



**THE CITY OF MADEIRA BEACH
PUBLIC NOTICE**

The Code Enforcement Special Magistrate, City of Madeira Beach, Florida will hold a meeting at the Madeira Beach Recreation Center, 300 Municipal Drive, Madeira Beach, Florida 33708 to discuss the items of business listed hereon at the time and date indicated below:

**SPECIAL MAGISTRATE
CODE ENFORCEMENT AGENDA**

2:00 P.M. WEDNESDAY, OCTOBER 12, 2016 COMMISSION CHAMBERS

A. INTRODUCTION – SPECIAL MAGISTRATE BART R. VALDES.

Welcome to the City of Madeira Beach Code Enforcement Special Magistrate Hearings. The Special Magistrate is charged with conducting hearings to determine whether an alleged violation of the City Code has occurred. In order to meet that obligation, all parties or their representatives will be allowed an opportunity to be heard on matters relevant to the alleged violation(s). All witness offering testimony or presenting evidence will be required to swear or affirm that the testimony they provide is the truth.

The order of presentation will begin with the City presenting their evidence of alleged violation(s) and then the Respondent shall present his/her case. Both parties shall have an opportunity to cross-examine all witnesses. The Special Magistrate may question any witnesses.

The clerk will announce the names of the cases from the agenda. When you hear your case called, please respond by coming to the podium with your representative and/or any witness to be sworn. When addressing the Special Magistrate, please speak clearly into the microphone.

B. CALL TO ORDER

C. ADMINISTRATION OF OATH TO RESPONDENTS/WITNESSES

D. NEW BUSINESS

Case #2016.03	
Respondent/Property Owner; Name & Mailing Address:	WHALLEY, THOMAS H KLEM, HAROLD T KLEM, SANDRA J 60 137TH AVENUE CIR MADEIRA BEACH FL 33708-2504
Property Location:	60 137TH AVENUE CIR MADEIRA BEACH
Legal & Parcel #:	GULF SHORES HARBOR SUB LOT 15 & LAND TO SEAWALL 15-31-15-34488-000-0150
Violation(s)/Charge(s):	<p>Sec. 110-201. - Definition; purpose and intent</p> <p>The R-2, low density multifamily residential district provides for low density multifamily residential correlates with the residential medium (RM) category of the Countywide Plan and, which does allow for a variety of dwelling types.</p> <p>Any use which is not specifically identified as a permitted use, accessory use or special exception use is a prohibited use. Prohibited uses shall include, but are not limited to, short term rentals of a housing unit. As used in this division, the term "short term rental" shall mean any rental of a dwelling unit, or portion thereof, for less than a three-month period.</p> <p>SEC. 34-503. – Registration required</p> <p>(a) It is unlawful for any person to allow another person to occupy any residential property as a Vacation Rental within the City of Madeira Beach, or offer such rental services within the City of Madeira Beach, unless the person has registered the Vacation Rental property with the City of Madeira Beach and the Vacation Rental</p>

	<p>property has been issued a Certificate of Compliance in accordance with the provisions of this division.</p> <p>(b) A person may not allow another person to occupy any residential property as a Vacation Rental without the issuance of a Certificate of Compliance if;</p> <ol style="list-style-type: none"> 1) The residential property has an effective and valid license as a Vacation Rental classification of public lodging establishment issued by the Florida Department of Business and Professional Regulations prior to February 28, 2006; and 2) The residential property is not in violation of any section of the code of ordinances of the City of Madeira Beach; and 3) An application for registration of the residential property as a Vacation Rental has been filed pursuant to section 34-504 and all applicable fees have been paid; and 4) That said occupancy was scheduled prior to November 10, 2015 as evidenced by a written and valid executed rental agreement or contact provided to the City of Madeira Beach Code Enforcement no later than December 10, 2015.
<p>Reference Materials:</p>	<p>Notice of Hearing Affidavit of Service Statement of Violation Notice of Violation Photograph/Audio Evidence</p>

E. OLD BUSINESS

F. ADJOURNMENT

Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting will need a record of the 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. The law does not require the City Clerk to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; 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.

BROADCAST ON BRIGHT HOUSE GOVERNMENT ACCESS CHANNEL 640

Posted: **September 12, 2016**