

ORDINANCE 2023-09

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTION 86-144 (NOTIFICATION) OF ARTICLE IV (DEVELOPMENT AGREEMENTS) OF CHAPTER 86 (ADMINISTRATION) OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO PROVIDE FOR NOTICE BY U.S. MAIL TO ALL PROPERTY OWNERS WITHIN 300 FEET IN ANY DIRECTION OF PROPERTY WHICH IS THE SUBJECT OF A PUBLIC HEARING CONSIDERING AN APPLICATION TO ENTER INTO, AMEND OR REVOKE A DEVELOPMENT AGREEMENT; PROVIDING THAT NOTICES SHALL BE POSTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the Planning Department has reviewed the current provisions of Section 86-144 of Article IV (Development Agreements) of Chapter 86 (Administration) of the Code of Ordinances and has recommended that the notice provision therein be increased from 200 feet to 300 feet; and

WHEREAS, the recommendations of the Planning Department has been found meritorious by the Board of Commissioners; and

WHEREAS, the Board of Commissioners has received input from the public at two public hearings.

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

Section 1. That Section 86-144 (Notification) of Article IV (Development Agreements) of Chapter 86 (Administration) of the Code of Ordinances of the City of Madeira Beach, Florida, is hereby amended to read as follows:

Sec. 86-144. – Notification.

- (a) When and at such time as an application for entering into, amending or revoking a development agreement is made, the ~~city clerk~~ Community Development Department shall post a notice of the time and place at which the planning

commission, local planning agency shall consider the subject matter at a public hearing a minimum of 15 days prior to the hearing. Notice of the intent to consider the application for entering into, amending or revoking a development agreement shall be advertised in a newspaper of general circulation and readership within the city at least seven days before the planning commission, local planning agency public hearing. At least 15 days prior to the planning commission, local planning agency public hearing, notice of intent to consider the application for entering into, amending or revoking a development agreement shall also be mailed by first class United States Mail to all property owners of record on the tax roll of the year within which the case is being heard within ~~200~~300 feet in any direction of the property which is the subject matter of the application. Additionally, the notice of intent shall be posted upon the property itself. All such notices of intent to consider the application for entering into, amending or revoking of the development agreement shall specify the location of the land(s) subject to the application, the development uses proposed on the property(ies), the proposed population densities and the proposed building intensities and height and a statement that provides that the board of commissioners, in approving a development agreement, is authorized, without limitation, to grant relief from any provision of the land development regulations that is otherwise authorized to be waived, varied or granted by the land development regulations. All such notices of intent shall also specify a place where a copy of the proposed development agreement can be obtained. The day, time and place at which the board of commissioners will conduct a second public hearing on the application to enter into, amend or revoke a development agreement shall be announced at the first public hearing held before the planning commission, local planning agency. Note: Failure to notify all of the abutting property owners, as shown on the records of the Pinellas County Property Appraiser's Office, shall not constitute grounds for re-advertising the public hearing or conducting additional public hearings and shall not affect any action or proceeding on the application.

- (b) After completion of the first public hearing before the planning commission, local planning agency regarding an application for entering into, amending or revoking a development agreement, the ~~city clerk~~Community Development Department shall post a notice of the time and place at which the board of commissions shall consider the subject matter at a second public hearing a minimum of 15 days prior to the hearing. Notice of the intent to consider the application for entering into, amending or revoking a development agreement shall be advertised in a newspaper of general circulation and readership within the city at least seven days before the board of commissioners public hearing. Additionally, the notice of intent shall be posted upon the property itself. All such notices of intent to consider the application for entering into, amending or revoking of the development agreement shall specify the location of the land(s) subject to the application, the development uses proposed on the properties, the proposed population densities and the proposed building intensities and height and a statement that provides that the board of commissioners, in approving a development agreement, is authorized, without limitation, to grant relief from any provision of the land development

regulations that is otherwise authorized to be waived, varied or granted by the land development regulations. All such notices of intent shall also specify a place where a copy of the proposed development agreement can be obtained. Note: Failure to notify all of the abutting property owners, as shown on the records of the Pinellas County Property Appraiser's Office, shall not constitute grounds for re-advertising the public hearing or conducting additional public hearings and shall not affect any action or proceeding on the application.

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

Section 3. In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

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

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
CITY OF MADEIRA BEACH, FLORIDA, THIS _____ day of _____, 2023.**

James Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____