

Regular Workshop – April 18, 2016  
Agenda Item 8

Agenda Item: Presentation Regarding Town Processes for Density Referendums, Comprehensive Plan Amendments, Rezonings, and Site Plans

Presenter: Town Manager and Staff

Summary: The Town has recently received several requests for referendums regarding potential density increases. As such, a presentation will be provided to explain the Density Referendum and Land Development processes.

Attachments: 4-12-16 Memo, Planning, Zoning, Building Director to Manager; PowerPoint Presentation.

Recommended  
Action: None, informational only.

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

**DATE:** April 12, 2016

**TO:** David Bullock, Town Manager

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

**SUBJECT:** Presentation regarding Town Processes for Density Referendums,  
Comprehensive Plan Amendments, Rezoning, and Site Plans

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The Town has recently received several requests for referendums regarding potential density increases and the possible development and/or redevelopment that could occur, should these referenda be approved by the Town's voters.

There is currently heightened public awareness of these pending requests and questions have been raised as to the process these requests must go through.

The referendum and land development process involves multiple steps for approval of the various land use decisions. In an effort to ensure the public is informed as to the numerous steps involved, a presentation will be provided to explain the Density Referendum and Land Development processes.

xc: Maggie Mooney-Portale, Town Attorney



# Density Referendum and Land Development Process

April 2016



## FLORIDA STATUTES 163.3167

(8)(a) An initiative or referendum process in regard to any development order is prohibited.

(b) An initiative or referendum process in regard to any local comprehensive plan amendment or map amendment is prohibited unless it is expressly authorized by specific language in a local government charter that was lawful and in effect on June 1, 2011. A general local government charter provision for an initiative or referendum process is not sufficient.

(c) It is the intent of the Legislature that initiative and referendum be prohibited in regard to any development order. It is the intent of the Legislature that initiative and referendum be prohibited in regard to any local comprehensive plan amendment or map amendment, except as specifically and narrowly allowed by paragraph (b). Therefore, the prohibition on initiative and referendum stated in paragraphs (a) and (b) is remedial in nature and applies retroactively to any initiative or referendum process commenced after June 1, 2011, and any such initiative or referendum process commenced or completed thereafter is deemed null and void and of no legal force and effect.



## REFERENDUM PROCESS

Longboat Key Town Charter, Article II, Section 22(b): The present density limitations provided in the existing comprehensive plan as adopted March 12, 1984 shall not be increased without the referendum approval of the electors of Longboat Key.

\*Referendum is for the sole purpose of allowing Town Commission to consider a potential request to increase density. It does not approve any potential Future Land Use change, Zoning Category change, or Site Plan.



## REFERENDUM PROCESS

- Applicant requests Referendum be placed before the voters:
  - By petition signatures; or
  - By Town Commission waiving signature requirement.  
(See Sec. 160.04, Town Code, and Art. II 22(b), Charter)
- If passed by voters, allows Town Commission to consider a request for increased density through Comprehensive Plan amendment and rezoning process. \*Only approves ability to ask for density. Does not approve any Future Land Use change, Zoning Category change, or Site Plan.)



# COMPREHENSIVE PLAN AMENDMENT PROCESS (Legislative)

- If voters approve referendum, applicant may submit a Future Land Use (FLU) change seeking additional density. This would be a change to the Comprehensive Plan.

- The Planning & Zoning (P&Z) Board makes recommendation;
- Town Commission has final authority.

\*Only approves a FLU change and maximum allowed density. Does not approve a Zoning Category change. 5



## REZONING PROCESS (Quasi-judicial)

- Concurrent with, or subsequent to, the FLU request, the applicant may submit a Zoning Category change request.
  - The P&Z Board makes recommendation;
  - Town Commission has final authority.
- \*Only approves Zoning Category change; does not approve a Site Plan.



# SITE PLAN & TOURISM UNIT PROCESS (Quasi-judicial) [cont.]

- If FLU and Zoning change approved, applicant submits a Site Plan and, if applicable, a request for additional tourism units from the Tourism Unit Pool. (Site Plan may be submitted concurrently with FLU and Zoning Change, but is typically delayed until after those approvals are gained, due to Site Plan design costs.)



# SITE PLAN & TOURISM UNIT PROCESS (Quasi-judicial) [cont.]

- If Site Plan meets Code and additional Tourism Pool units are **not** requested, Planning & Zoning (P&Z) Board has final authority.
- If Site Plan meets Code and additional Tourism Pool units **are** requested, Planning & Zoning (P&Z) Board makes recommendation; Town Commission has final authority. (See Section 158.180, Town Code)



**End of Agenda Item**