TOWN OF LONGBOAT KEY  
COUNTY OF SARASOTA, STATE OF FLORIDA

SECTION 24, T1P. 27 S 20 T1P. 28 S. R1M. 47 E.



MASTER PLOT PLAN

INWENTY & BISHOP, INC.  
ENGINEERS & SURVEYORS - SARASOTA, FLORIDA



**Referendum and Special Election  
MUC-2 Land Use and Zoning  
Ordinance 2015-01**

Town Commission  
December 10, 2014



## Referendum Language

May the Town allow up to 300 new tourism units with tourism and accessory uses within certain portions of the Longboat Key Club property located at 201 and 301 Gulf of Mexico Drive and 361 Longboat Club Road and situated within the MUC-2 land use category and zoning district provided such allowance shall not exceed the maximum allowable overall MUC-2 density?



**End of Agenda Item**