

ORDINANCE 2020-05

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, PINELLAS COUNTY, FLORIDA, AMENDING CODE OF ORDINANCES, CHAPTER 78 – WATERWAYS, ARTICLE II. – BOATS, DIVISION I – GENERALLY, SEC. 78-38. - SLOW SPEED-MINIMUM WAKE AND IDLE SPEED-NO WAKE ZONES AND INFORMATIONAL MARKERS; ESTABLISHING A SLOW SPEED-MINIMUM WAKE ZONES TO INCLUDE ALL WATERS OF THE CITY OF MADEIRA BEACH UNLESS DESIGNATED AS NO WAKE ZONES IN SEC. 78-38 (B), AND EXCEPT THOSE WATERS IN THE JOHNS PASS CHANNEL OR IN THE CHANNEL OF THE INTRACOASTAL WATERWAY; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

Whereas, the City of Madeira Beach Board of Commissioners (BOC) wholeheartedly endorses boating safety, education, and measures to provide a safer environment for all boating activities and the vessels docked in the City of Madeira Beach, and;

Whereas, the BOC adopted Resolution 2020-02 requesting the Florida Fish and Wildlife Conservation Commission restrict boating speed throughout the city limits to slow speed-minimum wake, and idle speed-no wake zones, except those waters in the Johns Pass Channel or the Channel of the Intracoastal Waterway, and;

Whereas, Florida Fish and Wildlife Conservation Commission supports the city's intent to provide for boating safety, property protection and the protection of the city's and state's resources;

Whereas the subject area set forth for regulation below includes areas that are within established manatee protection zones;

Whereas the subject area set forth for regulation below also includes areas that are within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, and other areas containing an intervening obstruction to visibility that may obscure other vessels or other users of the waterway;

Whereas, the areas set forth for regulation below also includes areas that are subject to unsafe levels of vessel traffic congestion;

Whereas, the areas set forth for regulation below also includes areas that are subject to hazardous water levels or currents, or containing other navigational hazards; and

Whereas, the areas set forth for regulation below also includes areas that are subject to accident reports, uniform boating citations, vessel traffic studies, or other

creditable data that demonstrate to present a significant risk of collision or a significant threat to boating safety.

NOW BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF MADEIRA BEACH, FLORIDA;

The board adopts the WHEREAS clauses set forth above as Findings of Fact in support of this Ordinance.

Section 1: Code of Ordinances Sec.78-38 – Slow speed-minimum wake and idle speed-no wake zones and informational markers, be amended as follows:

(a) The following All waters within the city limits of the city are declared to be "slow speed-minimum wake" zones unless designated as idle speed-no wake zones in Sec. 78-38 (b), except those waters in the Johns Pass channel or the channel of the Intracoastal Waterway.

~~(1) John's Pass Waterway, from a point of beginning located at the intersection of a line drawn between the western most point of the north and south bridge fenders at John's Pass with the line of the city limits, running through John's Pass Channel. Continuing northeasterly along the line of the city limits approximately 1,500 feet, thence along a meandering line generally parallel to the east side of the John's Pass channel to the USCG Red ATON 10 marker and more particularly depicted in Exhibit A.~~

~~Continuing the slow speed-minimum wake zone of John's Pass Waterway, from a point of beginning located at the northeast John's Pass Bridge fender to the northwest John's Pass Bridge fender to a new gulf-side marker located on the shoal across from the south jetty tip, continuing south to the centerline of the channel and then continuing east to the John's Pass bridge.~~

~~Northwest John's Pass bridge fender~~

~~27° 46'.972N. 82° 46.961W SSMW~~

~~Northeast John's Pass bridge fender~~

~~27° 47.000N. 82°46.926W SSMW~~

~~Gulfside marker on shoal~~

~~27° 46.922N. 82° 47.073W~~

~~SSMW (facing west), RNSO (facing east)~~

~~(2) The water located in the cove and canals which begin between the streets known as Boca Ciega Avenue and John's Pass Avenue. GPS points of this posted "slow speed-minimum wake" zone are listed below:~~

~~A-1 27°47.44N—82°46.93W~~

~~A-2 27°47.52N—82°47.02W~~

~~A-3 27°47.58N—82°47.14W~~

~~A-4 27°47.63N—82°47.39W~~

~~(3) The water located in the cove between the streets known as John's Pass Avenue and Crystal Drive. GPS points of posted "slow speed minimum wake" zone are listed below:~~

~~B-1 27°48.09N—82°47.04W~~

~~(4) The water located in the cove and canals which begin between the streets known as Crystal Drive and Bay Point Drive. GPS points of this posted "slow speed minimum wake" zone are listed below:~~

~~C-1 27°48.11N—82°46.98W~~

~~C-2 27°47.90N—82°47.11W~~

~~C-3 27°47.97N—82°47.21W~~

~~(5) The water located in the cove and canals which begin between the streets known as Bay Point Drive and 144th Avenue. GPS points of this posted "slow speed minimum wake" zone are listed below:~~

~~D-1 27°48.13N—82°47.60W~~

~~D-2 27°47.79N—82°47.53W~~

~~D-3 27°48.034N—82°45.554W~~

~~(6) The water located in the cove and canals which begin between the streets known as 145th Avenue and extending northward to the southeasterly corner of the land designated as the Holiday Isle Marina. GPS points of this posted "slow speed minimum wake" zone are listed below:~~

~~E-1 27°48.23N—82°47.67W~~

~~E-2 27°48.04N—82°47.84W~~

~~(7) The water located in the canal between the streets known as 150th Avenue and Medallion Boulevard. GPS points of this posted "slow speed minimum wake" zone are listed below:~~

~~F-1 27°48.32N—82°47.91W~~

~~(8) The water located in the canal between the streets known as Harbor Drive and the property boundary for the city hall and recreation complex. 150th Avenue and Medallion Boulevard. GPS points of this posted "slow speed minimum wake" zone are listed below:~~

~~G-1 27°48.38N—82°48.08W~~

(b) The following waters within the city limits are declared to be "idle speed-no wake" zones: The cove located between the streets known as Boca Ciega Drive and 129th Avenue. GPS points of posted zone "idle speed-no wake" are listed below:

- (1) 27°47.28N—82°46.86W
- (2) 27°47.28N—82°46.89W
- (3) 27°47.27N—82°47.03W
- (4) 27°47.30N—82°47.13W

(c) No person shall operate a vessel within the city in a restricted area designated by appropriate signs in violation of this section, and any violation of this section shall be punishable as provided in this chapter.

(d) That informational marker shall be placed on piles with current SSMW signage near the Tom Stuart Causeway at the following locations:

27° 48.364 N 82° 47.587 W

27° 48.340 N 82° 47.629 W

Each informational marker shall state the following:

Marina

Convenience Store

Pump-Out

Fuel

Channel 16

(Code 1983, § 5-112; Ord. No. 1085, § 1, 6-27-06; Ord. No. 1123, § 1, 12-11-07; Ord. No. 2015-01, § 1, 2-24-15)

Editor's note— Ord. No. 1123, § 1, adopted December 11, 2007, changed the title of § 78-38 from "Slow speed-minimum wake and idle speed-no wake zones" to "Slow speed-minimum wake and idle speed-no wake zones and informational markers." The exhibits referenced in this section are not set out at length herein but are on file at the community development office.

Section 2: 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 the other portions of the ordinance.

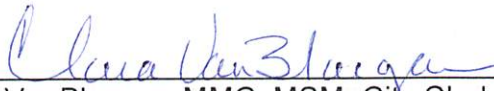
Section 3: All ordinances or parts of ordinances in conflict with the provision of this ordinance be hereby repealed insofar as the same effect this Ordinance.

Section 4: This ordinance shall be in full force and effect upon adoption in the manner provided by law.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS 10th day of June, 2020.


John B. Hendricks, Mayor

ATTEST:


Clara VanBlargan, MMC, MSM, City Clerk

PUBLISHED:

FIRST READING:

PUBLISHED: May 27, 2020

PASSED ON SECOND READING: June 10, 2020

Approved as to legal sufficiency:


City Attorney



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 Reading and Public Hearing** for the adoption of proposed Ordinance 2019-16 and Ordinance 2020-05 on Wednesday, June 10, 2020 at 6:00 p.m. The meeting will be held in the Patricia Shortz Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708. The title of said Ordinances are as follows:

ORDINANCE NO. 2019-16

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CITY OF MADEIRA BEACH CODE OF ORDINANCES, ARTICLE VIII - SPECIAL MAGISTRATE, TO CORRECT GRAMMAR AND PROVIDE MORE INCLUSIVE LANGUAGE THROUGHOUT; SEC. 2-501 AND 2-503(e), TO SPECIFY LIMITS ON THE AUTHORITY OF THE SPECIAL MAGISTRATE AS RELATES TO LICENSED AND CERTIFIED DECISIONS; SEC. 2-503(c) TO EXPAND THE RADIUS OF NOTIFICATION; SEC. 2-503(d)(1) TO ESTABLISH COST RECOVERY FEE FOR APPLICANTS FAILURE TO ATTEND; SEC. 2-503(g) TRANSFERRING CLERICAL AND ADMINISTRATIVE SUPPORT FROM THE BOARD OF COMMISSIONERS TO THE CITY MANAGER IN KEEPING WITH PROFESSIONAL STANDARDS AND PRACTICE AND STATING PERFORMANCE STANDARDS FOR THE SPECIAL MAGISTRATE; SEC. 2-506(c) SPECIFYING THE APPLICATION OF THE LAND DEVELOPMENT CODE AND REMOVING THE DUPLICATIVE QUASI-JUDICIAL REVIEW OF THE LOCAL PLANNING AGENCY; SEC. 2-507 (b) STRENGTHENING THE STANDARD FOR REVIEW OF VARIANCES TO ENSURE FULL COMPLIANCE WITH LOCAL STANDARDS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

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Copies of the proposed Ordinances are available for inspection in the City Clerk's Office between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. If you would like more information regarding the proposed Ordinances, please contact Linda Portal, Community Development Director, at 727-391-9951, ext. 255.

Due to the current state of emergency, as declared from the Florida Governor Ron Desantis, there is a Stay at Home Order, and the public should follow that order and practice social distancing. With all city buildings, including City Hall, closed to the public due to Covid-19, the Board of Commissioners will accept public comments from citizens through an online form, (name, and address are required), located at the bottom of the front page on the City of Madeira Beach website, www.madeirabeachfl.gov. All interested persons wishing to comment during the public hearing on the proposed ordinances are requested to email their comments. Emails will be accepted until 3 p.m., Wednesday, June 10, 2020, before the start of the meeting. All emails will be reviewed by staff, and duplicate comments will be combined to save time. The comments connected to proposed ordinances will be read during the public hearing for that ordinance. For more information, contact Curt Preisser, City of Madeira Beach Public Information Officer at 727-391-9951 x299 or cpreisser@madeirabeachfl.gov. Under Florida law (Florida Statute 668.6076), email addresses are public records.

Persons who wish to appeal any decision made by the Board of Commissioners with respect to any matter considered during a public hearing at this meeting will need a record of the proceedings, and for such purpose may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. It is the responsibility of the person making the appeal to bear the cost of hiring a private court reporter or private court recording firm to make the verbatim record.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office no later than 4:00 p.m. on the day prior to the meeting: (727) 391-9951, Ext. 231 or 223 or fax a written request to (727) 399-1131.

Clara VanBlargan, MMC, MSM, City Clerk