

ORDINANCE 1179

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CITY OF MADEIRA BEACH COMPREHENSIVE PLAN, FUTURE LAND USE ELEMENT; PROVIDING SPECIFIC AUTHORIZATION FOR THE USE OF DEVELOPMENT AGREEMENTS; PROVIDING FOR THE PROCEDURES AND STANDARDS FOR DEVELOPMENT AGREEMENTS AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; 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.

WHEREAS, The City of Madeira Beach Comprehensive Plan recognizes the importance of tourism and tourist-related facilities to the economy of the community; and

WHEREAS, It is essential to the tourism industry that attractive and viable temporary lodging accommodations be available; and

WHEREAS, It is increasingly difficult in a largely built-out community to provide sufficient land area to accommodate modern and economically-viable temporary lodging facilities; and

WHEREAS, The Comprehensive Plan and Code of Ordinances provide for the opportunity to achieve additional density and intensity for temporary lodging accommodations, subject to execution of a development agreement; and

WHEREAS, The Comprehensive Plan and Code of Ordinances do not currently provide specifically for the utilization of development agreements pursuant to Chapter 163, Sections .3220 through .3243, F.S.; and

WHEREAS, In order to address these issues, it is important to establish provision for development agreements that have the potential to assist in providing additional temporary lodging accommodations; and

WHEREAS, Said development agreements also have the potential to provide additional flexibility for other types of land use in a manner that furthers the objectives of the Comprehensive Plan; and

WHEREAS, The City of Madeira Beach, in order to encourage temporary lodging use and to provide additional flexibility in the application of its land development regulations, desires to amend the Future Land Use Element of the Comprehensive Plan to provide authorization for the use of development agreements.

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

SECTION 1. That the Madeira Beach Comprehensive Plan, Future Land Use Element, Goal 2, Objective 2.1, be hereby amended to add new Policies 2.1.2, 2.1.3, and 2.1.4 as follows:

Policy 2.1.2:

Consistent with the foregoing policies, the City shall consider and develop the appropriate regulatory mechanisms to implement provisions for development agreements.

Policy 2.1.3:

Such provisions for development agreements shall be promulgated for the purpose of encouraging development/redevelopment consistent with the Comprehensive Plan, and in particular to facilitate viable tourist-related facilities.

Policy 2.1.4:

The City shall develop the procedures and standards it determines appropriate to govern development agreements in the City's land development regulations.

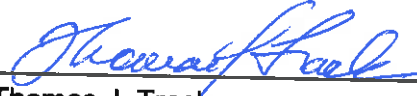
SECTION 2. That the provisions of this Ordinance shall be deemed severable. If any part of the Ordinance is deemed unconstitutional, it shall not affect the constitutionality of other portions of the Ordinance.

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 the effective date of this Ordinance and plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made

effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

APPROVED AS TO FORM:




Thomas J. Trask
City Attorney



Travis Palladeno
Mayor

ATTEST:



Ginger Stilton
City Clerk

PASSED ON FIRST READING: MAY 8, 2012
PUBLISHED: MARCH 27, 2011; JUNE 24, 2012
PASSED ON SECOND READING: JULY 10, 2012