

**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.**

**WHEREAS**, City Administration is recommending that the Board of Commissioners of the City of Madeira Beach, Florida, amend Section 2-503 to identify and clarify the requirements of conducting a hearing;

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

Section 1. That Chapter 2 (Administration), Article VIII (Special Magistrate), Section 2-503 (Conduct a hearing) of the Code of Ordinances of the City of Madeira Beach, Florida, be hereby revised to hereinafter be and read as follows:

**Sec. 2-503. – Conduct a hearing.**

- (a) *Application.* An application for a variance or special exception or an appeal as provided in Section 2-505 to appear before the special magistrate shall be submitted 30 days prior to meeting scheduled. The property owner and applicant, if different, must sign the application.
- (b) *Application filing fee.* Applicants will pay a fee, as noted in the fees and collection procedure manual for the city, when the application is submitted.
- (c) *Notification.* When and at such time as an application to appear before the special magistrate is made, the application shall be filed with the city clerk who shall post a ten-day notice of the time and place when the special magistrate shall consider the subject matter on the application. At the time of posting, all property owners within 200 feet in any direction of the property, which is the subject matter of the application, shall be notified and the notice shall be posted on the property itself setting forth the date, time and place of the hearing.
- (d) *Public hearing.*
  - (1) Failure of applicant and/or representative to appear at the advertised public hearing. The special magistrate may continue and table an application to its next regularly scheduled hearing if there is no applicant and/or representative in attendance to address their application at the noticed public hearing. Failure of the applicant and/or representative to appear at the second public hearing, may result in the denial of the application. The special magistrate application fee is non-refundable.
  - (2) The city clerk or his/her designee shall administer oaths to all witnesses.
  - (3) At the hearing, any interested person may be heard upon the subject matter of any application. Members of a specific group or association are requested to appoint a spokesperson who will represent their collective position. Individuals testifying do not have the right to cross-examine the parties, only the two parties (the city and the applicant) may cross-examine each other.
- (e) *Decisions and/or recommendations.* The special magistrate shall, for all applications, reduce to writing, within ten working days of the date of the hearing, his findings of fact, his conclusions of law and his decision as to granting a variance application, granting a variance application with conditions, denying a variance application, granting a special exception use

application, granting a special exception use application with conditions, denying a special exception use application or affirming or overruling a decision made by any officer or administrative official of the city under any provision of the city land development regulations.

(f) *Variance expiration.* All variances granted by the special magistrate and not acted upon within one year of being granted shall automatically expire.

(g) *Records.* All hearings by the special magistrate shall be open to the public. The board of commissioners shall provide clerical and administrative personnel as may be reasonably required by the special magistrate for the proper performance of his duties. The decisions and/or recommendations of the special magistrate shall be made public record on file in the office of the city clerk.

**Section 2.** Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

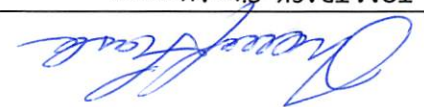
**Section 3.** **Severability.** If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

**Section 4.** **Effective Date.** This Ordinance shall be in full force and effect from and after its adoption and approval in the manner approved by law.

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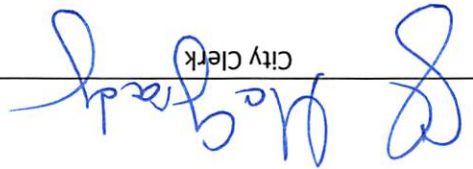
PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF MADEIRA BEACH, FLORIDA, this 14 day of February, 2016.

APPROVED AS TO FORM:

  
TOM TRASK, City Attorney

  
TRAVIS PALLADENO, Mayor

ATTEST:

  
City Clerk

PASSED ON FIRST READING:

PUBLISHED:

PASSED ON SECOND READING:

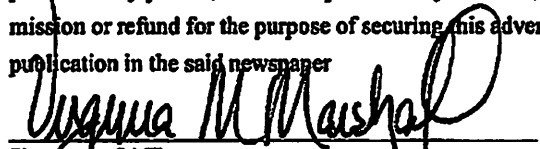
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**Tampa Bay Times**  
Published Daily


STATE OF FLORIDA } ss  
COUNTY OF Pinellas County

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 # FP09284  
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.

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**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.