

ORDINANCE 2017-01

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 15026 MADEIRA WAY, 0 GULF BLVD, 0 150th AVENUE, 15023 GULF BLVD, 15031 GULF BLVD, 0 MADEIRA WAY, 15000 MADEIRA WAY, 15006 MADEIRA WAY, 15015 MADEIRA WAY, 15040 MADEIRA WAY, 15042 MADEIRA WAY, 0 150th AVENUE, 200 150th AVENUE, 206 150th AVENUE, 210 150th AVENUE, 212 150th AVENUE, 352 150th AVENUE, 388 150th AVENUE, 390 150th AVENUE, 410 150th AVENUE, 420 150th AVENUE, FROM PLANNED DEVELOPMENT (PD) DISTRICT TO PLANNED DEVELOPMENT (PD) DISTRICT; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, the applicant has requested that said property be rezoned to become a PD, Planned Development District; and

WHEREAS, The City of Madeira Beach Comprehensive Plan has been amended to establish the need and basis to further the tourism industry and provide additional flexibility for other types of land use; and the PD, Planned Development District is intended to accommodate integrated and well-designed developments in accordance with approved development plans; and

WHEREAS, the PD, Planned Development District is also intended to offer flexibility of design and to encourage imaginative, functional, high-quality land planning development for mixed uses and multiple buildings, which is compatible with adjacent and nearby lands and activities; and

WHEREAS, the land proposed for development under the PD, Planned Development District may contain a mixture of residential, commercial, recreational and other uses, as permitted by the land use designation on the site; and

WHEREAS, the zoning designation of PD, Planned Development District is compatible to the Planned Redevelopment Mixed Use (PR-MU) Future Land Use Category; and

WHEREAS, the property owners of the subject property identified in the legal description and further identified as Parcel I.D.'s # 09-31-15-54180-000-0020, 09-31-15-00000-130-1600, 09-31-15-00000-130-1500, 09-31-15-00000-130-1700, 09-31-15-00000-130-1800, 09-31-15-00000-130-1900, 09-31-15-00000-140-1000, 09-31-15-00000-140-0900, 09-31-15-00000-140-0700, 09-31-15-00000-140-0600, 09-31-15-00000-140-0500, 09-31-15-00000-140-0400, 09-31-15-00000-130-0900, 09-31-15-00000-130-1000, 09-31-15-00000-130-1100, 09-31-15-54180-000-0013, 09-31-15-54180-000-0010, 09-31-15-00000-130-1200, 09-31-15-00000-420-0200, 09-31-15-00000-420-0100, 09-31-15-54180-000-0012, and have applied for a change in zoning from PD, Planned Development District, to PD, Planned Development District; and

WHEREAS, the Planning Commission serving as the Local Planning Agency of the City of Madeira Beach has duly considered the type of zoning on said real property, and has recommended that the zoning request be granted; and

WHEREAS, the Board of Commissioners has reviewed this rezoning request and finds that a rezoning of the subject property from PD, Planned Development District, to PD, Planned Development

District, together with the development agreement submitted concurrently with this rezoning request ("Development Agreement") to be in the best interest of the City.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:

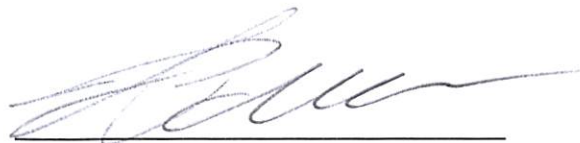
- SECTION 1:** That the subject property described herein be rezoned from PD, Planned Development District, to PD, Planned Development District, and that any subsequent proposed development be regulated through the development agreement process.
- SECTION 2:** That the provisions of this Ordinance shall be deemed severable. If any part of the Ordinance is deemed unconstitutional, it shall not affect the constitutionality of other portions of the Ordinance.
- SECTION 3:** That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be hereby repealed insofar as the same affect this Ordinance.
- SECTION 4:** That this Ordinance, concurrent with the Development Agreement (collectively, the "2017 Actions"), shall be in full force and effect 31 days after rendition and shall supersede and replace Ordinance No. 2016-01 and the development agreement recorded at Official Record Book 19231, Pages 1276-1324 of the Public Records of Pinellas County (collectively, the "June 2016 Approvals") in their entirety, subject to the following: If any litigation challenging the effectiveness or validity of the 2017 Actions or either of them is timely filed, then the effectiveness of the 2017 Actions and the superseding and replacement of the June 2016 Approvals, shall be deferred until three (3) business days after final disposition of such litigation, including all appeals, if any. During the period the superseding and replacement of the June 2016 Approvals is deferred, the applicant shall have the right to (1) withdraw the applications for the 2017 Actions by giving the City written notice of such withdrawal, upon which notice, the 2017 Actions shall not become effective and shall be null and void and of no effect and the June 2016 Approvals shall remain in effect; or (2) elect to terminate the deferral of the 2017 Actions by giving the City written notice of such termination, upon which notice the 2017 Actions shall become effective and the June 2016 Approvals shall thereafter be superseded and replaced immediately. Any notice required herein shall also be recorded in the Public Records of Pinellas County, Florida.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS 14 DAY OF February, 2017

APPROVED AS TO FORM:

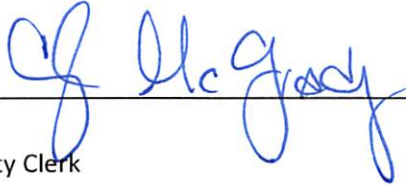


Thomas J. Trask
City Attorney



Travis Palladeno
Mayor

ATTEST:



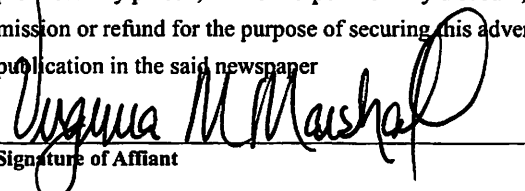
City Clerk

Tampa Bay Times
Published Daily

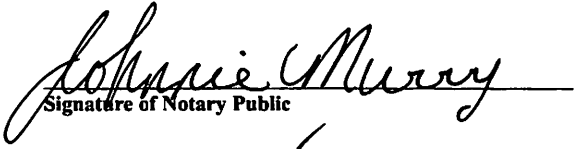
STATE OF FLORIDA }
COUNTY OF Pinellas County } ss

Before the undersigned authority personally appeared **Virginia Marshall** who on oath says that he/she is **Legal Clerk of the Tampa Bay Times** a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter **RE: Public Hearing** was published in **Tampa Bay Times: 1/27/17**. in said newspaper in the issues of **St Pete Times Beaches**

Affiant further says the said **Tampa Bay Times** is a newspaper published in Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as a second class mail matter at the post office in said Pinellas County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper


Signature of Affiant

Sworn to and subscribed before me this 01/27/2017.


Signature of Notary Public

Personally known _____ or produced identification

Type of identification produced _____



JOHNNIE MURRY
MY COMMISSION # FF99284
EXPIRES May 16, 2020



NOTICE OF PUBLIC HEARING
CITY OF MADEIRA BEACH

In accordance with the City of Madeira Beach Code of Ordinances, the City of Madeira Beach City Charter, and Florida Statutes §166.041(3)(a):

NOTICE IS HEREBY GIVEN, the Board of Commissioners of the City of Madeira Beach will conduct a second and final hearing and proposes to adopt **Ordinance 2016-17, Ordinance 2016-18, Ordinance 2016-19, and Ordinance 2017-02** on Tuesday, February 14, 2017 at 6:00 p.m. in the City of Madeira Beach Patricia Shontz Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708. The titles of said Ordinances are as follows:

ORDINANCE 2016-17

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 34 (ENVIRONMENT), ARTICLE III (NOISE), SECTION 34-89 (EXCEPTIONS) TO CLARIFY THE DEFINITION OF EXCEPTIONS TO THE TERM "LOUD AND RAUCOUS NOISE;" BY PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2016-18

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 42 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE II (SPECIAL EVENTS), SECTION 42-16 (DEFINITION) TO CLARIFY THE DEFINITION OF SPECIAL EVENTS; BY PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2016-19

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE VIII (SPECIAL MAGISTRATE), SECTION 2-503 (CONDUCT A HEARING) TO CLARIFY THE REQUIREMENTS OF CONDUCTING A HEARING; BY PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2017-02

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, UPDATING MADEIRA BEACH'S COMPREHENSIVE PLAN CAPITAL IMPROVEMENT ELEMENT BY ADOPTING AN ADDENDUM TO THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS FOR FY 2017 THROUGH FY 2021; PROVIDING FOR READING BY TITLE ONLY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

Copies of the proposed Ordinances are available for inspection in the City Clerk's Office between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. All persons are hereby advised that any presentation they make to the Board of Commissioners will be encouraged to be as precise as possible. The Board of Commissioners may limit the time of each individual to permit maximum participation by the public at large. Any person who decides to appeal any decision of the Board of Commissioners with respect to any matter considered at this meeting will need a record of proceedings, and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Therefore, any person needing a verbatim record must make the necessary arrangements with a private reporter or private recording firm and bear the resulting expense. Any person with a disability requiring reasonable accommodation in order to participate in this meeting should call (727) 391-9951 or fax a written request to (727) 399-1131.