

ORDINANCE 2021-01

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 14500 GULF BOULEVARD (PARCEL 09 31 15 87048 000 0010), 14550 GULF BOULEVARD (PARCEL 09 31 15 87048 000 0020), 14560 GULF BOULEVARD (PARCELS 09 31 15 05929 000 0010, 09 31 15 05929 000 0020, 09 31 15 05929 000 0030, 09 31 15 05929 000 0040, 09 31 15 05929 000 0050, 09 31 15 05929 000 0060, 09 31 15 05929 000 0070, 09 31 15 05929 000 0080, 09 31 15 05929 000 0090, 09 31 15 05929 000 0100, 09 31 15 05929 000 0110, 09 31 15 05929 000 0120, 09 31 15 05929 000 0140, 09 31 15 05929 000 0001), VACANT LOT TO THE WEST OF 106 145TH AVENUE EAST (PARCEL 09 31 15 54306 000 0030), VACANT LOT TO THE SOUTH OF 14601 GULF BOULEVARD (PARCEL 09 31 15 87048 000 0710), 106 145TH AVENUE EAST (PARCEL, 09 31 15 54306 000 0040), AND 14503 GULF BOULEVARD (PARCEL 09 31 15 54306 000 0020) FROM MEDIUM DENSITY MULTIFAMILY RESIDENTIAL (R-3), RETAIL COMMERCIAL (C-3) AND LOW DENSITY MULTIFAMILY RESIDENTIAL (R-2) 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 Planned Development (PD) 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 District is intended to accommodate integrated and well-designed developments in accordance with approved development plans; and

WHEREAS, the PD 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 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 designations of R-2, R-3, C-3 and PD are compatible to the Planned Redevelopment-Mixed Use Future Land Use Category; and

WHEREAS, the property owner of the subject property identified in the legal description and further identified as Parcel I.D.s # 09-31-15-87048-000-0010; 09-31-15-87048-000-0020; 09-31-15-54306-000-0030; 09-31-15-87048-000-0710; 09-31-15-54306-000-0040; 09-31-15-05929-000-0010; 09-31-15-05929-000-0020; 09-31-15-05929-000-0030; 09-31-15-05929-000-0040; 09-31-15-05929-000-0050; 09-31-15-05929-000-0060; 09-31-15-05929-000-0070; 09-31-15-05929-000-0080; 09-31-15-

05929-000-0090; 09-31-15-05929-000-0100; 09-31-15-05929-000-0110; 09-31-15-05929-000-0120; 09-31-15-05929-000-0140; 09-31-15-05929-000-0001 and 09-31-15-54306-000-0020, and has applied for a change in zoning from R-3 (Medium Density Multifamily Residential), C-3 (Retail Commercial) and R-2 (Low Density Multifamily Residential) to PD (Planned Development); 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 subject to certain conditions; and

WHEREAS, the Board of Commissioners has reviewed this rezoning request and finds that a rezoning of the subject property from R-3 (Medium Density Multifamily Residential), C-3 (Retail Commercial) and R-2 (Low Density Multifamily Residential) to PD (Planned Development) through an approved 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 R-3, C-3 and R-2 to PD, Planned Development, and that any subsequent proposed development be regulated through the Development Agreement process, subject to the following conditions:

- A. An Existing Conditions, Demolition and CSWM (Construction Surface Water Management) plan(s) is required and will be available per the NTDS Permit at development review.
- B. Pursuant to Sec 98-33, silt fences and other soil erosion control measures are required to be shown on the site plans at development review.
- C. Pursuant to Sec 14-123, all utilities serving the proposed facility must be underground, please add a note to the final development plans and show connectivity. Specifically, the overhead aerial located on the north side of 145th Avenue must be underground.
- D. Property Owner shall provide location of FDC on final site plan.
- E. Property Owner shall provide authorization from FDOT for new crosswalk location adjacent to property as condition of final site plan. If FDOT authorization cannot be obtained, the site plans must be re-evaluated for pedestrian access.
- F. Property Owner shall provide a statement and plan on final site plan detailing requirement for a valet parking system for hotel guests to mitigate the danger of pedestrian/auto conflict between the hotel

building on the west and the parking on the east of Gulf Blvd. Unless and until the Florida Department of Transportation provides a crosswalk with the associated protective lighting and signaling to a position directly between the hotel and the parking on the west of Gulf Blvd., valet service shall be available 24/7 as a condition of development plan approval. When the crosswalk is provided as described, valet services will continue to be provided during the hours of food and beverage operations plus one-half hour.

- G. The development will be required to meet all appropriate land development regulations during the development review process.
- H. The restaurant/bar/meeting space may accommodate a maximum equivalent of 160 patrons, in-house, being served at any one time unless and until the required additional parking is provided in the future parking structure or the required additional parking is contracted within the required distance by another provider in accordance with city parking standards for the use and area.
- I. The future structure planned on the east of Gulf Boulevard is allowed 1 floor of additional parking above that required for current operations and future commercial. The additional level of parking is allowed, to accommodate the full use of the hotel building capacity, and to provide additional public parking.
- J. The hotel can provide hotel guests with lounge-type chairs and cabanas for use on the beach and will provide services to these guests as is customary for hotels. Non-hotel guests will have access to the restaurants of the hotel, but full restaurant services will not be extended to the beach, and no tables or standard chairs or picnic tables and seating will be allowed.
- K. The hotel and events operations will utilize the beach area for special events approved by city Special Events Permit.
- L. Hotel staff will police the area used by customers to ensure it is cleaned and free of debris of any kind, and that all furnishings and equipment is removed nightly in accordance with "leave no trace" requirements.
- M. Where turtle nests are found, hotel access and operations will be altered as needed to ensure the integrity of the nest and safety of the hatchlings. All hotel rooms and public areas will be posted with notices regarding sea turtle safety and requirements. All turtle lighting requirements, as may be updated and amended from time to time, will be met on an ongoing basis during turtle seasons.

N. The design of the structured parking on the east of Gulf Blvd will include architectural detail to disguise the parking floors of the building, making them of a consistent aesthetic with the first floor commercial.

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 shall be in full force and effect upon adoption in the manner provided by law, and concurrent with an approved Development Agreement.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF MADEIRA BEACH, FLORIDA, this _____ day of July, 2021.

APPROVED AS TO FORM:

Thomas J. Trask
City Attorney

John Hendricks
Mayor

ATTEST:

Clara VanBlargan
City Clerk

PASSED ON FIRST READING: _____
PUBLISHED: _____
PASSED ON SECOND READING: _____