

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 10th day of December, 2014.

Adopted on second reading and public hearing the 5th day of January, 2015.

/s/ James L. Brown

James L. Brown, Mayor

ATTEST:

/s/ Trish Granger

Trish Granger, Town Clerk

Attachments:

Exhibit A

Exhibit B

SHT. No. 4 of 19 SHTS.

**INN ON THE BEACH
A CONDOMINIUM
PROPOSED PHASE PLAN**
TOWN OF LONGBOAT KEY
COUNTY OF SARASOTA STATE OF FLORIDA
SEC. 22, T27 N 28 E TWP 36 S - REG. 17 E

MASTER DESCRIPTION

A tract of land lying between Longboat Club Road, a private road as per plat of Unit No. 1, Longboat Key Club Subdivision, recorded in Plat Book 18, Page 11, Public Records of Sarasota County, Florida and the Gulf of Mexico, in Sections 22, 27 and 28, Township 36 South, Range 17 East, Sarasota County, Florida, being more particularly described as follows:

Commence at the intersection of the southeasterly right-of-way line of said Longboat Club Road (110' wide at entrance) and the southeasterly right-of-way line of Gulf of Mexico Drive (100' wide) run thence southwesterly along said right-of-way line of Longboat Club Road the following calls and distances: S 20° 13' 50" W, 153.37'; S 34° 45' 43" W, 1596.15' to the point of curvature of a curve to the right; thence southwesterly along the arc of said curve, having a radius of 308' and a central angle of 20° 30' 31", 110.96' for a Point of Beginning; thence continue along said arc through a central angle of 62° 56' 17", 445.84' to the point of tangency; thence N 41° 39' 29" W, 45'; thence leaving said right-of-way line run S 42° 30' 00" W, 600' to a concrete monument; thence continue S 42° 30' 00" W, 305' more or less to the mean high water line of the Gulf of Mexico; thence southwesterly and easterly along the meanders of said mean high water line 1303' more or less to the westerly line of Sands Point Condominium as recorded in Condominium Book 9, Page 39, Public Records of Sarasota County, Florida; thence N 1° 24' 00" E along said line 174' more or less to a concrete monument; thence continue N 1° 24' 00" E, 697.44' to a chisel cut in a seawall at a lagoon; thence northwesterly along the mean high water line of said lagoon, 330' more or less to a point lying 59' more or less S 55° 14' 17" E of the Point of Beginning; thence N 55° 14' 17" W, 69' more or less to the Point of Beginning.

LESS: A 50' wide parcel of land described as follows:

A 50' wide access and utility easement, as recorded in O.R. Book 806, Page 515, Public Records of Sarasota County, Florida, running from said Longboat Club Road to Sands Point Condominium and containing 0.66 acres more or less.

TOGETHER WITH the non-exclusive and perpetual right of ingress and egress over and across said Longboat Club Road, and the above described access easement to Sands Point Condominium.

PHASE I DESCRIPTION

A tract of land lying on Longboat Key in Sections 27 and 28, Township 36 South, Range 17 East, Sarasota County, Florida, being more particularly described as follows:

Commence at the intersection of the southeasterly right-of-way line of Longboat Club Road (a private road 110' wide at entrance) as per plat of Unit No. 1, Longboat Key Club Subdivision, recorded in Plat Book 18, Page 11, Public Records of Sarasota County, Florida, and the southeasterly right-of-way line of Gulf of Mexico Drive (100' wide) run thence southwesterly along said right-of-way line of Longboat Club Road the following calls and distances: S 20° 13' 50" W, 153.37'; S 34° 45' 43" W, 1596.15' to the point of curvature of a curve to the right; thence southwesterly along the arc of said curve, having a radius of 308' and a central angle of 59° 17' 49", 318.76' for a Point of Beginning, said point also being the intersection of the westerly line of a 50' wide access and utility easement, as recorded in O.R. Book 806, Page 515, Public Records of Sarasota County, Florida, running from said Longboat Club Road to Sands Point Condominium, as recorded in Condominium Book 9, Page 39, Public Records of Sarasota County, Florida; thence continue along the arc of said curve and right-of-way line of Longboat Club Road, having a radius of 308' and a central angle of 7° 58' 24", 42.67';

(continued)

thence leaving said right-of-way line run S 1° 24' 00" W, 23.67'; thence N 88° 36' 00" W, 83.69'; thence S 42° 17' 49" W, 52.41'; thence S 1° 24' 00" W, 141.36'; thence N 88° 36' 00" W, 181'; thence S 1° 24' 00" W, 80.97'; thence N 88° 36' 00" W, 20'; thence S 1° 24' 00" W, 99.53'; thence N 88° 36' 00" W, 29.97'; thence S 42° 30' 00" W, 397' more or less to the approximate mean high water line of Gulf of Mexico; thence southeasterly along said mean high water line 1079' more or less to the westerly boundary line of said Sands Point Condominium; thence N 1° 24' 00" E along said westerly line, 174' more or less to a concrete monument; thence continue N 1° 24' 00" E along said westerly line 509.56' to a point on the aforementioned westerly line of a 50' wide access and utility easement, said point lying 300'; S 4° 30' 36" W of the center of a curve to the right; thence northwesterly along the arc of said curve, being also the westerly line of said 50' wide easement, having a radius of 300' and a central angle of 53° 11' 27", 288.98' to the point of compound curve; thence continue along said westerly line, along the arc of a curve to the right, having a radius of 323' and a central angle of 29° 42' 11", 272.17' to the point of tangency; thence N 0° 35' 48" W, 55.12' to the Point of Beginning.

TOGETHER WITH the non-exclusive and perpetual right of ingress and egress over and across said Longboat Club Road and the 50' wide access easement to Sands Point Condominium as recorded in O.R. Book 806, Page 515, Public Records of Sarasota County, Florida.

PHASE II DESCRIPTION

A tract of land lying on Longboat Key in Sections 27, 27 and 28, Township 36 South, Range 17 East, Sarasota County, Florida, being more particularly described as follows:

Commence at the intersection of the southeasterly right-of-way line of Longboat Club Road (a private road 110' wide at entrance) as per plat of Unit No. 1, Longboat Key Club Subdivision, recorded in Plat Book 18, Page 11, Public Records of Sarasota County, Florida, and the southeasterly right-of-way line of Gulf of Mexico Drive (100' wide); run thence southwesterly along said right-of-way line of Longboat Club Road the following calls and distances: S 20° 13' 50" W, 153.37'; S 34° 45' 43" W, 1596.15' to the point of curvature of a curve to the right; thence southwesterly along the arc of said curve, having a radius of 308' and a central angle of 67° 16' 18", 361.63' to the Point of Beginning; thence continue along said right-of-way line, through a central angle of 36° 18' 30", 195.18' to the point of tangency; thence N 41° 39' 29" W, 45' to Point "A", being a point on the westerly boundary line of INN ON THE BEACH; thence return to the Point of Beginning; thence leaving said right-of-way line run S 1° 24' 00" W, 23.67'; thence N 88° 36' 00" W, 83.69'; thence S 42° 17' 49" W, 52.41'; thence S 1° 24' 00" W, 141.36'; thence N 88° 36' 00" W, 181'; thence S 1° 24' 00" W, 80.97'; thence N 88° 36' 00" W, 20'; thence S 1° 24' 00" W, 99.53'; thence N 88° 36' 00" W, 29.97'; thence S 42° 30' 00" W, 397' more or less to the approximate mean high water line of Gulf of Mexico; thence northwesterly along said mean high water line 224' more or less to a point, said point being the intersection of the westerly boundary line of INN ON THE BEACH and said mean high water line, and lying 905' more or less S 42° 30' 00" W of the aforementioned Point "A"; thence N 42° 30' 00" E along said line 305' more or less to a concrete monument; thence continue N 42° 30' 00" E, 600' to said Point "A".

PHASE III DESCRIPTION

A tract of land lying on Longboat Key in Section 27, Township 36 South, Range 17 East, Sarasota County, Florida, being more particularly described as follows:

Commence at the intersection of the southeasterly right-of-way line of Longboat Club Road (a private road 110' wide at entrance) as per plat of Unit No. 1, Longboat Key Club Subdivision, recorded in Plat Book 18, Page 11, Public Records of Sarasota County, Florida, and the southeasterly right-of-way line of Gulf of Mexico Drive (100' wide); run thence southwesterly along said right-of-way line of Longboat Club Road the following calls and distances: S 20° 13' 50" W, 153.37'; S 34° 45' 43" W, 1596.15' to the point of curvature of a curve to the right; thence southwesterly along the arc of said curve, having a radius of 308' and a central angle of 20° 30' 31", 110.96' for a Point of Beginning; thence leaving said right-of-way line run S 55° 14' 17" E, 69' more or less to the approximate mean high water line of a lagoon; thence southwesterly along said mean high water line 330' more or less to a chisel cut in a seawall, being a point on the westerly boundary line of Sands Point Condominium, as recorded in Condominium Book 9, Page 39, Public Records of Sarasota County, Florida; thence S 1° 24' 00" W along said boundary line 137.77' to a point on the easterly line of a 50' wide access and utility easement, as recorded in O.R. Book 806, Page 515, Public Records of Sarasota County, Florida, said point lying 250'; S 59° 07' 58" W of the center of a curve to the right; thence northwesterly along the arc of said curve, being also the easterly line of said 50' wide easement, having a radius of 250' and a central angle of 54° 34' 05", 238.10' to the point of compound curve; thence continue along said easterly line along the arc of a curve to the right, having a radius of 475' and a central angle of 29° 42' 11", 248.23' to the point of tangency; thence N 0° 35' 48" W, 55.12' to a point on the aforementioned southeasterly right-of-way line Longboat Club Road, said point lying 308'; S 5° 07' 58" E, of the center of a curve to the left; thence northwesterly along the arc of said curve, being also the right-of-way line of said Longboat Club Road, having a radius of 308' and a central angle of 29° 20' 32", 157.74' to the Point of Beginning.

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.

A REPLAT OF A PORTION OF LOT 4, UNIT NO. 2, LOMBARD ELY LANE SUBDIVISION, AS RECORDED IN PLAT BOOK 15, PAGES 127 AND 128, PUBLIC RECORDS OF SAGINAW COUNTY, FLORIDA, AND A REPLAT OF A PORTION OF LOT 23, OLIVE AVE. SUBDIVISION, AS RECORDED IN PLAT BOOK A, PAGE 41, PUBLIC RECORDS OF SAGINAW COUNTY, FLORIDA, AND OTHER PLATS IN SECTIONS 24, 25, 27 & 28 TWP. 36 S., RANG. 17 E.

TOWN OF LONGBOAT KEY
COUNTY OF SARASOTA, STATE OF FLORIDA

MASTER PLOT PLAN

SENEGENT & BISHOP, INC.
PLANTING & LAND DEVELOPMENT