M E M O R A N D U M

DATE: October 24, 2016

TO: David Bullock, Town Manager

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

SUBJECT: Ordinance: 2016-26: Request for Referendum from Mr. Charles Whittall, Unicorp National Developments, Inc., for Property Located at 1620 Gulf of Mexico Drive (The Colony Beach and Tennis Club)

Mr. Charles Whittall, representing Unicorp National Developments, Inc. and The Colony Beach and Tennis Club Association, has submitted a request for a referendum to allow the Town to consider an increase in density of 180 residential units, over and above the 237 existing tourism units, on the property located at 1620 Gulf of Mexico Drive. Mr. Whittall requests that the Commission place the item before the electors and waive the requirement for signatures as provided for in the Town Charter.

The Colony Beach and Tennis Club (the Colony) plot plan was approved by the Town Commission on November 21, 1972, for the development of a 237-unit tourism resort hotel on approximately 17.3 acres of land. The zoning of the property at the time of the plot plan approval was for an H-2 Zoning District, which allowed for a maximum density of 14 units per acre of land, which would have allowed a maximum of 242 tourism units. Building permits were issued by the Town on February 20, 1973, and the property was subsequently developed with the 237 approved tourism units (one unit was later allowed to be considered Residential).

In 1985, the Town revised its Zoning Map and reduced the allowed density Town-wide, which reclassified the Colony property to a T-6 Zoning District with a maximum allowed density of 6 units per acre. This rendered the Colony nonconforming for density, as the actual density constructed on the site was 13.7 units per acre.

The Colony was closed on August 15, 2010, following a bankruptcy filing for the property. The nonconforming density could have been considered abandoned after the site's closure on August 15, 2011; however, the Town Commission has extended the nonconforming status multiple times as allowed per Section 158.138 of the Town's Land Development Code. The extensions are memorialized in Town Resolutions 2011-17, 2012-07, 2013-39, 2014-14, 2016-12, and 2016-18. The most recent extension, approved by Resolution 2016-18, granted an extension of the nonconforming density to June 30, 2018.

Mr. Whittall's stated intent for the property is to develop a 180-room tourist resort hotel, up to 180 whole-ownership residential condominiums, and up to 57 fractional-ownership timeshare tourist units on the site. This proposal would result in a mixed tourism and residential development with 417 total units, amounting to a total density on the site of 24.11 units per acre. The submitted referendum request would allow the Town to consider an increase in density up to a maximum of 24.11 units per acre for the

property. Currently, there is no zoning district in the Town's Land Development Code to accommodate the mixed use project proposed by Mr. Whittall. Mr. Whittall and Unicorp have been so advised. With respect to the future land use designation in the Town's Comprehensive Plan, the mixed use project proposed by Mr. Whittall would be eligible for the Mixed Use Opportunity Area.

The Town Commission considered Mr. Whittall's request for a referendum at their Regular Workshop on September 26, 2016, and directed Staff to work with Mr. Whittall and his representatives to develop referendum language for the Town Commission's Consideration.

The development of legally permissible referendum questions is governed by several state and local regulations. A listing of applicable regulations includes the following:

1. Applicable Florida Statutes and Administrative Code

Florida Statutes 101.161 governs referenda and ballot language requirements. The statute requires that referenda text not exceed 75 words in length and that ballot titles not exceed 15 words in length. See, Fla. Stat. 101.161(1). The statute also requires the styling of questions to indicate that "yes" indicates approval of the proposal, and "no" indicates rejection. In addition, Rule 1S-2.009 of the Florida Administrative Code, further expounds upon the method by which words are counted for purposes of determining whether the referendum titles and text are compliant with Florida Statutes 101.161. See, R. 1S-2.009, F.A.C. Under applicable Florida Statutes 163.3167, referendums relating to any development orders[1] are specifically prohibited. Fla. Stat. 163,3167(8). Referendum processes relating to local comprehensive plan amendments or map amendments are also prohibited, except, the statute carves out a limited exception to consider if the referendum process is "grandfathered" within a municipal charter that pre-dates June 1, 2011.

2. ***The Town Charter***

Article II, Sec. 22(b) of the Town's Charter reads:

> (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.

As the Charter requirement focuses on density increases above the 1984 Comprehensive Plan, at a minimum, a referendum question posed to the Town's qualified voters should reflect the extent of the density increase requested. "Density" is

[1] "Development orders" are defined as any order granting, denying, or granting with conditions an application for a development permit. Fla. Stat. 163.3164 (15). Development permit" means any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. Fla. Stat. 163.3164(16).

defined in the Town's Comprehensive Plan in terms of "units per acre". Therefore, a reasonable way to demonstrate an increase in density in observance of the Charter requirement and Comprehensive Plan definition is in a "units per acre" measurement.

Since 1984, Section 22(b) of the Town Charter has been interpreted as a condition precedent to any applicant being able to file a request to modify the density established in the 1984 Comprehensive Plan. Based upon the above state and local laws, the Town's referendum requirement does not:

- Revise the Zoning District on a property; or
- Revise the Future Land Use Category on a property or otherwise modify the Town's Comprehensive Plan; or
- Grant any development rights or allocation of density to a property or property owner; or
- Constitute an endorsement by the Town or obligate the Town in any way regarding a proposed development request for the property.

REFERENDUM LANGUAGE OPTIONS FOR COMMISSION CONSIDERATION

There are many ways to craft a referendum question in compliance with the above stated laws. Enclosed for your consideration is proposed Ordinance 2016-26, which includes three (3) options of referendum language for the Town Commission's consideration. Options 1 and 2 were developed by Staff and the Town Attorney based upon prior referendum questions that the Town has previously approved for consideration by the Town's qualified voters in other ordinances. Option 3 was developed by the applicant. The applicant has prepared a memorandum to the Town Commission explaining its version of the referendum question, a copy of which is enclosed for the Town Commission's consideration. All three options meet the legal requirements for referendum per Town Charter and the applicable State law.

OPTION 1 (STAFF AND LEGAL RECOMMENDATION):

> May the Town allow The Colony property located at 1620 Gulf of Mexico Drive (comprising approximately 17.3 acres), currently zoned as T-6 district (allowing a maximum of six [6] units per acre) but having a non-conforming density for tourism uses of 13.6 units per acre and 237 tourism units, be allowed to increase density to add an additional 180 residential units at a density of 24.1 units per acre?
>
> (74 words)

OR

OPTION 2 (STAFF AND LEGAL RECOMMENDATION):

> May the Town allow the property known as The Colony located at 1620 Gulf of Mexico Drive (comprising approximately 17.3 acres), currently zoned as T-6 district (which allows a maximum of six [6] units per acre) but having a nonconforming density for tourism uses of 13.6 units per acre, to increase density to allow for a potential density of 24.11 units per acre, totaling a maximum of 417 units?
>
> (73 words)

OR

OPTION 3 (APPLICANT RECOMMENDATION – originally referenced as Option 4 in the Applicant's letter dated October 26, 2016):

> May the Town allow the density of the Colony property located at 1620 Gulf of Mexico Drive (comprising of 17.3 acres), to be increased by 180 residential condominium units for a maximum density of 24.11 units per acre in order to consider the development of a new luxury residential/hotel resort?
>
> (54 words)

To the extent the Town Commission moves forward with the passage of Ordinance 2016-26, the Town Commission should select the referendum language it desires to be included within the Ordinance for voter consideration. The decision on the adoption of Ordinance 2016-26 and the selection of the actual referendum language to pose to the voters is a legislative policy decision by the Town Commission. If passed on first reading, the Ordinance will be moved forward for second reading and public hearing at the Town Commission's December 5, 2016, 7:00 pm Regular meeting.

Should the Town Commission have any questions or concerns about this Memorandum, the enclosed materials or the applicable law, please do not hesitate to contact either me or the Town Attorney.

REFERENDUM REQUEST:
UNICORP NATIONAL DEVELOPMENTS, INC.
THE COLONY BEACH AND TENNIS CLUB
1620 GULF OF MEXICO DRIVE

TOWN COMMISSION
REGULAR MEETING
OCTOBER 25, 2016

Legend
Property Boundary
Outparcel Boundary
Erosion Control Line (ECL)
Coastal Construction Control Line (CCCL)
Property Lines
N
Gulf of Mexico Drive
1620
Seaplace
Aquarius
Castaways
Vagabond
Beachcomber
Mid-rise
Restaurant Unit A
Outparcel A
Pool
Lanais
1B,2B,3B
Tencon
Players Club
Outparcel C
Tennis Courts
Outparcel D
Tennis Courts
Executive Offices
Conference Center
Outparcel B
Maintenance Area
Housekeeping
Accounting
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REFERENDUM REQUEST

- Property: 1620 Gulf of Mexico Drive
- Total Acreage: 17.3 acres
- Current Future Land Use Designation: High-Density Tourist Resort/Commercial (TRC-6)
- Current Zoning District: High-Density Tourist Resort/Commercial (T-6)
- 237 Existing Tourism Units (Legal Nonconforming)
- Requested Density: 180 Residential Units over and above the existing 237 Tourism Units

ORDINANCE 2016-26

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, PROVIDING AND CALLING FOR A REFERENDUM TO BE PLACED BEFORE THE QUALIFIED ELECTORS OF THE TOWN OF LONGBOAT KEY ON THE PRIMARY ELECTION BALLOT OF MARCH 14, 2017, FOR THE PURPOSES OF DETERMINING WHETHER THE TOWN OF LONGBOAT KEY'S COMPREHENSIVE PLAN AND RELATED DOCUMENTS MAY BE AMENDED TO ALLOW FOR A CHANGE IN DENSITY AND INTENSITIES TO ALLOW FOR THE ADDITION OF UP TO 180 RESIDENTIAL UNITS OVER AND ABOVE THE 237 EXISTING TOURISM UNITS AT PROPERTY KNOWN AS THE COLONY BEACH AND TENNIS CLUB, WHICH IS LOCATED AT 1620 GULF OF MEXICO DRIVE; PROVIDING FOR AN OFFICIAL BALLOT; PROVIDING FOR THE READING OF THIS ORDINANCE BY TITLE ONLY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 22(b), of the Town Charter, does not permit an increase in the allowable density, as established by the March 12, 1984, Comprehensive Plan, without the referendum approval of the electors of Longboat Key; and

WHEREAS, at the request of Colony Beach Associates, Ltd., the Town of Longboat Key (the "Town") at a special meeting of the Town Commission on November 21, 1972, approved the plot plan for the development of a 237-unit tourism resort hotel (the "Colony") on the land that consists of approximately 17.3 acres of land, located at 1620 Gulf of Mexico Drive; and

WHEREAS, the zoning of the subject land at the time of the plot plan approval was H-2, which allowed for a maximum density of 14 units per acre of land; and

WHEREAS, the current zoning for the Colony is T-6, allowing up to 6 units per acre; and

WHEREAS, the Town issued a building permit for the construction of the tourism resort hotel on February 20, 1973, and the Colony was subsequently constructed; and

WHEREAS, construction of the Colony occurred prior to current Federal, State, and local Flood Regulations as well as the current State Building Code; and

WHEREAS, on November 30, 1973, approximately 15 acres of the site were submitted to condominium ownership (the "Condominium Parcel"); and

WHEREAS, the remaining approximately 3 acres were not dedicated to condominium ownership (the "Out Parcels"); and

WHEREAS, the Colony Beach and Tennis Club Association, Inc. ("Association") is a not-for-profit corporation formed in 1973 and its membership is made up of the 237 tourist condominium units within the Colony; and

WHEREAS, the owners of 232 of the 237 units entered into a Certificate of Agreement of Limited Partnership (the "Limited Partnership") dated December 27, 1973; and

WHEREAS, beginning in 1973, the Limited Partnership managed the Colony as a condominium resort hotel under the Agreement of Limited Partnership and other agreements; and

WHEREAS, the Limited Partnership filed for Chapter 11 under Federal bankruptcy codes and was converted on August 9, 2010, to Chapter 7 liquidation; and

WHEREAS, the Colony closed on August 15, 2010; and

WHEREAS, Unicorp National Developments, Inc. ("Unicorp") took ownership control of the Out Parcels in July 2016 and received authorization from the Association to act as its representative in all matters concerning redevelopment of the Association's ownership interests in the Colony; and

WHEREAS, on July 10, 2016, the Town received a letter from the Association authorizing Unicorp National Developments, Inc. and Unicorp Acquisitions, LLC, to act as the Association's representative with respect to the redevelopment of the Colony; and

WHEREAS, Unicorp has indicated to the Town an interest in redeveloping the property with a combination of tourism and residential uses; and

WHEREAS, Unicorp has indicated to the Town a desire to pursue a request to add residential density to the Property not to exceed an additional 180 residential units, in addition to the existing 237 tourism units; and

WHEREAS, as a condition precedent to being able to apply for an amendment to the Town's Comprehensive Plan and file a rezone application for the Property, to comply with Section 22(b) of the Town's Charter, Unicorp must obtain referendum approval for such a density increase; and

WHEREAS, Unicorp's representative appeared before the Town Commission at the September 26, 2016, Regular Workshop, requesting that the Town Commission place a referendum question to the Town's electors asking whether the Town Commission may consider a change in density to allow for the addition of up to 180 residential units on the Property, over and above the existing 237 tourism units; and

WHEREAS, at the above referenced Regular Workshop, the Town Commission directed Staff to work with Unicorp to develop referendum language for the request; and

WHEREAS, Unicorp requests that the proposed referendum question be placed on the March 14, 2017, ballot; and

WHEREAS, approval by the qualified electors of such a referendum question would enable the Town Commission to consider a proposal by Unicorp to amend the Town's Comprehensive Plan and rezone the Property to allow Residential uses not to exceed 180 residential units, in addition to the existing 237 tourism units; however, such referendum does not require that the Town Commission grant approval of Unicorp's requests; and

WHEREAS, the Town Commission's willingness to accommodate Unicorp's request to place the requested referendum question before the Town's electors relating to the density increase sought by Unicorp for the Property is not an endorsement by the Town Commission of Unicorp's proposed future site plan application, potential rezoning request, nor of its ability to redevelop the Property for Unicorp's intended use.

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 request for authorization to propose a change in density shall be submitted to a vote of the qualified electors of the Town for approval. The referendum shall be held on March 14, 2017, or at such other time for the General Election of the Town of Longboat Key or in conjunction with any County administered election 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:

(Remainder of page intentionally left blank.)

OFFICIAL BALLOT
TOWN OF LONGBOAT KEY, FLORIDA
DENSITY REFERENDUM
March 14, 2017
REFERENDUM QUESTION:

OPTION 1 (STAFF AND LEGAL RECOMMENDATION):
May the Town allow The Colony property located at 1620 Gulf of Mexico Drive (comprising approximately 17.3 acres), currently zoned as T-6 district (allowing a maximum of six [6] units per acre) but having a non-conforming density for tourism uses of 13.6 units per acre and 237 tourism units, be allowed to increase density to add an additional 180 residential units at a density of 24.1 units per acre?
(74 words)

OR

OPTION 2 (STAFF AND LEGAL RECOMMENDATION):
May the Town allow the property known as The Colony located at 1620 Gulf of Mexico Drive (comprising approximately 17.3 acres), currently zoned as T-6 district (which allows a maximum of six [6] units per acre) but having a nonconforming density for tourism uses of 13.6 units per acre, to increase density to allow for a potential density of 24.11 units per acre, totaling a maximum of 417 units?
(73 words)

OR

OPTION 3 (APPLICANT RECOMMENDATION):
May the Town allow the density of the Colony property located at 1620 Gulf of Mexico Drive (comprising of 17.3 acres), to be increased by 180 residential condominium units for a maximum density of 24.11 units per acre in order to consider the development of a new luxury residential/hotel resort?
(54 words)

_____ **YES – IN FAVOR OF**

_____ **NO – AGAINST**

SECTION 4. If a majority of the qualified electors of the Town of Longboat Key actually voting on the referendum shall vote to grant authority to the Town to consider the proposed modification to the Town's density, said authority 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 electors of the Town of Longboat Key actually voting on said question vote against granting the Town the authority to consider the proposed modification, then it shall not be effective or operative, and the same shall be void and of no effect, and the present density and Comprehensive Plan of the Town of Longboat Key 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. This Ordinance shall take effect upon second reading and adoption.

Passed on the first reading the _____ day of _____, 2016.

Adopted on second reading and public hearing the _____ day of _____, 2016.

_____
Jack G. Duncan, Mayor

ATTEST:

_____
Trish Granger, Town Clerk

BERLIN | PATTEN | EBLING
ATTORNEYS AT LAW

Brenda L. Patten
3700 S. Tamiami Trail, Suite 200
Sarasota, Florida 34239
Telephone: (941) 362-7500
Facsimile: (941) 954-9992
brendapatten@comcast.net

MEMORANDUM

To: Dave Bullock, Town of Longboat Key Manager

Copies to: Maggie D. Mooney-Portale, Esquire, Town Attorney
Alaina D. Ray, AICP, Director of Planning, Zoning & Building
Chuck Whittall, President, Unicorp National Developments, Inc.

From: Brenda L. Patten, Esquire

Regarding: Proposed Ordinance 2016-26; Ballot Question Option #4

Date: October 26, 2016

On November 7, 2016, the Town of Longboat Key Commission will consider adoption of proposed Ordinance 2016-26 approving a ballot question to be placed before the voters of the Town of Longboat Key. The proposed ballot question will authorize the Town to allow 180 additional residential units to be added to The Colony property located at 1620 Gulf of Mexico Drive, thereby increasing the maximum density of the property to 24.11 units per acre. Proposed Ordinance 2016-26, prepared by Town Attorney Maggie Mooney-Portale, proposes 3 alternative ways to state the ballot question, all of which are "legally sufficient". There are many "legally sufficient" ways to state the ballot question consistent with the requirements of the Town Charter, comprehensive plan and codes. The three options proposed in Ordinance 2016-26 are long and will likely be confusing to many Longboat Key voters. Chuck Whittall and Unicorp National Developments, Inc. believe there is a more simple, direct and legally sufficient way to present the ballot question to voters. Therefore, in lieu of the 3 ballot questions presented in Ordinance 2016-26, we request that the Town Commission approve the following ballot question, referred to herein as Option #4:

> May the Town allow the density of the Colony property located at 1620 Gulf of Mexico Drive (compromising of 17.3 acres), to be increased by 180 residential condominium units for a maximum density of 24.11 units per acre in order to consider the development of a new luxury residential/hotel resort?

_____ **YES – IN FAVOR OF**

_____ **NO – AGAINST**

The above Option #4 ballot question clearly and simply states what Mr. Whittall intends to do. We have discussed Option #4 with Town Attorney Maggie Mooney-Portale and she agrees that it is legally sufficient and complies in every respect with the Town Charter and applicable regulation.

3700 South Tamiami Trail, Ste 200
Sarasota · Florida · 34239
Phone · 941·954·9991
Fax · 941·954·9992

247 Tamiami Trail South, Ste 201
Venice · Florida · 34285
Phone · 941·955·9991
Fax · 941·484·9992

8130 Lakewood Main Street, Ste 206
Lakewood Ranch, FL 34202
Phone · 941·907·9022
Fax · 941·907·9024

WWW.BERLINPATTEN.COM

Obviously, Mr. Whittall has a great stake in the outcome of the referendum and would like to present the question to the voters in the most understandable way. If the above Option #4 ballot question is approved by the Town Commission on November 7, Mr. Whittall will begin a public education process to inform voters about the upcoming referendum, the ballot question, the proposed redevelopment of The Colony and the process for final site plan approval. By the time the referendum election is held, voters will be well informed and prepared to answer the question.

UNICORP
NATIONAL DEVELOPMENTS, INC.

July 28, 2016

Hon. Jack Duncan, Mayor
Town of Longboat Key,
501 Bay Isles Road
Longboat Key, FL 34228

Re: The Colony Beach & Tennis Club 1620 Gulf of Mexico Drive, Longboat Key, FL 34228

Dear Mayor Duncan:

Unicorp National Developments, Inc., As Authorized Agent for The Colony Beach & Tennis Club located at 1620 Gulf of Mexico Drive, Longboat Key, FL 34228, hereby requests the following two items:

1. We request the extension of the existing 237 Tourist unit entitlements through June 30, 2018. Please consider this request of Town Code 158.138(B)(8)(b) and reasoning and logic for this petition is that the Developer is seeking to re-develop the subject property which will require a referendum and then go through a planned development process with the Town. This request provides for a reasonable amount of time to accomplish was is outline herein.

2. Next, Article II, Section 22(b) of the Town Charter requires the approval of the electors of the Town be obtained through a referendum before adding residential and/or tourism uses in excess of the density limitations specified in the Comprehensive Plan. The referendum for this project would seek to allow the Town Commission to consider adding 180 residential condominiums to the property in conjunction with a 5-star hotel.

On our second request, we would like 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). We understand and agree the cost of the referendum will be at our expense.

We ask that this request be processed and a proposed ordinance be brought before the Town Commission as soon as practicable.

Thank you in advance for your consideration of our request and if you have any questions, please do not hesitate to contact me at the number below.

Respectfully,

Charles Whittall,
Unicorp National Developments, Inc.

7940 Via Dellagio Way Suite 200 • Orlando, FL 32819 • 407.999.9985 • Fax: 407.999.9961 UnicorpUSA.com

UNICORP
NATIONAL DEVELOPMENTS, INC.

July 28, 2016

Hon. Jack Duncan, Mayor
Town of Longboat Key,
501 Bay Isles Road
Longboat Key, FL 34228

Re: The Colony Beach & Tennis Club 1620 Gulf of Mexico Drive, Longboat Key, FL 34228

Dear Mayor Duncan,

We are pleased to inform you that Unicorp National Developments, Inc. and its Affiliates have acquired the Colony Lender property located at The Colony Beach and Tennis Club. We look forward to working with the Town of Longboat Key.

Respectfully,

Charles Whittall,
President
Unicorp National Developments, Inc.

7940 Via Dellagio Way Suite 200 • Orlando, FL 32819 • 407.999.9985 • Fax: 407.999.9961 UnicorpUSA.com

THE COLONY BEACH AND TENNIS CLUB ASSOCIATION, INC.

A Florida Condominium Association
1620 Gulf of Mexico Drive
Longboat Key, Florida 34228

BOARD OF DIRECTORS
Jay R. Yablon, President
Bruce V. Pinsky, Vice President
Bob Erazmus, Treasurer
Brenda Joyce, Secretary
Blake Fleetwood
John McCarthy
Greg Rusovich
George Wehrlin
Sal Zizza

July 10, 2016

Hon. Jack Duncan, Mayor
Town of Longboat Key
501 Bay Isles Rd
Longboat Key, FL 34228

Re: Re-development of the Colony Beach and Tennis Club
1620 Gulf of Mexico Drive, Longboat Key, FL

Dear Mayor Duncan:

As resolved by the Board of Directors of the Colony beach and Tennis Club Association, Inc., please accept this letter as authorization for Unicorp National Developments, Inc. and Unicorp Acquisitions, LLC to act as the representative for the Colony Beach and Tennis Club Association, Inc. with respect to the re-development of the Colony Beach and Tennis Club located at 1620 Gulf of Mexico Drive, Longboat Key, FL 34228 to a Five Star resort inclusive of residential Condominiums and a hotel. This authorization will remain in effect until revoked, if ever, by action of the Association's Board of Directors and written notice of such revocation to the Town.

Very Truly Yours,

Jay R. Yablon
President

(d) Codes, including the building code and other codes of the Town of Longboat Key, which are in printed form and are on file and available for public inspection at the office of the town clerk, need not be published in a newspaper in order to become effective, but may by reference be made a part of any town ordinance now or hereafter adopted.

Sec. 17. Emergency measures.

(a) An emergency ordinance is one which, in the opinion of the town commission, is required to be passed for the immediate protection and preservation of the peace and safety, health or property of the town or its inhabitants, or providing for the usual daily operations of the municipality or any of its departments; and the emergency requiring its passage shall be set forth in a preamble to the ordinance.

(b) Appropriations of money may be made by an emergency ordinance, but no ordinance making a grant, renewal or extension for a franchise or other special privilege or establishing or regulating the rates to be charged by any public utility for its services shall be passed as an emergency ordinance. Emergency ordinances shall be effective upon the date specified in the ordinance itself.

Sec. 18. Codification of ordinances.

(a) The town commission shall provide for the continuing revision and codification of all of the general and permanent ordinances of the town to be published in book form, with sufficient copies available to the general public at a reasonable cost.

(b) Every such revision or codification, after adoption by the town commission, shall be received in any of the courts of this state as prima facie evidence of the existence and contents of the laws and ordinances therein contained.

Sec. 19. Oath of office.

Every officer of the town shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation to be filed and kept in the office of the town clerk. Such oath shall be in the form prescribed for state officers by the Constitution of the state.

Sec. 20. Appointment of advisory boards.

(a) 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.

(b) The town commission, at its discretion, shall appoint a Charter Review Committee to review the Charter but in no event shall such review be less than once in a ten (10) year period from the date of adoption of this Charter.

Sec. 21. Duty to impose and levy taxes.

The town commission shall levy and impose such ad valorem and other taxes as authorized by law as, in its judgment, are necessary to provide sufficient revenues to carry on the government of the town; provided, unless levied to pay debt service including sinking fund reserves for approved bonded indebtedness of the town, no more than five (5) mills on the dollar of assessed valuation shall be levied or collected as a tax on real property unless previously approved by a majority of electors voting in a regular or special election or referendum.

Sec. 22. Comprehensive plan for town.

(a) The town commission shall cause plans to be developed on a continuing basis for the future development and maintenance of the town, considering the health, safety, morals, environmental protection, aesthetics, convenience and general welfare of the town and its residents.

(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.

Chapter 160 - COMPREHENSIVE PLAN

Sections:

160.01 - Elements.

The Town of Longboat Key 2007 Comprehensive Plan includes the following elements:

Future Land Use Element

Housing Element

Transportation Element

Infrastructure Element

Sanitary Sewer Subelement

Potable Water Subelement

Solid Waste Subelement

Drainage Subelement

Recreation and Open Space Element

Conservation and Coastal Management Element

Intergovernmental Coordination Element

Capital Improvement Element

Public School Facilities Element

(Ord. 98-24, passed 7-16-98; Amd. Ord. 07-37, passed 12-3-07; Amd. Ord. 08-13, passed 7-7-08; Ord. 02014-06, § 2, passed 4-7-14)

160.02 - Implementation.

Pursuant to F.S. §§ 163.3167, 163.3194 and 163.3201, the Town of Longboat Key 2007 Comprehensive Plan, as amended shall be implemented.

(Ord. 98-24, passed 7-16-98; Amd. Ord. 07-37, passed 12-3-07)

160.03 - Amendments.

In accordance with F.S. §§ 163.3184, 163.3187 and 163.3289, the Town of Longboat Key 2007 Comprehensive Plan may be amended. Application to amend the Town of Longboat Key Comprehensive Plan shall be submitted to the planning, zoning and building department. The application shall include full payment of an application fee as set forth by resolution of the town commission.

(Ord. 98-24, passed 7-16-98; Amd. Ord. 07-37, passed 12-3-07)

160.04 - Process for referendum.

The process for referendum as required by article II, section 22(b) of the Charter regarding consideration of density increases shall be by the same methods and in the same manner as set forth in article VII of the Charter.

(Ord. 07-15, passed 4-9-07)

Sec. 1. - Proposal of amendments.

Amendments to this Charter may be framed and proposed:

(a) By ordinance adopted by the town commission setting forth the full text of the proposed amendment; or

(b) By written petition or petitions to the town commission initiated by the electors setting forth the full text of the proposed amendment and signed in person by qualified electors of the town equal to at least ten percent (10%) of the total number of qualified electors registered to vote at the preceding general town election. All required signatures to petitions initiated by the electors must bear the dates on which each signature is affixed and all required signatures must be affixed within a period of ninety (90) days prior to the date such petition is submitted to the town commission.

(c) Electors initiating a written petition or petitions to the town commission to amend the charter may, at their discretion, obtain review of the proposed text by the town attorney for legal correctness.

Sec. 2. - Methods of referendum.

Upon adoption of an ordinance by the town commission as provided in Section 1(a) of this Article or upon delivery to the town commission of a written petition as provided in Section 1(b) of this Article, the town commission shall, within six (6) months, cause a referendum to be held on the question of adoption of such proposed amendment in the manner provided by law and this Charter.

Sec. 3. - Referendum on charter amendments.

(a) Any proposed amendment to the Charter shall be submitted to a referendum of the electors of the town and may be presented by title, which may differ from its legal title but which shall contain a clear and concise statement describing the substance of the proposed amendment. Below the ballot title shall appear:

For	_____
Against	_____

(b) Before any proposed amendment to this Charter shall be submitted to the electors, the entire text of the same shall first be published not less than seven (7) nor more than sixty (60) days prior to the date of the referendum in a newspaper of general circulation in the town.

End of Agenda Item