

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
JOINT WORKSHOP  
WITH THE PLANNING AND ZONING BOARD  
SEPTEMBER 21, 2015 - 9:00 A.M.**

**Present:** Town Commission

Mayor Jack Duncan, Vice Mayor Terry Gans, Commrs. Jack Daly, Lynn Larson, Irwin Pastor, Phill Younger, Pat Zunz

Planning & Zoning (P&Z) Board Members

Andrew Aitken, B.J. Bishop, James Brown, Stephen Madva, Kenneth Schneier, George Symanski

**Absent:** Leonard Garner (P&Z)

**Also:** Town Manager Dave Bullock, Town Attorney Maggie Mooney-Portale, Planning  
**Present:** Zoning and Building Department Director Alaina Ray, Deputy Town Clerk Jo Ann Mixon

**CALL TO ORDER**

**Mayor Duncan called the September 21, 2015, Joint Workshop with the Planning and Zoning Board to order at 9:00 a.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.**

**PUBLIC TO BE HEARD**

1. Opportunity for Public to Address Town Commission - No items were presented.

**DISCUSSION ITEMS**

2. Discussion Regarding Proposed Ordinance 2015-11 Regarding Non-Conforming Density

Staff will provide information regarding proposed Ordinance 2015-11 that addresses issues related to properties which are non-conforming for density.

Planning, Zoning, and Building (PZB) Department Director Alaina Ray recapped the history (1984 to 2014) regarding nonconforming density, reviewed the existing code, provided guidelines for implementing objectives, and gave an overview of the staff report for proposed Ordinance 2015-11. Discussions were held on the following topics/issues:

- existing Town Code setbacks
- potential new units (multi-family 314/ tourism 96 units)
- Planned Unit Development (PUDS)
- accurate data (number of condominium units)
- percentage (56%) of properties that would gain units if proposals were approved
- duplexes and triplexes unaccounted
- potential referendums to increase density
- Ordinance 2007-49 (modification to Town's density)
- establish new zoning identifiers

2. Discussion Regarding Proposed Ordinance 2015-11 Regarding Non-Conforming Density - Continued

- conforming overage (RCO residential conforming overage/TCO tourism overage)
- review on a case-by-case basis
- tourism districts
- condominium comparison economics
- tourism units data concerns
- property appraisal data utilized for unit counts.

**RECESS:** 10:05 a.m. – 10:25 a.m.

University of Florida Associate Research Professor Resilient Communities Initiative Representative Jerry Murphy gave a PowerPoint presentation highlighting the following:

- proposed Ordinance 2015-11
- policy consideration (legislative vs. quasi-judicial changes to zoning code)
- referendum language limitations
- rezoning properties to conform (density).

**Mayor Duncan inquired and there was consensus to maintain density.**

Discussions were held on the following topics/issues:

- quasi-judicial process addressing individual properties
- referendum process to increase density
- establish a pool of available units
- incentive for modernization and redevelopment
- conforming versus nonconforming designation on properties.

Town Attorney Maggie Mooney-Portale referenced the Town Code referendum process and discussion was held on whether an earlier ordinance was self-executing. Discussions continued on the following topics/issues:

- legislative approach
- rebuild to the current levels verses current number of units with modifications
- cubic volume restrictions
- comprehensive plan, land usage, and referendum procedure
- 1984 zoning districts and use
- allowing current use on nonconforming properties (legislative process)
- creating incentives for nonconforming property redevelopment (legislative process)
- creating new zoning districts with restrictions
- the Burt Harris Act (cannot take away what currently exists)
- staff's proposal (fair and reasonable)
- policy issue regarding zoning districts (legislative process).

2. Discussion Regarding Proposed Ordinance 2015-11 Regarding Non-Conforming Density - Continued

PZB Director Ray reviewed the following objectives:

- revise Comprehensive Plan and Town to conform existing lawful density
- enhance opportunities and incentives to modernize aging properties
- reduce financial uncertainty for sale and/or redevelopment of nonconforming properties.

Discussions were held on the following topics/issues:

- staff's proposed (creates framework)
- unit pool referendum regarding available units
- education process regarding nonconforming properties
- opt in process Town-wide versus individual approach
- incentives without variances
- condominium law
- allowing current uses (legislative process)
- creating a zoning district for nonconforming property
- creating a multi-family unit pool
- opt in process (property owner must take action) create a new land use map
- property improvements/future property sales and property values.

**Subsequent to comments, there was consensus to direct staff to explore a multi-family pool option, create new zoning districts and allow properties to be moved into the districts if the owners opt-in, and to hold another joint meeting.**

Town Attorney Mooney-Portale advised the sunshine laws apply to the joint body, and no discussion regarding the issues should be held between members of the Town Commission and Planning & Zoning Board.

**ADJOURNMENT**

**Mayor Duncan adjourned the September 21, 2015, Town Commission Joint Meeting with the Planning & Zoning Board at 12:17 p.m.**

Minutes Approved: 11-02-2015