

**ORDINANCE 2015-02**

**AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, APPROVING FOR ADOPTION AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN AS REQUIRED BY SECTION 163.3184(3), FLORIDA STATUTES; AMENDING POLICIES 1.1.5(A), 1.1.5(B), AND 1.1.6 OF THE FUTURE LAND USE ELEMENT RELATED TO REDEVELOPING NONCONFORMING PROPERTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Goal of the Town's Comprehensive Plan Future Land Use element is to preserve and enhance the character of the Town of Longboat Key by ensuring that land uses are responsive to the social and economic needs of the community and are consistent with the support capabilities of the natural and manmade systems, and to maintain an environment that is conducive to the health, safety, welfare, and property values of the Town; and

**WHEREAS**, the Town Commission seeks to amend the Town's Comprehensive Plan to allow certain nonconforming properties reasonable economic redevelopment opportunities including, but not limited to, possible increases in allowable density, and

**WHEREAS**, Article II, Section 22 of the Town Charter requires referendum approval of the Town's electors to increase density in excess of the density limits established by the 1984 Comprehensive Plan; and

**WHEREAS**, the Town Commission in accordance with the Town Charter, Article II, Section 22, adopted 2007-48 directing to referendum of the electors of the Town the following question:

**For the properties that have more dwelling or tourism units than currently allowed, but which were legal at the time they were created, may the Town consider and grant approval to allow those properties to rebuild to their current dwelling or tourism unit levels in the event of involuntary or voluntary destruction?**

; and

**WHEREAS**, a majority of the Town electors affirmatively approved the referendum question provided for in Ordinance 2007-48; and

**WHEREAS**, the Town Commission seeks to amend both the Comprehensive Plan and the Town of Longboat Key's land development regulations to effectuate the will of the electors; and

**WHEREAS**, the Town wishes to clarify its policy for the redevelopment of nonconforming properties in the Town's Comprehensive Plan and land development regulations; 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 the proposed Comprehensive Plan amendments to the state land planning agency, as well as other specified agencies and parties; and

**WHEREAS**, pursuant to the Community Planning Act, the Town of Longboat Key Code of Ordinances, Chapter 33, designates the Town of Longboat Key Planning and Zoning Board as the local planning agency, responsible for the preparation of the local Comprehensive Plan and amendments thereto; and

**WHEREAS**, the Town provided due public notice of the Planning and Zoning Board public hearing that was conducted in a manner affording public participation to the fullest extent possible for the review of the proposed Comprehensive Plan amendments; and

**WHEREAS**, the Town's Planning and Zoning Board, as the local planning agency, held a public hearing on December 16, 2014, to consider the proposed Comprehensive Plan amendments and provided recommendations to the Town Commission as the local governing body; and

**WHEREAS**, after due public notice, the Town Commission held a workshop on \_\_\_\_\_, 2015 and considered the recommendations of the Town's Planning and Zoning Board; and

**WHEREAS**, on \_\_\_\_\_, 2015, the Town Commission conducted a duly noticed initial public hearing on the proposed Comprehensive Plan amendments and upon a majority vote of the Town Commission approved the forwarding of the Comprehensive Plan amendments to the applicable reviewing agencies as provided for in section 163.3184, Florida Statutes; and

**WHEREAS**, on \_\_\_\_\_, 2015, the Town received notification that the reviewing agencies did/did not have any comments regarding the Town's Comprehensive Plan Amendments; and

**WHEREAS**, on \_\_\_\_\_, 2015, the Town Commission conducted a duly noticed second public hearing on the proposed Comprehensive Plan amendments and the Town Commission approved the adoption of the amended Future Land Use Element

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

SECTION 1. The Recitals above are ratified and confirmed as true and correct.

SECTION 2. The Comprehensive Plan amendments attached hereto and incorporated herein as Exhibit "A" are hereby adopted by the Town of Longboat Key.

SECTION 3. If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance is valid.

SECTION 4. This Ordinance becomes effective when adopted in accordance with Florida law and the Charter of the Town of Longboat Key.

Passed on the first reading and initial public hearing this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Adopted on the second reading and public hearing this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

ATTEST:

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

Exhibits:

"A": Amended Comprehensive Plan Future Land Use Element: Policies 1.1.5 and 1.1.6

## Exhibit "A"

### Policy 1.1.5 (A)

~~It is the intent of the Town that, in the event of involuntary destruction due to natural events, noncompliant structures may be allowed to rebuild to the same density and building cubic volume, and allowed to increase height to correspond with the increase of height required by flood regulations, so long as the non-conformities are reduced or eliminated, to the greatest extent possible, as determined by the Town and consistent with the Town Code.~~

The Land Development Code will specify standards for redeveloping lawfully existing property that does not currently conform to the future land use density and building volume limits provided elsewhere in this Plan—and may establish standards to conform property with lawfully existing nonconforming density.

### Policy 1.1.5 (B)

~~It is the intent of the Town that, for the purposes of voluntary reconstruction, noncompliant structures may be allowed to rebuild to the same density and building cubic volume, allowed to increase height to correspond with the increase of height required by flood regulations, and allowed additional standards to encourage redevelopment while reducing or eliminating non-conformities to the greatest extent possible, as determined by the Town and consistent with the Town Code.~~

### Policy 1.1.6 **[RESERVED]**

~~Buildings, lots, structures, or uses which were lawful at the effective date of the applicable zoning regulation, but were prohibited, regulated, or restricted under the terms of zoning regulations promulgated thereafter, shall be permitted to continue until they are voluntarily removed, determined to be unsafe, or abandoned. The non-conformities shall not be enlarged, expanded, intensified or extended except in conformance with the goals, objectives and policies of this comprehensive plan and a strict application of the Town's land development regulations.~~

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