

ORDINANCE NO. 2018-17

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA,
AMENDING CITY OF MADEIRA BEACH CODE OF ORDINANCES,
DIVISION 2. - LOT, YARD, HEIGHT AND OTHER SITE AREA
REGULATIONS, SEC. 110-428. - SAME—SIDE YARD OF CORNER LOT,
AMENDING DEPTH OF SIDE YARD SETBACK; PROVIDING FOR
CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN
IMMEDIATE EFFECTIVE DATE.**

WHEREAS, on December 11, 2018 the Board of City Commissioners approved on first reading the amendment of provisions regulating side yard setbacks of corner lots to ensure consistency and usability of such lots throughout the community, and

WHEREAS, on November 5, 2018, the Planning Commission conducted a publicly noticed hearing on Division 2. - Lot, Yard, Height and Other Site Area Regulations, Sec. 110-428. - Same—Side yard of corner lots, and

WHEREAS, in many corner lots throughout the city are narrow and cannot be developed with large side yards, and

WHEREAS, the Code of Ordinances was amended to require large side yard setbacks after the city was subdivided and many homes built; and

WHEREAS, the code provision requiring large side yard setbacks renders most corner lots nonconforming or unbuildable; and

WHEREAS, a standard of 10 foot for the side yard setback throughout the city provides uniformity to the built environment and is adequate to assure safety and order at the intersections, and

WHEREAS, a 10 foot side yard setback is an acceptable standards in cities with a small lot street grid,

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

Section 1: Division 2. Lot, Yard, Height and Other Site Area Regulations, Sec. 110-428—Same—Side yard of corner lots; be amended as follows:

Sec. 110-428. - Same—Side yard of corner lot.

Any corner lot shall have a side yard ~~equal in width to the minimum front yard setback of any adjoining lot fronting on the side street, however, if this restriction does not permit a single family structure of at least 25 feet in width, this requirement shall be modified to allow construction of a single family structure 25 feet in width but in any case this side setback shall not be less than ten feet that is a minimum of 10 feet, along the street side and an interior side setback to meet the minimum required by the district . The width of a corner lot house may be no greater than 25 feet~~

~~once it infringes upon the required front yard setback of an adjoining lot. Platted residential lots that do not allow for a house of 25 feet in width due to the application of required setbacks are considered substandard. (Also consult section 110-418.)~~

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 Ordinance or parts of ordinances in conflict with the provision of this ordinance be hereby repealed insofar as the same affect 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 8th day of January, 2019.

ATTEST:


CLARA VANBLARGAN, City Clerk


MARGARET BLACK, Mayor

PUBLISHED:

FIRST READING: 12/11/2018

PUBLISHED: 12/21/2018

PASSED ON SECOND READING: 01/08/2019

Approved as to legal sufficiency:


Ralf Brookes, City Attorney



Tampa Bay Times
Published Daily

STATE OF FLORIDA } ss
COUNTY OF Pinellas County

Before the undersigned authority personally appeared **Amy Robison** 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: MADEIRA BEACH ORDS.** was published in **Tampa Bay Times: 12/21/18.** 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

Amy Robison

Signature of Affiant

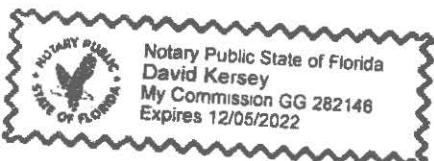
Swear to and subscribed before me this 12/21/2018.

David Kersey

Signature of Notary Public

Personally known or produced identification

Type of identification produced



LEGAL NOTICE

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 at its Regular Meeting on Tuesday, January 8, 2019 at 6:00 p.m. for the adoption of proposed Ordinance 2018-15, Ordinance 2018-16, Ordinance 2018-17, Ordinance 2018-18, and Ordinance 2018-19. The meeting will be held in the Patricia Shantz Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708. The titles of said Ordinances are as follows:

ORDINANCE 2018-15

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, RENEWING ORDINANCE 2017-07, AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH PERTAINING TO ALCOHOLIC BEVERAGES, BY AMENDING SEC. 8-2 CLOSING HOURS FOR BUSINESS ESTABLISHMENTS SERVING AND/OR SELLING ALCOHOLIC BEVERAGES TO ALLOW FOR THE SALE OF ALCOHOL BEGINNING AT 8:00 AM. ANY DAY OF THE WEEK DUE TO AN ADVERTISEMENT ERROR; AND BY PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2018-15

AN ORDINANCE OF THE CITY OF MADEIRA BEACH FLORIDA PROVIDING FOR BALLOT TITLES, BALLOT QUESTIONS AND TEXT FOR PROPOSED REFERENDUM QUESTIONS TO BE PLACED ON MARCH 12, 2019 MUNICIPAL ELECTION BALLOT THAT WOULD AMEND THE CHARTER TO CHANGE AND AMEND THE CITY OF MADEIRA BEACH CHARTER TO PROVIDE FOR: SIMPLE MAJORITY VOTE TO TAKE BOARD OF COMMISSIONERS ACTION; TERM LIMITS; FORFEITURE OF OFFICE FOR KNOWING VIOLATIONS OF CERTAIN STATE LAWS; FORFEITURE OF OFFICE AFTER THREE (3) UNEXCUSED ABSENCES; ADJUSTMENT OF DISTRICT BOUNDARIES EVERY FIVE (5) YEARS; ADOPT STATE LAW FOR RECALL PROCEDURES; INDUCTION OF NEWLY ELECTED COMMISSIONERS; RECOGNIZE CITY MANAGER AND REMOVE CITY TREASURER ON THE LIST OF CHARTER OFFICERS; DELEGATION OF COMMISSION INVESTIGATION PROCEDURES; SPECIAL MAGISTRATE TO REPLACE BOARD OF ADJUSTMENT; CITIZENS' INITIATIVE AND REFERENDUM PROCEDURES; PROVIDING EFFECTIVE DATES; PROVIDING FOR SEVERABILITY.

ORDINANCE NO. 2018-17

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CITY OF MADEIRA BEACH CODE OF ORDINANCES, DIVISION 2. - LOT, YARD, HEIGHT AND OTHER SITE AREA REGULATIONS, SEC. 110-428 - SAME-SIDE YARD OF CORNER LOT, AMENDING DEPTH OF SIDE YARD SETBACK; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

ORDINANCE NO. 2018-18

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CITY OF MADEIRA BEACH CODE OF ORDINANCES, ARTICLE V. - MARINE STRUCTURES, DIVISION 2. - DOCKS, SEC. 14-213. - LOCATION ON BOCA CIEGA BAY AND JOHN'S PASS EAST OF JOHN'S PASS BRIDGE-CONSTRUCTION SPECIFICATIONS GENERALLY, ESTABLISHING STANDARDS FOR THE HEIGHT OF NEW OR REPLACEMENT SEAWALLS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

ORDINANCE NO. 2018-19

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA AMENDING CITY OF MADEIRA BEACH CODE OF ORDINANCES, CHAPTER 94, FLOODPLAIN MANAGEMENT - UPDATING DEFINITIONS; CLARIFYING THE DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR; CLARIFYING PERMITTING AUTHORITY; AMENDING REQUIREMENTS FOR SITE PLAN CRITERIA AND ADDITIONAL ANALYSIS; SPECIFYING CRITERIA, PROCEDURE, AND AUTHORITY FOR APPEALS AND VARIANCES; AMENDING CRITERIA FOR VIOLATION RESOLUTION; AMENDING CRITERIA FOR THE USE OF FIL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

A copy of the proposed Ordinances is 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.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. All persons are hereby advised that any presentation they make to the Board of Commissioners will be encouraged to be as precise as possible and will be limited to three minutes per speaker to permit maximum participation by the public at large.

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 a 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 reporter or private 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 5:00 p.m. on the day prior to the meeting: (727) 361-6051, Ext. 231 or 223 or fax a written request to (727) 369-1131.