

THE CITY OF MADEIRA BEACH, FLORIDA
PUBLIC NOTICE
BOARD OF COMMISSIONERS
REGULAR MEETING

The Board of Commissioners of the City of Madeira Beach, Florida will meet at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida to discuss the agenda items of City Business listed at the time indicated below.

6:00 P.M.

TUESDAY, DECEMBER 13, 2016

COMMISSION CHAMBERS

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner Terry Lister

C. ROLL CALL

D. APPROVAL OF THE MINUTES

E. APPROVAL OF THE AGENDA

PRESENTATIONS/PROCLAMATIONS

1. AWARDING OF KEY OF THE CITY TO DEPUTY JOHN LUCKETT

MAYOR TRAVIS PALLADENO

2. VETERAN'S BOAT PARADE RECAP

PRESENTATION FROM COMMITTEE TO HEAVEN ON EARTH FOR VETERANS

3. RECOGNITION OF AMERICAN LEGION POST 273, CENTURY 21 JEFF BEGGINS, USAA TERRY BAUCKER, OLD SALTS, AND THE CITY OF MADEIRA BEACH

F. PUBLIC COMMENT – LIMITED TO THREE (3) MINUTES

G. CONSENT AGENDA

H. UNFINISHED BUSINESS

I. NEW BUSINESS

1. [PUBLIC HEARING FOR ALCOHOLIC BEVERAGE APPLICATION #2016-07](#)

A PUBLIC HEARING TO CONSIDER ALCOHOLIC BEVERAGE APPLICATION #2016.07 FOR A 2COP LICENSE (BEER AND WINE ONLY/SALE BY THE DRINK FOR CONSUMPTION ON PREMISES AND PACKAGE SALES IN SEALED CONTAINERS) AT A COMMERCIAL RECREATION AND ENTERTAINMENT FACILITY LOCATED AT 208 JOHN'S PASS BOARDWALK PLACE EAST.

2. [RESOLUTION 2016-31](#)

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA, RECOGNIZING THE IMPORTANCE OF INTERGOVERNMENTAL COOPERATION AND RESOLVING TO JOIN AND PARTICIPATE IN THE TAMPA BAY REGIONAL PLANNING COUNCIL.

3. [ORDINANCE 2016-17](#)

A FIRST READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 34 (ENVIRONMENT), ARTICLE III (NOISE), SECTION 34-89 (EXCEPTIONS) TO CLARIFY THE DEFINITION OF EXCEPTIONS TO THE TERM "LOUD AND RAUCOUS NOISE;" BY PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

4. [ORDINANCE 2016-18](#)

A FIRST READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 42 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE II (SPECIAL EVENTS), SECTION 42-16 (DEFINITION) TO CLARIFY THE DEFINITION OF SPECIAL EVENTS; BY PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

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.

Posted December 9, 2016

5. [ORDINANCE 2016-19](#)

A FIRST READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE VIII (SPECIAL MAGISTRATE), SECTION 2-503 (CONDUCT A HEARING) TO CLARIFY THE REQUIREMENTS OF CONDUCTING A HEARING; BY PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

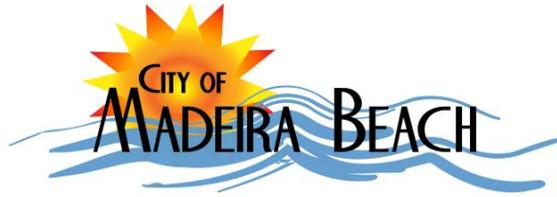
J. REPORTS/CORRESPONDENCE

- **CITY COMMISSION**
- **CITY ATTORNEY**
- **CITY MANAGER**
- **CITY CLERK**

K. 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.

Posted December 9, 2016



**MADEIRA BEACH BOARD OF COMMISSIONERS
DECEMBER 13, 2016 – AGENDA REPORT**

FROM: Michelle Orton, CFM
Planning and Zoning Director

SUBJECT: PUBLIC HEARING to consider Alcoholic Beverage Application #2016-07 for a 2COP license (beer and wine only) at a retail use located at 208 John's Pass Boardwalk Place East.

BACKGROUND: Pursuant to Section 110-532, consideration of alcoholic beverage applications of the Madeira Beach Code of Ordinances, Zeno's Winery Chocolates and Fine Gifts is seeking to obtain a 2COP alcoholic beverage license for the sale of beer and wine at a retail facility (Zeno's Winery Chocolates and Fine Gifts) located at 208 John's Pass Boardwalk Place East. This establishment is located in the C-2 Johns Pass Marine Commercial Zoning District.

Pursuant to Section 110-539, the Notice of Public Hearing has been properly sent to all property owners within 300 feet of the subject property 15 days prior to the scheduled consideration by the Board of Commission. Such notice has also been posted on the subject property and on the City website.

Section 110-532. Consideration of alcoholic beverage application.

When considering the alcoholic beverage application, the Board of Commissioners shall consider the following factors:

- (1) The extent to which the location and the extent to which the proposed alcoholic beverage request will adversely affect the character of the existing neighborhood.**

Applicant Response: Zeno's Wine Shop is physically located on the boardwalk in John's Pass Village. We are a very short distance from many establishments currently serving alcoholic beverages. We believe our request fits appropriately within the John's Pass village community.

Analysis: This site is located along the John's Pass Boardwalk and is zoned C-2. This area contains compatible commercial establishments that currently serve alcoholic beverages including, restaurants, bars, novelty stores, retail, and charter boats. This request is does not adversely affect the character of the neighborhood.

(2) The extent to which traffic generated as a result of the location of the proposed alcoholic beverage request will create congestion or present a safety hazard.

Applicant Response: Zeno's Wine Shop, being located on the boardwalk, is almost nearly 100% reliant upon pedestrian traffic within John's Pass Village, those customers exploring the restaurants and shops located on the boardwalk specifically. We do not anticipate contributing to any additional traffic congestion, or safety hazards within the John's Pass Village community.

Analysis: The proposed use will not generate additional congestion or a safety hazard. This site has been permitted as retail on the John's Pass Boardwalk. The subject property is located in an area that caters to pedestrian traffic and adding beer and wine to the existing site will not create additional congestion or a safety hazard.

(3) Whether or not the proposed use is compatible with the particular location for which it is proposed.

Applicant Response: We believe our request is compatible with the intended use and atmosphere of the John's Pass Village community. There has been a wine shop at this location for approximately 10 years.

Analysis: Zeno's is located on John's Pass Boardwalk and surrounded by compatible uses already established on the boardwalk and within the surrounding John's Pass Village.

(4) Whether or not the proposed use will adversely affect the public safety.

Applicant Response: We do not believe the intended use of our shop will in any way adversely affect public safety. Zeno's Wine Shop is not intended as a destination such as a restaurant, our primary customer purchases wine for consumption later at home. There has been a wine shop at this particular location for many years and we have no intention of changing our primary sales plan. Therefore, we would not anticipate any adverse change in public safety.

Analysis: The proposed 2COP (beer and wine only) is not anticipated to adversely affect public safety.

(5) No application for review under this section shall be considered until the applicant has paid in full any outstanding charges, fees, interest, fines or penalties owed by the applicant to the city under any section of the code.

Applicant Response: Niko's Holdings LLC dba Zeno's Wine Shop is not aware of any financial encumbrances due the City of Madeira Beach.

Analysis: The applicant has no outstanding fines or penalties owed to the City under any section of the code.

BUDGETARY

IMPACT: N/A

STAFF

RECOMMENDATION:

Staff recommends ***APPROVAL*** for Alcoholic Beverage License Permit #16-07 to allow a 2COP for the sale of beer and wine at 208 John's Pass Boardwalk Place East.

ATTACHMENT(S):

Alcoholic Beverage Permit Application
Location Map
Public Notice
Photographs

Agenda Item: _____

RECEIVED
NOV 15 2016
BY: Gwen S.

ABP #: 2016-07



CITY OF MADEIRA BEACH
PLANNING AND ZONING DEPARTMENT
300 MUNICIPAL DRIVE ♦ MADEIRA BEACH, FLORIDA 33708
(727) 391-9951 EXT. 255 ♦ FAX (727) 399-1131
Email: planning@madeirabeachfl.gov



ALCOHOLIC BEVERAGE PERMIT APPLICATION

Applicant's Name: Lucas Krilles

Type of License Requested: 2COP

Name of Partnership, Corporation, LLC (if applicable): Niko's Holdings LLC

Mailing Address: 10239 Woodford Bridge Street
Tampa, Florida 33626

Phone(s): 727-6865117 Email: magillafour@yahoo.com or garyfoley@live.com

Type of Ownership: Individual Partnership Corporation LLC

Name of Business: Zeno's Winery Chocolates and Fine Gits Business Phone: 727-914-4568

Physical Address: 208 John's Pass Boardwalk East Madeira Beach, FL 33708

Parcel #: 15-31-15 00000-410-1500

Legal Description: Wine and Gift Shop

Number of Seats: Inside: 4 Outside: 2

Zoning District:

- C-1 Tourist Commercial
- C-2 John's Pass Marine Commercial
- C-3 Retail Commercial
- C-4 Marine Commercial
- R-3 Only Restaurant

Classification:

- Package store, beer & wine
- Retail Store, beer, wine
- Package store, beer, wine, liquor
- Restaurants
- Bar
- Club
- Charter Boats

Number of Parking Spaces: 4 HC Parking Spaces: 0 Bike Racks: 0

DISCLAIMER: According to Florida Statutes, Chapter 119, it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All documents and information not specified in F.S. 119.071 and 119.0713 are subject to public record requests.

Hours of Operation:

Monday: 10:30 - 9 _____

Tuesday: 10:30 - 9 _____

Wednesday: 10:30 - 9 _____

Thursday: 10:30 - 9 _____

Friday: 10:30 - 9 _____

Saturday: 10:30 - 9 _____

Sunday: 11:00 - 8 _____

General Description of Business: Retail Florida wines and gifts, hours vary seasonally

Supporting Materials Required:

- Property Owner's Written Approval
- Property Survey
- Site Plan
- Signed Certificate of Wet Zone

Questionnaire: On a separate piece of paper, please answer the following questions:

1. The extent to which the location and the extent to which the proposed alcoholic beverage request will adversely affect the character of the existing neighborhood.
2. The extent to which traffic generated as a result of the location of the proposed alcoholic beverage request will create congestion or present a safety hazard.
3. Whether or not the proposed use is compatible with the particular location for which it is proposed.
4. Whether or not the proposed use will adversely affect the public safety.
5. No application for review under this section shall be considered until the applicant has paid in full any outstanding charges, fees, interest, fines or penalties owned by the applicant to the City under any section of the code.

Affidavit of Applicant:

I understand that this Alcoholic Beverage Permit Application, with its attachments, becomes a permanent record for the City of Madeira Beach and hereby certify that all statements made herein together with any attachments, are true to the best of my knowledge.

Signature of Applicant:  Date: 11-12-16

ABP #: 2016-07

****For City of Madeira Beach Use Only****

Fee: \$300.00 Check # 1191 Cash Receipt # _____

Date Received: 11-15-16 Received by: Gwen Simpfend

ABP# Assigned: 2016-07

BOC Hearing Date: 12-13-16 Approved Denied

Community Development Director Date: _____

City Manager Date: _____

Requested Additional Information

1. The extent to which the location and the extent to which the proposed alcoholic beverage request will adversely affect the character of the existing neighborhood.

Zeno's Wine Shop is physically located on the boardwalk in John's Pass Village. We are a very short distance from many establishments currently serving alcoholic beverages. We believe our request fits appropriately within the John's Pass village community.

2. The extent to which traffic generated as a result of the location of the proposed alcoholic beverage request will create congestion or present a safety hazard.

Zeno's Wine Shop, being located on the boardwalk, is almost nearly 100% reliant upon pedestrian traffic within John's Pass Village, those customers exploring the restaurants and shops located on the boardwalk specifically. We do not anticipate contributing to any additional traffic, congestion, or safety hazards within the John's Pass Village community.

3. Whether or not the proposed use is compatible with the particular location for which it is proposed.

We believe our request is compatible with the intended use and atmosphere of the John's Pass Village community. There has been a wine shop at this location for approximately 10 years.

4. Whether or not the proposed use will adversely affect the public safety.

We do not believe the intended use of our shop will in any way adversely affect public safety. Zeno's Wine Shop is not intended as a destination such as a restaurant, our primary customer purchases wine for consumption later at home. There has been a wine shop but this particular location for many years and we have no intention of changing our primary sales plan. Therefore, we would not anticipate any adverse change in public safety.

5. No application for review under this section shall be considered until the applicant has paid in full any outstanding charges, fees, interest, fines or penalties owned by the applicant to the City under any section of the code.

Niko's Holdings LLC dba Zeno's Wine Shop is not aware of any financial encumbrances due the City of Madeira Beach.

ZENO'S

SECTION 4 – APPLICATION APPROVALS

Full Name of Licensee		
Business Name (D/B/A)		
Street Address		
City	County	Zip Code

**ZONING
TO BE COMPLETED BY THE ZONING AUTHORITY GOVERNING YOUR BUSINESS LOCATION**

- A. The location complies with zoning requirements for the sale of alcoholic beverages or wholesale tobacco products pursuant to this application for a Series _____ license.
- B. This approval includes outside areas which are contiguous to the premises which are to be part of the premises sought to be licensed and are identified on the sketch?" Yes No

Signed _____ Date _____
 Title _____

**SALES TAX
TO BE COMPLETED BY THE DEPARTMENT OF REVENUE**

The named applicant for a license/permit has complied with the Florida Statutes concerning registration for Sales and Use Tax.

- 1. This is to verify that the current owner as named in this application has filed all returns and that all outstanding billings and returns appear to have been paid through the period ending _____ or the liability has been acknowledged and agreed to be paid by the applicant. This verification does not constitute a certificate as contained in Section 212.10 (1), F.S. (Not applicable if no transfer involved).
- 2. Furthermore, the named applicant for an Alcoholic Beverage License has complied with Florida Statutes concerning registration for Sales and Use Tax, and has paid any applicable taxes due.

Signed _____ Date _____
 Title _____ Department of Revenue Stamp

**HEALTH
TO BE COMPLETED BY THE DIVISION OF HOTELS AND RESTAURANTS
OR COUNTY HEALTH AUTHORITY
OR DEPARTMENT OF HEALTH
OR DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES**

The above establishment complies with the requirements of the Florida Sanitary Code.

Signed _____ Date _____
 Title _____ Agency _____

SECTION 3 - DESCRIPTION OF PREMISES TO BE LICENSED

Business Name (D/B/A) **ZENO'S WINE SHOP**

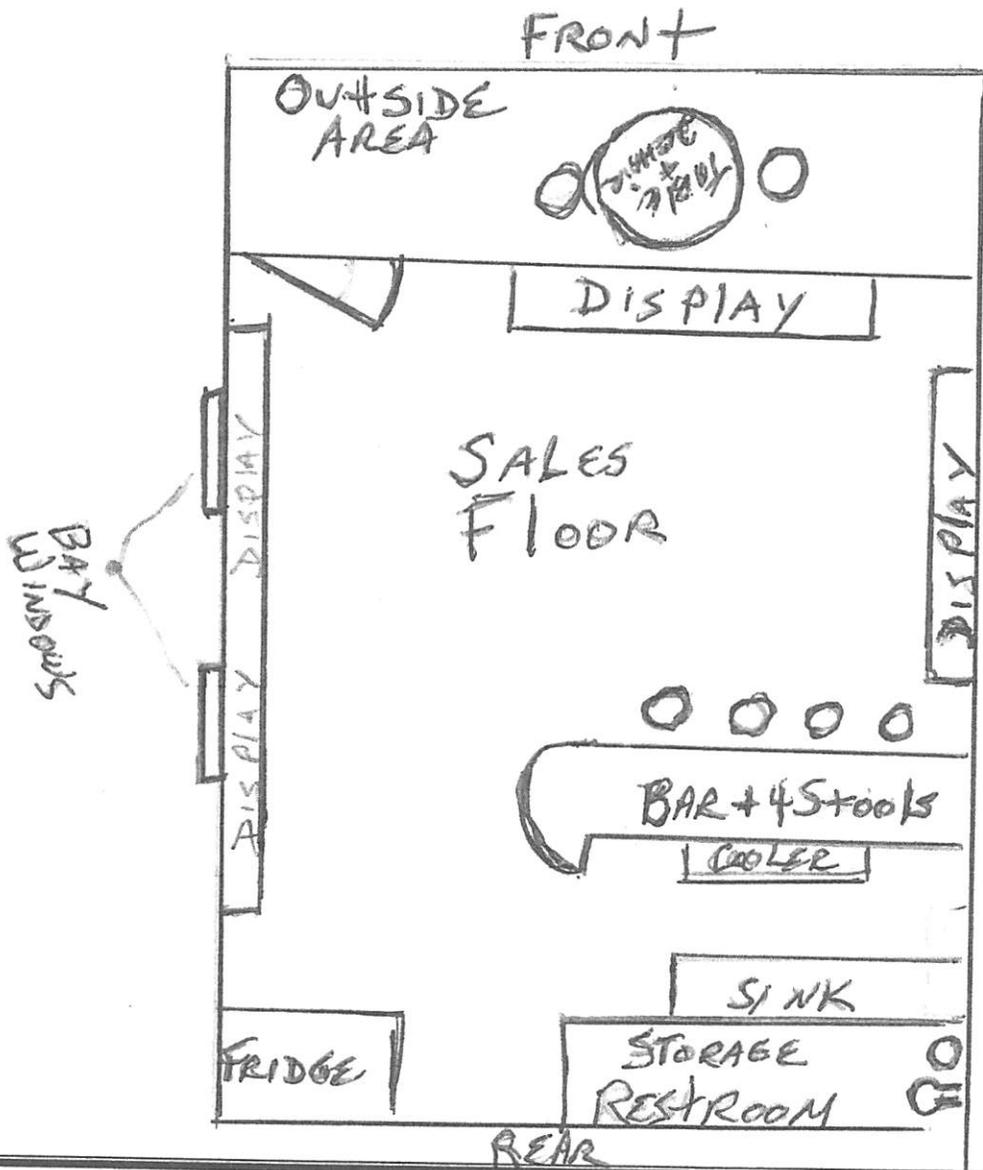
Street Address **208 JOHN'S PASSBOARD WALK EAST**

City **MADEIRA BEACH** County **PINELLAS** State **FL** Zip Code **33708**

1. Yes No Is the proposed premises movable or able to be moved?

2. Yes No Is there any access through the premises to any area over which you do not have dominion and control?

3. Neatly draw a floor plan of the premises in ink, including sidewalks and other outside areas which are contiguous to the premises, walls, doors, counters, sales areas, storage areas, restrooms, bar locations and any other specific areas which are part of the premises sought to be licensed. A multi-story building where the entire building is to be licensed must show each floor plan.



Gaetano Critelli
13025 Pelican Lane
Madeira Beach, FL 33708
November 10, 2016

City Of Madeira Beach, Planning and Zoning Department
300 Municipal Drive
Madeira Beach, Florida 33708

Dear City Of Madeira Beach, Planning and Zoning Department:

I have been notified by Mr. Lucas Krilles, current lessor of 208 John's Pass Boardwalk East, of his intent to apply to replace his current 2APS State of Florida Division of Alcoholic Beverage & Tobacco license number BEV6213360 with a 2COP beer and wine permit. It is my understanding that local zoning requires a written letter of approval from the current owner. As the owner of this property please accept this document as my official approval of my tenant's application for a change of license status

Sincerely,



Gaetano Critelli
Owner

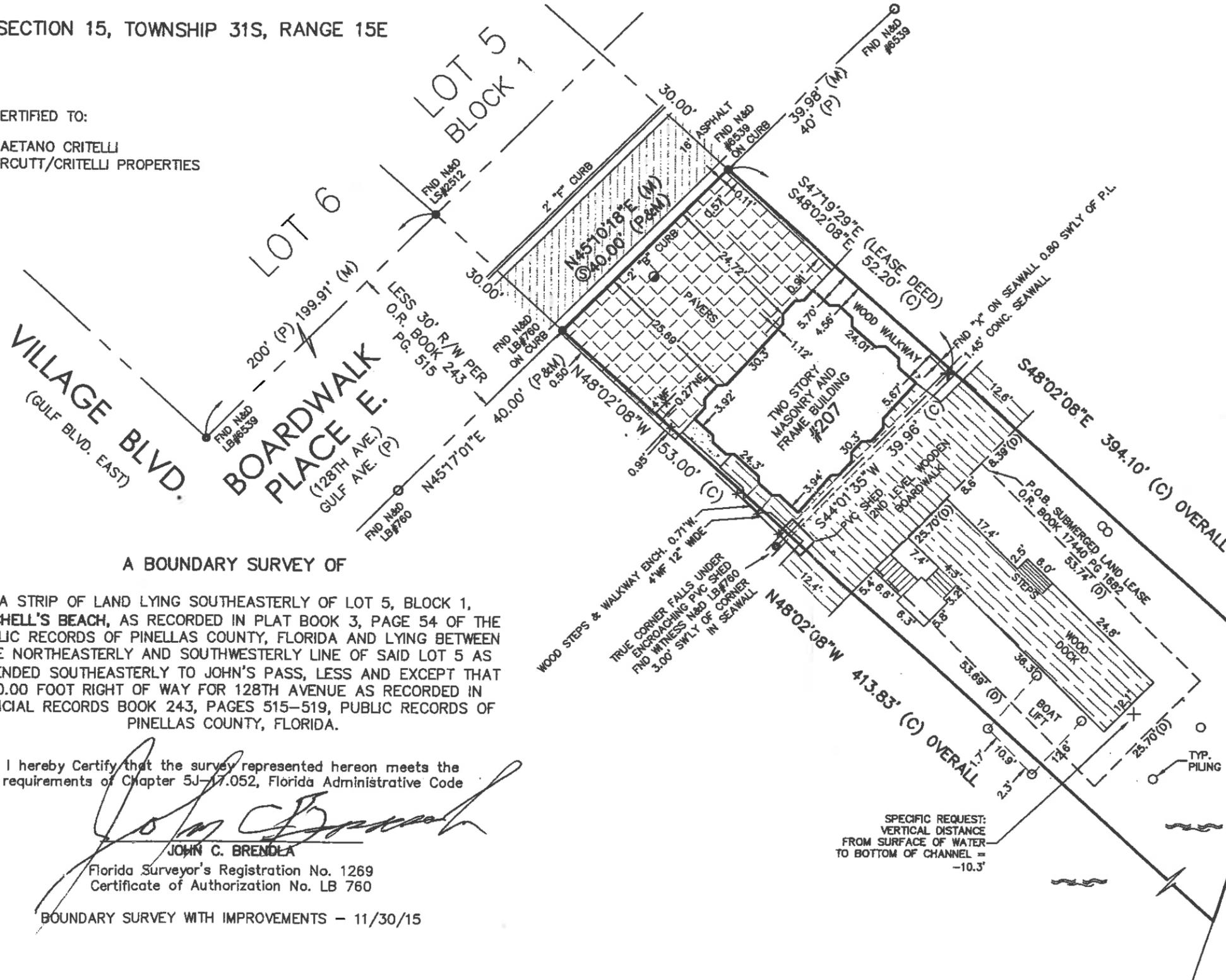
SECTION 15, TOWNSHIP 31S, RANGE 15E

CERTIFIED TO:
GAETANO CRITELLI
ORCUTT/CRITELLI PROPERTIES

- LEGEND:
- FND = FOUND
 - N&D = NAIL & DISK
 - FPP = FOUND PINCHED PIPE
 - FIR = FOUND IRON ROD
 - C = CALCULATED
 - M = FIELD MEASURED
 - P = PLAT
 - CONC = CONCRETE
 - R/W = RIGHT OF WAY
 - P.L. = PROPERTY LINE
 - P.O.B. = POINT OF BEGINNING
 - P.O.L. = POINT ON LINE
 - SN&D = SET NAIL AND DISK
 - O.R. = OFFICIAL RECORD
 - WF = WOOD FENCE
 - PVC = POLYVINYL CHLORIDE (PLASTIC)
 - = CLEANOUT
 - ⊙ = POWER POLE
 - ⊙ = SANITARY MANHOLE



NORTH BASIS:
ASSUMED
SCALE: 1" = 20'



A BOUNDARY SURVEY OF

A STRIP OF LAND LYING SOUTHEASTERLY OF LOT 5, BLOCK 1, MITCHELL'S BEACH, AS RECORDED IN PLAT BOOK 3, PAGE 54 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA AND LYING BETWEEN THE NORTHEASTERLY AND SOUTHWESTERLY LINE OF SAID LOT 5 AS EXTENDED SOUTHEASTERLY TO JOHN'S PASS, LESS AND EXCEPT THAT 30.00 FOOT RIGHT OF WAY FOR 128TH AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 243, PAGES 515-519, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

I hereby Certify that the survey represented hereon meets the requirements of Chapter 5J-17.052, Florida Administrative Code

John C. Brenda
JOHN C. BRENDA

Florida Surveyor's Registration No. 1269
Certificate of Authorization No. LB 760

BOUNDARY SURVEY WITH IMPROVEMENTS - 11/30/15

RECEIVED
NOV 15 2016
BY: *Gwen S.*

Flood Zone
AE (EL. 12')
COMMUNITY PANEL #125127 12103C0191 G, REVISED 9/3/03
Basis of Bearings:
SE'LY R/W LINE OF BOARDWALK PLACE E.
ASSUMED N45°17'01"E

This Survey was prepared without the benefit of a title search and is subject to all easements, Rights-of-way, and other matters of record. Survey not valid without the signature and original raised seal of a Florida licensed Surveyor and Mapper.

NOTE: This survey is made for the exclusive use of the current owners of the property and also those who purchase, mortgage or guarantee the title thereto within one (1) year from date hereof.

F.B.: 902 PG: 72
929 62-63
1511-72.CRD
1303-24.CRD

John C. Brenda & Associates, Inc.
CONSULTING ENGINEERS AND LAND SURVEYORS
4015 82nd Avenue North ~ Pinellas Park, Florida 33781
phone (727) 576-7546 fax (727) 577-9932

Job Number
1511-62
DRW: JM

208 John's Pass Boardwalk East





208



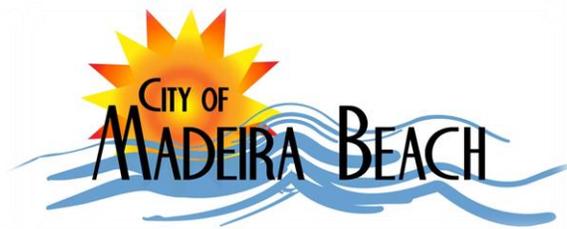


Sno-Kone
Shave Ice

FREE Wine Tasting
Let the Best Set
the Standard
BUD LIGHT
ULTRA
STELLA ARTOIS
Corona Extra

SHIPYARD
ZENO'S
Ice Cold Beer
Now Available
BUD LIGHT
ULTRA
STELLA ARTOIS
Corona Extra
WINERY • CHOCOLATE BAR • FINE GIFTS

BAR • FINE GIFTS



**CITY OF MADEIRA BEACH
300 MUNICIPAL DRIVE
MADEIRA BEACH, FLORIDA 33708**

PUBLIC NOTICE

The Board of Commissioners of the City of Madeira Beach, Florida, will hold a Public Hearing on **TUESDAY, DECEMBER 13, 2016 at 6:00 p.m.**, or as soon after as the matter may be heard, to review this application to allow a 2COP alcoholic beverage license for consumption on the premises.

THIS APPLICATION IS FOR A 2COP ALCOHOLIC BEVERAGE APPLICATION #2016-07

Operator/Manager: Nicko's Holdings, LLC
10239 Woodford Bridge Street
Tampa, FL 33626

Business Location: 208 John's Pass Boardwalk Place East

Business: **ZENO'S WINERY CHOCOLATES AND FINE GIFTS**

Permit Request:

Pursuant to City Code Section 110-532, Consideration of Alcoholic Beverage Application, **ZENO'S WINERY CHOCOLATES AND FINE GIFTS** located at **208 John's Pass Boardwalk Place East**, Madeira Beach, Florida, is seeking a 2COP alcoholic beverage license to consume alcoholic beverages on the premises. The property is located in the C-2 John's Pass Marine Commercial Zoning District.

Note:

You have received this notice because you are a property owner within 300 feet of the subject property. If you are desirous of voicing approval or disapproval of this application, you may attend the Public Hearing for this application or write the City Clerk prior to the Public Hearing stating your opinions. The completed application is on file in the Office of the City Clerk and may be reviewed during regular business hours.

POSTED: November 23, 2016 @ Property Site, City Hall, City of Madeira Beach Website Posting Locations (3)



CITY OF MADEIRA BEACH
300 MUNICIPAL DRIVE
MADEIRA BEACH, FLORIDA 33708

PUBLIC NOTICE

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THIS APPLICATION IS FOR A 2COP ALCOHOLIC BEVERAGE APPLICATION #2016-07

Operator/Manager: Nicko's Holdings, LLC
10239 Woodford Bridge Street
Tampa, FL 33626

Business Location: 208 John's Pass Boardwalk Place East

Business: ZENO'S WINERY CHOCOLATES AND FINE GIFTS

Permit Request:

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Note:

You have received this notice because you are a property owner within 300 feet of the subject property. If you are desirous of voicing approval or disapproval of this application, you may attend the Public Hearing for this application or write the City Clerk prior to the Public Hearing stating your opinions. The completed application is on file in the Office of the City Clerk and may be reviewed during regular business hours.

POSTED: November 23, 2016 @ Property Site, City Hall, City of Madeira Beach Website Posting Locations (3)



MADEIRA BEACH BOARD OF COMMISSIONERS

December 16, 2016 – Agenda Report

FROM: Nick Lewis, Deputy City Clerk

SUBJECT: Resolution 2016-13

BACKGROUND: A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA, RECOGNIZING THE IMPORTANCE OF INTERGOVERNMENTAL COOPERATION AND RESOLVING TO JOIN AND PARTICIPATE IN THE TAMPA BAY REGIONAL PLANNING COUNCIL.

BUDGETARY None
IMPACT:

RECOMMENDED Yes
BY STAFF:

ATTACHMENT(S): Resolution 2016-13

RESOLUTION 2016-31

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA, RECOGNIZING THE IMPORTANCE OF INTERGOVERNMENTAL COOPERATION AND RESOLVING TO JOIN AND PARTICIPATE IN THE TAMPA BAY REGIONAL PLANNING COUNCIL.

WHEREAS, the City of Madeira Beach, Florida, recognizes the importance of intergovernmental coordination and cooperation, and;

WHEREAS, it is the desire of the City of Madeira Beach, to participate with other local governments in regional, metropolitan, county and municipal planning matters, and;

WHEREAS, the Tampa Bay Regional Planning Council was established as a regional planning and coordinating agency, and;

WHEREAS, the Tampa Bay Regional Planning Council is recognized as a representative for local governments in the Tampa Bay Region providing services and assistance to, and working for the best interest of all local governments in the Tampa Bay Region.

NOW BE IT RESOLVED, THAT THE CITY OF MADEIRA BEACH ELECTS TO JOIN AND PARTICIPATE AS A FULL MEMBER IN THE TAMPA BAY REGIONAL PLANNING COUNCIL, AND;

BE IT FURTHER RESOLVED, that payment of the two thousand dollars (\$2000.00) membership fee for FY 2017 is hereby authorized.

INTRODUCED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH,
THIS ___ day of _____, 2016.

Mayor

TRAVIS PALLADENO, Mayor

ATTEST:

AIMEE SERVEDIO, City Clerk



MADEIRA BEACH BOARD OF COMMISSIONERS

December 13, 2016 – Agenda Report

FROM: Nick Lewis, Deputy City Clerk

SUBJECT: Ordinance 2016-17

BACKGROUND: A FIRST READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 34 (ENVIRONMENT), ARTICLE III (NOISE), SECTION 34-89 (EXCEPTIONS) TO CLARIFY THE DEFINITION OF EXCEPTIONS TO THE TERM “LOUD AND RAUCOUS NOISE;” BY PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

BUDGETARY None
IMPACT:

RECOMMENDED Yes
BY STAFF:

ATTACHMENT(S): Ordinance 2016-17

ORDINANCE NO. 2016-17

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 34 (ENVIRONMENT), ARTICLE III (NOISE), SECTION 34-89 (EXCEPTIONS) TO CLARIFY THE DEFINITION OF EXCEPTIONS TO THE TERM "LOUD AND RAUCOUS NOISE;" BY PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Administration is recommending that the Board of Commissioners of the City of Madeira Beach, Florida, amend Section 34-89 to identify and clarify the definition of exceptions to the term "loud and raucous noise;"

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

SECTION 1. That Chapter 34 (Environment), Article III (Noise), Section 34-89 (Exceptions) of the Code of Ordinances of the City of Madeira Beach, Florida, be hereby revised to hereinafter be and read as follows:

Sec. 34-89. – Exceptions.

The term "loud and raucous noise" does not include noise or sound generated by the following:

- (1) Cries for emergency assistance and warning calls.
- (2) Radios, sirens, horns and bells on law enforcement, fire and other emergency vehicles.
- (3) Parades, firework displays and other special events for which a permit has been obtained from the city, within such hours as may be imposed as a condition for the issuance of the permit.
- (4) Activities on or in municipal and school athletic facilities and on or in publicly owned property and facilities, provided that such activities have been authorized by the owner of such property or facilities or its agents.
- (5) Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.
- (6) Bells which are rung or organs which are played to signal religious services.
- (7) Locomotives and other railroad equipment and aircraft.
- (8)

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

SECTION 3. **Severability.** If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 4. **Effective Date.** 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 CITY COMMISSION OF THE CITY OF MADEIRA BEACH, FLORIDA, this
_____ day of _____, 2016.

APPROVED AS TO FORM:

TOM TRASK, City Attorney

TRAVIS PALLADENO, Mayor

ATTEST:

AIMEE SERVEDIO, City Clerk

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____



MADEIRA BEACH BOARD OF COMMISSIONERS

December 13, 2016 – Agenda Report

FROM: Nick Lewis, Deputy City Clerk

SUBJECT: Ordinance 2016-18

BACKGROUND: A FIRST READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 42 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE II (SPECIAL EVENTS), SECTION 42-16 (DEFINITION) TO CLARIFY THE DEFINITION OF SPECIAL EVENTS; BY PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

BUDGETARY None
IMPACT:

RECOMMENDED Yes
BY STAFF:

ATTACHMENT(S): Ordinance 2016-18

ORDINANCE NO. 2016-18

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 42 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE II (SPECIAL EVENTS), SECTION 42-16 (DEFINITION) TO CLARIFY THE DEFINITION OF SPECIAL EVENTS; BY PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Administration is recommending that the Board of Commissioners of the City of Madeira Beach, Florida, amend Section 42-16 to identify and clarify the definition of special events;

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

Section 1. That Chapter 42 (Offenses and Miscellaneous Provisions), Article II (Special Events), Section 42-16 (Definition) of the Code of Ordinances of the City of Madeira Beach, Florida, be hereby revised to hereinafter be and read as follows:

Sec. 42-16. – Definition.

Special event shall mean any organized meeting, activity, gathering or group of 50 or more persons, which involves city financial or in-kind contributions or requires city approvals and which is intended to or does draw public attention and has the potential to inhibit the normal flow or regulation of pedestrian or vehicular traffic upon any public facility, street, sidewalk, swale, alley, or park.

The term shall include, but not be limited to weddings, festivals, carnivals, circuses, tournaments, concerts, parades, athletic events, fairs, rallies, firework displays and similar gatherings regardless of whether a charge or donation is required for admission. This definition shall specifically exclude any event conducted or sponsored solely by the city or for the primary purpose of First Amendment speech or assembly.

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

Section 3. **Severability.** If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 4. **Effective Date.** 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 CITY COMMISSION OF THE CITY OF MADEIRA BEACH, FLORIDA, this _____ day of _____, 2016.

APPROVED AS TO FORM:

TOM TRASK, City Attorney

TRAVIS PALLADENO, Mayor

ATTEST:

AIMEE SERVEDIO, City Clerk

PASSED ON FIRST READING: _____
PUBLISHED: _____
PASSED ON SECOND READING: _____



MADEIRA BEACH BOARD OF COMMISSIONERS

December 13, 2016 – Agenda Report

FROM: Nick Lewis, Deputy City Clerk

SUBJECT: Ordinance 2016-19

BACKGROUND: A FIRST READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE VIII (SPECIAL MAGISTRATE), SECTION 2-503 (CONDUCT A HEARING) TO CLARIFY THE REQUIREMENTS OF CONDUCTING A HEARING; BY PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

BUDGETARY None
IMPACT:

RECOMMENDED Yes
BY STAFF:

ATTACHMENT(S): Ordinance 2016-19

ORDINANCE NO. 2016-19

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE VIII (SPECIAL MAGISTRATE), SECTION 2-503 (CONDUCT A HEARING) TO CLARIFY THE REQUIREMENTS OF CONDUCTING A HEARING; BY PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Administration is recommending that the Board of Commissioners of the City of Madeira Beach, Florida, amend Section 2-503 to identify and clarify the requirements of conducting a hearing;

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

Section 1. That Chapter 2 (Administration), Article VIII (Special Magistrate), Section 2-503 (Conduct a hearing) of the Code of Ordinances of the City of Madeira Beach, Florida, be hereby revised to hereinafter be and read as follows:

Sec. 2-503. – Conduct a hearing.

- (a) *Application.* An application for a variance or special exception or an appeal as provided in Section 2-505 to appear before the special magistrate shall be submitted 30 days prior to meeting scheduled. The property owner and applicant, if different, must sign the application.
- (b) *Application filing fee.* Applicants will pay a fee, as noted in the fees and collection procedure manual for the city, when the application is submitted.
- (c) *Notification.* When and at such time as an application to appear before the special magistrate is made, the application shall be filed with the city clerk who shall post a ten-day notice of the time and place when the special magistrate shall consider the subject matter on the application. At the time of posting, all property owners within 200 feet in any direction of the property, which is the subject matter of the application, shall be notified and the notice shall be posted on the property itself setting forth the date, time and place of the hearing.
- (d) *Public hearing.*
 - (1) Failure of applicant and/or representative to appear at the advertised public hearing. The special magistrate may continue and table an application to its next regularly scheduled hearing if there is no applicant and/or representative in attendance to address their application at the noticed public hearing. Failure of the applicant and/or representative to appear at the second public hearing, may result in the denial of the application. The special magistrate application fee is non-refundable.
 - (2) The city clerk or his/her designee shall administer oaths to all witnesses.
 - (3) At the hearing, any interested person may be heard upon the subject matter of any application. Members of a specific group or association are requested to appoint a spokesperson who will represent their collective position. Individuals testifying do not have the right to cross-examine the parties, only the two parties (the city and the applicant) may cross-examine each other.
- (e) *Decisions and/or recommendations.* The special magistrate shall, for all applications, reduce to writing, within ten working days of the date of the hearing, his findings of fact, his conclusions of law and his decision as to granting a variance application, granting a variance application with conditions, denying a variance application, granting a special exception use

application, granting a special exception use application with conditions, denying a special exception use application or affirming or overruling a decision made by any officer or administrative official of the city under any provision of the city land development regulations.

(f) *Variance expiration.* All variances granted by the special magistrate and not acted upon within one year of being granted shall automatically expire.

(g) *Records.* All hearings by the special magistrate shall be open to the public. The board of commissioners shall provide clerical and administrative personnel as may be reasonably required by the special magistrate for the proper performance of his duties. The decisions and/or recommendations of the special magistrate shall be made public record on file in the office of the city clerk.

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

Section 3. **Severability.** If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

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

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF MADEIRA BEACH, FLORIDA, this _____ day of _____, 2016.

APPROVED AS TO FORM:

TOM TRASK, City Attorney

TRAVIS PALLADENO, Mayor

ATTEST:

AIMEE SERVEDIO, City Clerk

PASSED ON FIRST READING: _____
PUBLISHED: _____
PASSED ON SECOND READING: _____