



MADEIRA BEACH PLANNING COMMISSION

February 9, 2015 - Agenda Memo

FROM:

Lynn Rosetti, AICP, CFM, Planning and Zoning Director

A handwritten signature in black ink, appearing to be "LR" or "Lynn Rosetti".

SUBJECT:

PACKET MATERIAL

**ITEMS FOR
DISCUSSION:**

Medical Marijuana Ordinance

The revised ordinance attached is from the City Attorney. You will likely receive another version of the revised ordinance prior to your meeting on February 9th. The Board of Commissioners is holding a workshop on this item on February 10th due to the fact that there is legislative interest in the passage of state law on this subject this spring. The BOC is holding a special meeting to hold a Public Hearing and First Reading on Friday, February 13th at 2:00 p.m., and a Public Hearing and Second Reading on Tuesday, February 24th at 5:00 p.m.

Electronic Message Board Signage

I have attached a revised ordinance for the Planning Commission's consideration as discussed.

Valet Parking and Motorcycle/Scooter Parking Ordinance

I have revised this ordinance so that it specifies that on-site valet parking is outright permitted, and provides regulations for off-site valet parking services as previously discussed.

Attendance/Absenteeism/Rules of Procedure

Included is a draft ordinance amending the City Code relating to Planning Commission attendance rules, draft Planning Commission Rules of Procedure, and a draft Planning Commission resolution adopting the draft Rules of Procedure.



THE CITY OF MADEIRA BEACH, FLORIDA AGENDA

PLANNING COMMISSION/LOCAL PLANNING AGENCY

The Planning Commission, serving as the Local Planning Agency of the City of Madeira Beach, Florida will meet in City Hall located at 300 Municipal Drive, Madeira Beach, Florida to conduct Public Hearings on the following City business listed and at the time indicated below.

7:00 P.M.

MONDAY, FEBRUARY 9, 2015

AUDITORIUM

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- I. CALL TO ORDER
 - II. ROLL CALL
 - III. APPROVAL OF MINUTES: December 8, 2014
 - IV. NEW BUSINESS
 - A. Ordinance 2015-xx Pertaining to Medical Marijuana
 - B. Ordinance 2015-xx Pertaining to Electronic Message Board Signage
 - C. Ordinance 2015-xx Pertaining to Valet Parking and Motorcycle/Scooter Parking
 - D. Discuss and Review the Planning Commission's Attendance Requirements and Meeting Absenteeism / Include Review of Proposed Rules of Procedure – Continued from December 8, 2014
 - V. PLANNING COMMISSIONER DISCUSSION
 - VI. OLD BUSINESS
 - ZONING DIRECTOR – Carry-Over Items
 - VII. REPORTS
 - CITY ATTORNEY
 - ZONING DIRECTOR
 - VII. NEXT MEETING: March 9, 2015
 - IX. ADJOURNMENT

Any person who decides to appeal any decision of the Planning Commission serving as the Local Planning Agency 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.

THIS MEETING IS TELEvised LIVE ON CHANNEL 615

Agenda Posted 1-30-2015.



THE CITY OF MADEIRA BEACH, FLORIDA

MINUTES

PLANNING COMMISSION/LOCAL PLANNING AGENCY

The Planning Commission, serving as the Local Planning Agency of the City of Madeira Beach, Florida met in City Hall located at 300 Municipal Drive, Madeira Beach, Florida to conduct Public Hearings on the following City business listed and at the time indicated below.

7:00 P.M.

MONDAY, DECEMBER 8, 2014

AUDITORIUM

I. CALL TO ORDER-*The meeting was called to order at 7:00 p.m.*

II. ROLL CALL

Present: Planning Commissioners Maginley, Kociolek, Rasmussen, Domingue and Everett

Absent: Planning Commissioners Michael Noble and Jeff Brown

Staff: Lynn Rosetti, Planning and Zoning Director, Frank Desantis, Building Official, Patty Kordis, Assistant to the Building Official, Regina Kardash, City Attorney

III. APPROVAL OF MINUTES: November 18, 2014

A motion to approve the minutes as presented was made by Planning Commissioner Maginley, seconded by Planning Commissioner Rasmussen. The minutes approved unanimously (5-0).

IV. NEW BUSINESS

A. Discuss and Review Distance Requirements Relating to Draft Medical Marijuana Ordinance – Continued from November 18, 2014

Staff presented an overview on the specifics of using a separation distance of 750 feet vs. 900 feet from schools, churches, and parks. The use would be limited to medical marijuana dispensaries and would require a special exception within the C-3, Retail Commercial, zoning district. Planning Commissioner Kociolek thought the City was being premature on deciding on an Ordinance for medical marijuana dispensaries until the State Legislature determines whether medical marijuana would be permitted in Florida. Planning Commissioner Maginley agreed this ordinance should be table until there is new legislation pending.

A motion to recommend that the Ordinance be tabled until new legislation is pending by Planning Commissioner Maginley, seconded by Planning Commissioner Rasmussen. Motion Approved (4-1).

B. Discuss and Review Code Amendments Pertaining to Electronic Message Board Signage – Continued from November 18, 2014

Overview by staff pertaining to Electronic message boards for message hold time, 8 seconds instant change, sign brightness, 25 feet allowable. Staff will revise as suggested by the Planning Commission for review at the next meeting.

C. Discuss and Review Code Amendments Pertaining to Valet Parking

There was an overview by staff on the BOC's Valet Parking ordinance concerns. The Planning Commission concurred with the BOC's assessment and felt there were unintended consequences from some of the proposed language. The Planning Commission directed staff to revise the proposed ordinance to exclude on-site parking. The requirement for Valet parking would include a site plan review requirement, restrictions on noise and time, that no public parking to be used, and that the off-site parking was not to be located in the R-

1 or R-2 zoning districts. Revisions to the ordinance will be reviewed at the next Planning Commission meeting.

A motion to direct staff preparation of noted revisions by Planning Commissioner Maginley, seconded by Planning Commissioner Kociolek. Motion Approved (5-0).

D. Discuss and Review the Code Pertaining to Planning Commission Attendance Requirements and Meeting Absenteeism / Include Review of Proposed Rules of Procedure – Continued from November 18, 2014

The Planning Commission continued its discussion of its attendance requirements and absenteeism issues. The Planning Commission asked staff to contact any members with absenteeism issues out of concern for their status. Staff and City Attorney will prepare minor revisions to the Planning Commission draft Rules of Procedure for discussion at the next meeting.

V. PLANNING COMMISSIONER DISCUSSION

Staff distributed the tentative Planning Commission regular meeting calendar. The calendar will be effective following the December 9th BOC meeting and the adoption of the revised notification dates.

Staff reminded the Planning Commission that the Comprehensive Plan Evaluation and Appraisal Report letter is due to the State land planning agency by May 1, 2015.

VI. OLD BUSINESS - None

VII. REPORTS

CITY ATTORNEY- None

PLANNING AND ZONING DIRECTOR – Introduction of Frank Desantis, Build Official and his newly added responsibilities of overseeing Planning and Zoning along with Code Enforcement.

VII. NEXT MEETING: January 12, 2015

IX. ADJOURNMENT: The meeting was adjourned at 8:24 p.m.

Date approved: _____

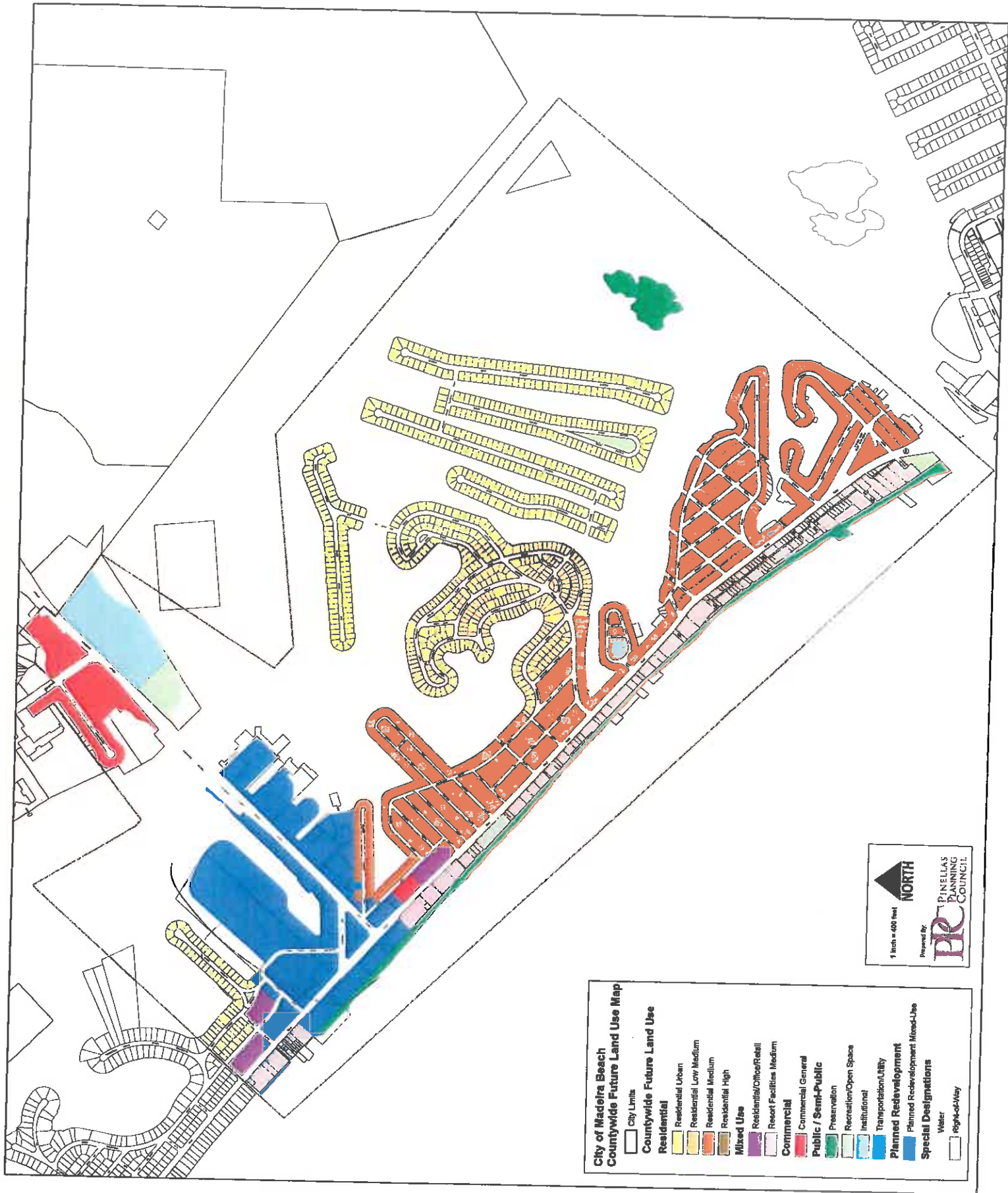
Jim Everett, Chairperson

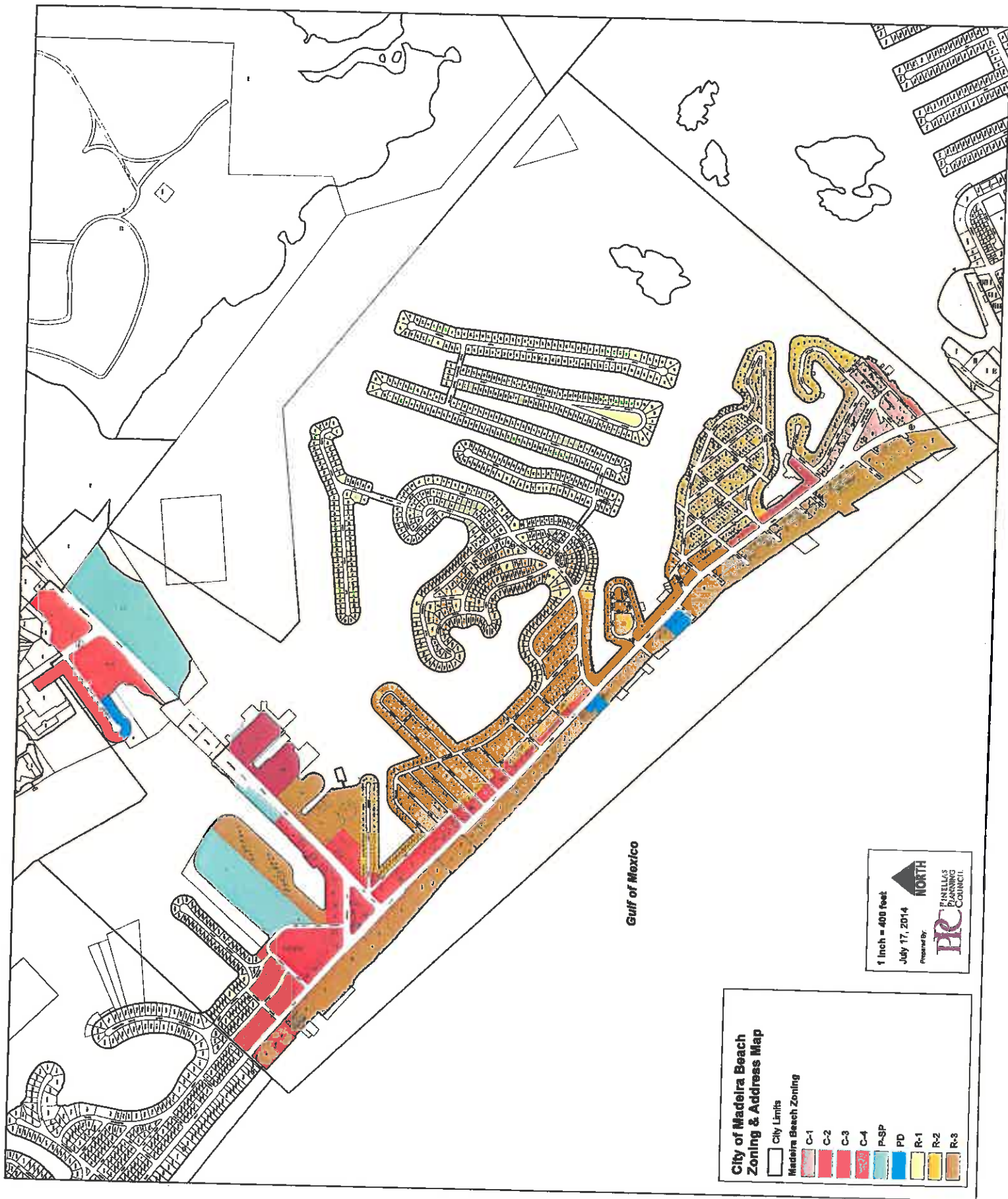

Submitted by: Patty Kordis, Assistant to the Building Official



Land Use and Zoning Maps For Reference

Planning Commission







Medical Marijuana Ordinance

City Attorney Revisions

ORDINANCE NO. 2015-__

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA RELATING TO MEDICAL MARIJUANA; AMENDING THE CODE OF ORDINANCES, CHAPTER 110, "ZONING"; PROVIDING DEFINITIONS; PROVIDING THAT MEDICAL MARIJUANA DISPENSARIES ARE A PERMITTED SPECIAL EXCEPTION USE IN THE C-3 ZONING DISTRICT; PROVIDING ADDITIONAL STANDARDS AND CONSIDERATIONS FOR APPROVAL OF A SPECIAL EXCEPTION APPLICATION FOR A MEDICAL MARIJUANA DISPENSARY PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Madeira Beach has determined that it is in the best interests of the citizenry and general public to regulate the location of medical marijuana dispensaries in the event the State of Florida legalizes said dispensaries; and

WHEREAS, the City Commission has the responsibility and authority to determine what uses are best suited to particular zoning categories as well as land use categories within the City; and

WHEREAS, the City Commission of the City of Madeira Beach has determined that given the potential impact on the surrounding area, that Medical Marijuana Dispensaries should only be allowed within the C-3 zoning district, as a special exception use; and

WHEREAS, the City Commission of the City of Madeira Beach has determined that it is advisable and in the public interest to consider certain distance and other siting standards in regard to the location of operation of medical marijuana dispensaries as a special exception use; and

WHEREAS, the Planning Commission, sitting as the local planning agency, has found this ordinance to be consistent with the City's Comprehensive Development Plan and recommended approval; and

WHEREAS, the City Commission of the City of Madeira Beach finds that this ordinance promotes the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MADEIRA BEACH, FLORIDA, THAT:

SECTION 1. Chapter 110, "Zoning," Article V, "Districts," Section 110-319 "Special Exception Uses" of the City of Madeira Beach Code of Ordinances is hereby amended as follows:

Sec. 110-319. - Special exception uses.

Upon application for a special exception to the special magistrate and favorable action thereon, the following uses may be permitted in the C-3, retail commercial district:

- (1) Service stations.
- (2) Commercial recreation and entertainment facilities provided that such facilities shall not be permissible when the underlying future land use category is R/O/R.
- (3) Churches, synagogues or other houses of worship.
- (4) Public service facilities.
- (5) Drive-in or drive-through retail personal service, business and financial services.
- (6) Private fraternal, social and recreational clubs.
- (7) Outdoor storage areas, provided that the outdoor storage use is an accessory, is limited to areas in the CG land use category, and does not exceed 20 percent of the area of the building which is the principal use on the site.
- (8) Single-family or duplex.
- (9) Private schools.
- (10) Exhibition of reptiles by permit.
- (11) Medical Marijuana Dispensaries.

SECTION 2. Chapter 82, "General Provisions," Section 82-2 "Definitions," of the City of Madeira Beach Code of Ordinances is hereby amended to include the following additional definitions:

Cannabis. Any plant or part of a plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.

Cannabis Farm. Any property used in whole or in part for the growing or cultivation of *Cannabis* plants, whether or not such growing or cultivation is lawful under federal or state law.

Medical Marijuana Dispensary. A facility that is operated by an organization or business

holding all necessary licenses and permits from which marijuana, cannabis, cannabis-based products, or cannabis plants are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local, federal and state laws. Physicians authorized by State law to order low-THC cannabis, as defined in Florida Statutes, for patients' medical use are not included in the definition of Medical Marijuana Dispensary.

Medical Use. The prescriptive use of any form of cannabis to treat a qualifying medical condition and the symptoms associated with that condition or to alleviate the side effects of a Qualifying medical treatment.

Non-Medical Marijuana Sales. The purchase, sale, transfer or delivery of marijuana, cannabis, cannabis-based products or cannabis plants when such sale, transfer or delivery is not associated with any medical purpose or use, whether or not such purchase, sale, transfer or delivery is lawful under federal or state law.

SECTION 3. Chapter 110, "Zoning," Article VI, "Supplementary District Regulations," Division 14 is hereby created to read as follows:

Division 14. Medical Marijuana Dispensaries.

Sec. 110-940. – Medical Marijuana Dispensaries.

Medical Marijuana Dispensaries shall be allowed as a special exception use upon application, hearing and approval as provided in this Code of Ordinances. An application for special exception use for a Medical Marijuana Dispensary may be denied, approved or approved with conditions. In considering an application for special exception pursuant to this section, the Special Magistrate shall consider the following criteria:

- (1) Compatibility of the proposed facility with the surrounding uses.
- (2) The size of the lot on which the proposed facility will be located.
- (3) The maximum number of persons that can occupy the proposed facility.
- (4) The amount of traffic generated by the proposed facility.
- (5) The general health, safety and welfare of the community.
- (6) All safety measures to be implemented by the applicant to protect the property, employees and invitees during and outside of its operating hours.

In addition to all other requirements and conditions, the applicant shall comply with all the following conditions contained herein. No special exception for a Medical Marijuana Dispensary shall be approved unless the applicant has shown by competent substantial evidence its ability to comply with each of the conditions contained herein.

- (1) Loitering. A Medical Marijuana Dispensary shall provide adequate seating for its patients and business invitees and shall not allow patients or business invitee to stand, sit (including in a parked car), or

- gather or loiter outside of the building where the dispensary operates, including in any parking areas, sidewalks, right-of-way, or neighboring properties for any period of time longer than that reasonably required to arrive and depart. The Medical Marijuana Dispensary shall post conspicuous signs on at least three sides of the building that no loitering is allowed on the property.
- (2) *No Drive Through Service.* No Medical Marijuana Dispensary shall have a drive through or drive in service aisle. All dispensing, payment for and receipt of products shall occur from inside the Medical Marijuana Dispensary.
 - (3) *Alcoholic Beverages.* No consumption or sale of alcoholic beverages shall be allowed on the premises on which a Medical Marijuana Dispensary is located, including the parking areas and sidewalks.
 - (4) *Separation Distances.* No Medical Marijuana Dispensary shall operate within nine hundred (900) feet of any pre-existing school, church, day care facility, public park or another Medical Marijuana Dispensary.
 - (5) *No Delivery Service.* No Medical Marijuana Dispensary shall conduct any form of off-site delivery service of Medical Marijuana.
 - (6) *No Vending Machines.* No Medical Marijuana Dispensary shall utilize any type of vending machines for the dispensing of Medical Marijuana.
 - (7) *Maximum Copy Area of Freestanding Signs.* The maximum aggregate copy area for any freestanding signs utilized by a Medical Marijuana Dispensary shall be twelve square feet.
 - (8) *Security.* Every Medical Marijuana Dispensary shall incorporate safety measures to protect its property, employees and invitees during and outside of the dispensary's business hours, which measures shall include at a minimum installation of a security system and/or security personnel.
 - (9) *Compliance with Other Laws.* All Medical Marijuana Dispensaries shall at all times be in compliance with all federal, state and local laws and regulations.
 - (10) *Revocation of Permit.* In the event any Medical Marijuana Dispensary is found to have violated the provisions of this Section or any other conditions of approval of the special exception three times within any twelve month period, the city shall as soon as reasonably practical schedule a hearing before the Code Enforcement Special Magistrate. Upon the city establishing by competent substantial evidence that the Medical Marijuana Dispensary has violated the provisions of this Section or any other conditions of approval of the special exception three times within any twelve month period, the Code Enforcement Special Magistrate shall order the special exception revoked. Any Medical Marijuana Dispensary that has its special exception revoked pursuant to this paragraph shall not be eligible to reapply for a special exception for twelve months from the date of the revocation.

Each application for a special exception shall be accompanied by a site plan incorporating the regulations established herein. The site plan shall be drawn to

scale indicating property lines, rights-of-way, and the location of buildings, parking areas, curb cuts and driveways. Said site plan shall be submitted to and considered by the Planning Commission and Special Magistrate prior to the granting of a building permit. Upon such approval, said site plan becomes a part of the building permit and may be amended only by action of the Special Magistrate.

SECTION 4. CODIFICATION. It is the intent of the City Commission of the City of Madeira Beach that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 5. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 6. CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

ADOPTED by the City Commission of the City of Madeira Beach, Florida, this _____ day of _____, 2015.

PUBLISHED:

PASSED ON FIRST READING:

PASSED ON SECOND READING:

APPROVED AS TO FORM:

Thomas J. Trask
City Attorney

Travis Palladeno
Mayor

ATTEST:

Aimee Servedio, City Clerk

DRAFT

Attachment B

School

Church

Potential Locations
Citywide

**CITY OF MADEIRA BEACH
ZONING MAP
PINELLAS COUNTY, FLORIDA**

SCALE: 1" = 500'
DATE: 12-JUN-2006

GRAPHICS PREPARED BY THE OFFICE OF THE
PINELLAS COUNTY PROPERTY APPRAISER,
JIM SMITH

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Church

Schoo

Church

Potential Locations
Citywide 



**CITY OF MADEIRA BEACH
ZONING MAP
PINELLAS COUNTY, FLORIDA**

SCALE: 1" = 500'
DATE: 12-JUN-2008



GRAPHICS PREPARED BY THE OFFICE OF THE
FINELLAS COUNTY PROPERTY APPRAISER,
JIM SMITH

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Electronic Message Board Signage

Continued from December 8, 2014

ORDINANCE NO. 2015-xx

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CITY OF MADEIRA BEACH CODE OF ORDINANCES, SUBPART B (LAND DEVELOPMENT REGULATIONS), CHAPTER 82 (GENERAL PROVISIONS), SECTION 82-2 (DEFINITIONS), RELATING TO SIGNAGE DEFINITIONS; CHAPTER 102 (SIGNS), SECTION 102-146, AMENDING POLE SIGN REGULATIONS; SECTION 102-157, ADDING A NEW SECTION PERTAINING TO ELECTRONIC READER BOARDS; SECTION 102-191, AMENDING ELECTRONIC READER BOARDS, ANIMATED, WALL, MARQUEES, CANOPY, AWNINGS AND MANSARD SIGNS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Madeira Beach recognizes the importance in providing an environment that encourages business retention and success, including the need to allow signage enhancements that support such objective; and

WHEREAS, the City of Madeira Beach recognizes that enhancements such as electronic message boards are can be beneficial to businesses; and

WHEREAS, the City of Madeira Beach finds that it is important to find a balance between allowing enhanced signage while maintaining community aesthetics and safety; and

WHEREAS, the City of Madeira Beach finds that allowing electronic message boards in a controlled manner is appropriate and desirable, will not adversely impact community aesthetics, and can provide support to business community redevelopment, retention, and success; and

WHEREAS, the City of Madeira Beach finds that allowing electronic message boards is consistent with and supportive of the goals, objectives, and policies of the Madeira Beach Comprehensive Plan and related land development regulations;

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 Code of Ordinances, Subpart B, Land Development Regulations, Chapter 82-2, Definitions, be amended to include the following definitions:

Section 82-2. Definitions.

Electronic reader board. ~~A type of sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electronically illuminated segments. A sign by which the message copy or image may be electronically changed and controlled. The term includes, but is not limited to, time and temperature signs. An electronic reader board shall occupy no more than one-half of the allowable sign face (double side allowed) and may have a display period of not less than eight (8) seconds. The electronic reader board shall have a static message or image and shall require an instantaneous change of display. Such signage shall require an automatic freeze if the sign malfunctions. Such signage shall adhere to Sections 110-501 through 110-509 pertaining to glare and lighting, and Section 102-157(1), pertaining to the lighting~~

intensity of electronic reader boards. Whichever portion of the Code is most restrictive will be applied.

SECTION 2. That the Madeira Beach Code of Ordinances, Subpart B, Land Development Regulations, Chapter 102-146, *Pole signs or ground signs – General requirements*, be amended to include the following:

Sec. 102-146. - Pole signs or ground signs—General requirements.

One ground or pole sign is permitted for each single or multi-occupancy parcel having frontage of 500 feet or less on a public street. If the lot has public street frontage in excess of 500 feet, one additional ground or pole sign shall be permitted. Electronic reader boards shall be allowed on pole signs or ground signs as defined in Section 82-2 of the Code and shall not be animated. Additional signs will be spaced at least 300 feet from the other sign.

SECTION 3. That Section 102-157 of the Code of Ordinances is hereby created to read as follows:

Sec. 102-157. – Electronic reader boards.

Electronic reader boards may occupy up to 50 percent, for a maximum of 25 square feet, of the total allowable pole or ground sign square footage for both single and multi-occupancy parcels. No more than one electronic reader board per parcel shall be allowed, except for a time and temperature display as provided for in Section 102-101 of the Code. Electronic reader boards are permitted on pole and ground signs under the following conditions:

- (1) Electronic reader board signs may display changeable messages provided that there is a display period of not less than eight (8) seconds. The message or image shall be static and shall require an instantaneous change of display and shall also require an automatic freeze if the sign malfunctions. In addition, electronic reader board signs shall adhere to a lighting intensity of 25 foot-candles at ground level.
- (2) Electronic reader board signs shall not include animation.
- (3) Electronic reader boards may be allowed on pole and ground signs in all zoning districts except R-1 and R-2.

SECTION 4. That the Madeira Beach Code of Ordinances, Subpart B, Land Development Regulations, Chapter 102-191, *Electronic reader boards, animated, wall, marquees, canopy, awnings and mansard signs*, be amended to include the following:

Sec. 102-191. - Electronic reader boards, animated, wall, marquees, canopy, awnings and mansard signs.

Electronic reader boards, animated, wall, marquees, canopy, awnings and mansard signs shall be allowed for each establishment in all but residential zoning districts, provided that the regulations specified in section 102-71 and the following requirements are met. In addition, electronic reader boards are allowed on pole and ground signs as provided for in Section 102-146 and Section 102-157 of the Code.

- (1) *A sign located on a wall, marquee, canopy or awning shall be affixed flat to the surface and shall not extend beyond the limits of the wall, marquee, canopy, or awning, except as provided in this section.*
- (2) *Awning signs shall not be illuminated externally. An animated sign or an electronic reader board shall not be illuminated during the hours the business is closed.*
- (3) *No marquee, electronic reader board, animated signs, canopy or awning shall overhang public rights-of-way.*
- (4) *One electronic reader board, animated, wall or mansard sign shall be permitted for each single occupancy having frontage on a public street. Corner parcels, or double frontage parcels, shall be allowed one sign per street frontage, but such sign shall not be combined for the purpose of placing the combined area on any one wall.*
- (5) *One electronic reader board, animated, wall or mansard sign shall be permitted for each establishment in a multiple occupancy parcel. Establishments located at a corner shall be allowed one wall or mansard sign for each side of the establishment but shall not combine such signs for the purposes of placing the combined area on any one wall.*
- (6) *The maximum allowable display area for each wall or mansard sign shall not exceed 20 percent of the establishment's linear street frontage facing a public street or parking lot up to a maximum of 50 square feet of aggregate sign area. The maximum allowable display area for an electronic reader board or an animated sign in conjunction with a wall or mansard sign shall not exceed one square foot of aggregate sign area.*
- (7) *One wall or mansard sign not exceeding 16 square feet shall be permitted per occupancy for identification of occupant within delivery areas.*
- (8) *Electronic reader board, animated, wall, or mansard signs may not project beyond the roofline or sidewalls of any establishment to which the wall or mansard sign is attached; nor may the electronic reader board, animated, wall or mansard sign project more than 12 inches from the face of the building or extend above the eaveline of the building or extend into the public right-of-way.*
- (9) *Projecting signs may be substituted for the permanent wall or mansard signs, provided that the aggregate display area does not exceed 50 square feet. Projecting signs shall not extend from the face of the building wall more than four feet. Projecting signs shall not be located so that they extend above the roofline of the building. The supporting hardware of a projecting sign shall not be visible from the street or sidewalk. Projecting signs which extend over any pedestrian way shall be elevated with a minimum of eight feet above such pedestrian way. Projecting signs shall not be erected closer than ten feet from an interior lot line or an adjacent establishment. Electronic reader boards and animated signs shall not*

be permitted as a projecting sign.

SECTION 5. 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 6. This Ordinance shall become effective immediately upon final passage and adoption, or in the manner provided by law.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS _____ day of _____ 2015.

APPROVED AS TO FORM:

Thomas J. Trask
City Attorney

TRAVIS PALLADENO, Mayor

ATTEST:

AIMEE SERVEDIO, City Clerk

PUBLISHED:

PASSED ON FIRST READING:

PASSED ON SECOND READING:



Off-Site Valet and Motorcycle/Scooter Parking Ordinance

Continued from December 8, 2014

ORDINANCE NO. 2015-xx

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE MADEIRA BEACH CODE OF ORDINANCES, SUBPART B (LAND DEVELOPMENT REGULATIONS), CHAPTER 110 (ZONING), ARTICLE VII (OFF-STREET PARKING AND LOADING), BY CREATING SECTION 110-957 TO PROVIDE FOR OFF-SITE VALET PARKING PROVISIONS; BY CREATING SECTION 110-971(B)(3) TO PROVIDE FOR MOTORCYCLE/SCOOTER PARKING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the during the course of development review and project development over the past year a number of requests involving valet parking provisions and motorcycle/scooter credit were made to the City of Madeira Beach; and

WHEREAS, the use of off-site valet parking as a service needs City oversight to ensure compatibility with surrounding properties; and

WHEREAS, allowance for motorcycle/scooter parking credits is desirable where appropriate; and

WHEREAS, the Planning Commission finds it would be appropriate and consistent with the Madeira Beach Comprehensive Plan to allow for valet parking service and motorcycle/scooter parking provisions;

WHEREAS, the Board of Commissioners finds that it would be appropriate, consistent with the Madeira Beach Comprehensive Plan, better serve the citizens and business owners in Madeira Beach to allow for valet parking service and motorcycle/scooter parking provisions;

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

SECTION 1. That Section 110-957 of the Code of Ordinances of the City of Madeira Beach, Florida, is hereby created to read as follows:

Sec. 110-957. Valet parking.

The use of on-site valet parking in conjunction with established on-site parking is allowed and is not subject to the provisions outlined herein.

The use of off-site valet parking may be allowed in conjunction with allowable uses citywide as provided for in Chapter 110, Article VII. This service constitutes a manner of use wherein administrative review is appropriate and may include the stacking of parking in a designated configuration as approved by the City Manager or designee. The following criteria shall apply:

- (1) Such use receives administrative approval from the City Manager or designee.
- (2) At a minimum, all such valet parking facilities shall be subject to a site plan review. Upgrades to meet City Codes pertaining to parking and landscaping for vehicular use may be required as determined by the City Manager or designee.

- (3) The City Manager or designee may consider specific restrictions pertaining to hours of operation, noise, and lighting among other considerations in the review of the off-site parking request.
- (4) Public parking spaces shall not be utilized for valet parking unless approved through a valid agreement with the City of Madeira Beach.
- (5) The R-1 and R-2 zoning districts shall not be utilized for off-site valet parking sites.
- (6) In addition to the above, the following conditions shall apply to off-site valet parking requests:
 - a) A letter of request and a site plan shall be submitted to the City Manager or designee for approval.
 - b) The letter shall reflect that all parties (including the subject property's owner) acknowledge that the off-site valet parking area is to be used only by the approved designee and such off-site parking area is not the required parking for any other use.
 - c) Parking areas approved for off-site valet parking shall not be required to have each parking space and aisle marked unless such parking area will be used for other than valet parking purposes.
- (7) The notification procedure shall follow the provisions outlined in Section 2-503(c) pertaining to public notification.
- (8) If the applicant disagrees with the recommendation of the City Manager or designee, the applicant may appeal to the Special Magistrate based on the procedures established in Section 2-509 of the City Code.

SECTION 2. That Section 110-971(b)(3) of the Code of Ordinances of the City of Madeira Beach, Florida, is hereby created to read as follows:

- (b) The required number of offstreet parking spaces shall be offset, if applicable, by credits as set forth in this subsection.
 - (1) *Bicycle.* There shall be a credit of one parking space for every bicycle stall provided, up to a total of three credits.
 - (2) *Boating.* There shall be a credit of one parking space for every on-site customer boat slip provided.

Visitor (or customer) boat slips will relieve motor vehicle parking on a 1:1 ratio. Slips must be reserved as patron parking in order to qualify for a parking credit.
 - (3) *Motorcycle/scooter parking.* Motorcycle and scooter parking may substitute for up to five (5) percent of the required parking spaces for non-residential uses.
 - a) *Ratios.* For every two (2) motorcycles or scooter parking spaces provided, the automobile parking requirement is reduced by one space.

b) Identification. Motorcycle and scooter parking spaces must be identified or designated in a manner approved by the City Manager or designee and shown on the site plan submitted for review.

SECTION 3. 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 4. This Ordinance shall become effective immediately upon final passage and adoption.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS _____ day of _____, 2015.

TRAVIS PALLADENO, Mayor

ATTEST:

AIMEE SERVEDIO, City Clerk

PASSED ON FIRST READING:

PASSED ON SECOND READING:



Attendance Requirements/Meeting Absenteeism/Draft Planning Commission Rules of Procedure

Continued from December 8, 2014

ORDINANCE NO. 2015-____

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CITY OF MADEIRA BEACH CODE OF ORDINANCES, CHAPTER 2 (ADMINISTRATION), ARTICLE III (BOARDS, COMMITTEES, COMMISSIONS), DIVISION 2 (PLANNING COMMISSION) SECTION 2-77 (ORGANIZATION) TO PROVIDE FOR REPORTING OF ABSENCES AND ATTENDANCE OF BOARD MEMBERS, AND RECOMMENDATIONS BY THE BOARD FOR EXCUSED ABSENCES OR REMOVAL FOR VIOLATION OF THE ATTENDANCE POLICY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Madeira Beach Planning Commission has recommended the proposed changes with respect to the organization of their Board; and

WHEREAS, the City Commission has considered the requested changes and deems that an attendance policy for the Board is in the best interests of the City; and

WHEREAS, the regular attendance of Board members at the City Planning Commission meeting is important and necessary to the conduct of City business; and

WHEREAS, the City Commission has approved the proposed changes at a duly advertised public hearing in the manner provided by law;

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

Section 1. That Section 2-77 of Chapter 2 of the Code of Ordinances of the City of Madeira Beach titled *Organization* be amended to read as follows:

Sec. 2-77. - Organization.

- (a) The planning commission shall be appointed pursuant to the Charter upon the tally of votes cast by the board of commissioners. The term of office for each person appointed shall be staggered so that not more than three terms expire within any one year. Any planning commission member may be reappointed upon the tally of votes cast by the board of commissioners. Appointments to fill vacancies shall be for the unexpired term of office.
- (b) Qualifications of the members of the planning commission shall be as provided in the Charter at the time of their appointment and throughout the term of office. Any member who is no longer qualified to be a member shall be automatically removed, and that vacancy filled as provided in this section.
- (c) Members of the planning commission shall be suspended or removed for cause upon the filing of written charges by the mayor. The written charges shall be served by hand delivery or certified mail upon the member being

charged. The member being charged shall have 15 days to appeal the charges to the board of commissioners. If the charges are appealed, the member being charged shall be afforded a prompt public hearing on the matter. The member shall be retained, suspended or be removed by majority vote of the board of commissioners.

- (d) The failure of any member of the planning commission to attend three consecutive meetings of the planning commission or failure to attend four meetings of the planning commission in any contiguous 12-month period shall be cause for removal. The planning commission shall annually, or more often if necessary, report to the board of commissioners regarding attendance of the members of the planning commission at the regularly scheduled meetings and workshops of the board, and make recommendations regarding excused absences in accordance with the planning commissions' rules of procedure, or make recommendations for removal for violation of the attendance policy.
- (e) Appointments shall be made, consistent with the Charter [§ 12.2](#) on the basis of demonstrated experience or interest in the subject matter.
- (f) The members of the planning commission shall, in October of each year, elect a chairman, first vice-chairman and a second vice-chairman from among its members who shall be voting members.
- (g) Members of the planning commission shall meet on the second and fourth Monday of each month, as necessary; or at the call of the chairman. All meetings of the planning commission shall be public.
- (h) The presence of four or more members shall constitute a quorum.
- (i) Planning commission members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by board of commissioners or as otherwise provided by law.

Section 2. That any Ordinances or parts of Ordinances in conflict herewith are hereby repealed to extent of such conflict.

Section 3. That in the event a court of competent jurisdiction deems any part or parts of this ordinance to be invalid or unenforceable as a matter of law, the offending provision shall be severed and remaining provisions shall continue in full force and effect.

Section 4. This Ordinance shall become effective immediately upon final passage and adoption, or in the manner provided by law.

PUBLISHED:

PASSED ON FIRST READING:

PASSED ON SECOND READING:

APPROVED AS TO FORM:

Thomas J. Trask
City Attorney

Travis Palladeno
Mayor

ATTEST:

Aimee Servedio, City Clerk

RESOLUTION NO. 2015-01 OF THE PLANNING COMMISSION

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA, PLANNING COMMISSION AND LOCAL PLANNING AGENCY, ESTABLISHING AND ADOPTING RULES OF PROCEDURE FOR THE CONDUCT OF MEETINGS AND MATTERS TO COME BEFORE THE BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City of Madeira Beach, Florida, Planning Commission and Local Planning Agency to formally adopt Rules of Procedure to identify the Board's current rules and policies; and

WHEREAS, the Board desires to codify its practices and procedures for the benefit of the public appearing before the Board and for new Board members to learn the policies and procedures in the conduct of hearings; and

WHEREAS, the City of Madeira Beach, Florida, Code of Ordinances, Section 2-79, provides that the planning commission shall have the power to establish rules and regulations for its own operation not inconsistent with the provisions of Code of Ordinances; and

WHEREAS, the Board finds the Rules of Procedure to be consistent and not in conflict with the City of Madeira Beach, Florida Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA:

Section 1. That the City of Madeira Beach Planning Commission and Local Planning Agency Rules of Procedure shall be instated and/or established in accordance with Exhibit "A" attached hereto.

Section 2. That Exhibit A of Resolution 2015-01 displays the desired "Rules of Procedure."

Section 3. That a copy of Resolution 2015-01 and the Rules of Procedure be provided shall be made available to anyone having business before the Board.

Section 4. That this Resolution shall become effective immediately upon its adoption.

INTRODUCED AND ADOPTED this ____ day of _____, 2015 by the Planning Commission and Local Planning Agency of the City of Madeira Beach, Florida.

Chairman

ATTEST:

Lynn M. Rosetti, AICP, CFM
Planning and Zoning Director

**RULES OF PROCEDURE
PLANNING COMMISSION / LOCAL PLANNING AGENCY**

SECTION 1. REGULAR MEETINGS

- a. **Time.** The Planning Commission of the City of Madeira Beach shall hold its regular meetings on the second and fourth Monday's of each month at the hour of 7:00 p.m. or at a time as otherwise directed by the members of the Planning Commission. When the day fixed for any regular meeting of the Planning Commission falls upon a date designated by law as a legal or national holiday or shall fall upon some commemorative day designated locally or upon a day of local emergency, such meeting shall be cancelled or rescheduled by the Chairman to a more appropriate date and time agreeable to the members of the Planning Commission.
- b. **Place.** All regular meetings of the Planning Commission shall be held in the City Hall Auditorium, 300 Municipal Drive, Madeira Beach, Florida, or in some other duly designated place.
- c. **Notice.** Notices of meetings shall be given in writing to each member of the Planning Commission. The Meeting notice shall contain an agenda of items to be discussed. All members of the Planning Commission shall receive immediate notification by telephone of any change of meeting date or time.
- d. **Attendance at Meetings.** Attendance at meetings shall be noted on the roll call taken at the beginning of the meeting, and the Planning Commission shall vote on whether or not to excuse absences submitted in advance to the Planning and Zoning Director. Failure to attend a meeting without submitting an excuse shall automatically be unexcused. Any Planning Commission member may request reconsideration of such determination at the next meeting of the Planning Commission. The minutes shall reflect when a member arrives if after the roll call, and when a member leaves if prior to the meeting's adjournment. The Planning Commission shall annually, or more often if necessary, report to the Board of Commissioners regarding attendance of the members of the Planning Commission at the regularly scheduled meetings and workshops of the Board of Commissioners and make recommendations regarding removal for violation of the attendance policies set forth herein. Failure of any member of the Planning Commission to attend three regular consecutive meetings of the Planning Commission, or have unexcused absences for failure to attend four regular meetings of the Planning Commission in any contiguous 12-month period shall be cause for a recommendation of removal. Excused absences may include, but are not limited to, family emergencies, a temporary change in work schedule, or other circumstances as deemed appropriate by the Planning Commission. Following the Roll Call, the Planning Commission may request that staff send a letter of concern to any member whose absence is unexcused. A copy of any letter sent shall be included in the next Planning Commission's agenda packet of materials.

SECTION 2. SPECIAL MEETINGS

The Chairman or a majority of the Planning Commission membership may call a special meeting. Place and notice shall be as indicated in Section 1b & 1c. All members of the Planning Commission shall receive immediate notification by telephone and email of any change of meeting date or

time.

SECTION 3. LOCAL PLANNING AGENCY MEETINGS

The Chairman or a majority of the Planning Commission membership may call a meeting of the Local Planning Agency. Place and notice shall be as described in Section 1b & 1c. All members of the Planning Commission shall receive immediate notification by telephone and email of any change of meeting date or time.

SECTION 4. AGENDA

- a. **General.** Prior to any meeting, the Community Development Director shall prepare and submit to all members of the Planning Commission reports and other matters that shall be discussed and acted upon by the Planning Commission at its regular, special, or Local Planning Agency meetings. Any Planning Commission member may request that an item be placed in the appropriate category of the agenda for discussion. Such request shall be made to the Community Development Director in writing no later than 12:00 noon on the Wednesday preceding the required posted 15-day notification, along with a copy of any material they would like to be included in the packet to be delivered to each member. Such Planning Commission member shall include an estimate of the amount of time that they would like to have allocated for the discussion of their item. The order of items placed on the agenda shall normally be in the order received and any Planning Commission member items rolled over from a previous meeting shall have precedence over anew Planning Commission member items. However, all such Planning Commission member items shall not take precedence over the Planning Commission's scheduled case load, Board of Commissioners directed activities, or other mandated activities. The Community Development Director working with the Chairman in their discretion shall set forth the agenda for all meetings of the Planning Commission.
- b. **Unanimous Consent Approval.** At the discretion of the members of the Planning Commission, the presiding officer may request approval of minutes and other non-controversial agenda items be made by "unanimous consent". Any Planning Commission member, member of the public, City Attorney, Community Development Director, or City Manager may request individual discussion and Planning Commission action requiring a motion and second in lieu of unanimous consent approval.
- c. **Additional Agenda Items.** Additional items, not otherwise restricted by law, may be placed on the agenda on the day of the meeting by the Community Development Director, Chairman, or majority of the members in attendance at the meeting.

SECTION 5. PRESIDING OFFICER - ELECTION AND DUTIES

The presiding officer of the Planning Commission shall be the Chairman, or in the absence of the Chairman, the First Vice-Chairman, and the Second Vice-Chairman in that order. Each year at the first regular Planning Commission meeting in October, the Planning Commission shall elect one of its members as Chairman and two of its members as First Vice-Chairman and Second Vice-Chairman. The presiding officer shall preserve strict order and decorum at all meetings of the Planning Commission. The presiding officer shall state every question coming before the Planning Commission on all subjects and decide all questions of order, subject, however, to an appeal to the

Planning Commission upon such questions, in which event a majority vote of the Planning Commission shall conclusively govern and determine such questions of order. The presiding officer shall vote on all questions and the presiding officer's name shall be called last. The presiding officer shall sign all actions approved by the Planning Commission.

SECTION 6. CALL TO ORDER - PRESIDING OFFICER

The Chairman, or in the Chairman's absence the First Vice-Chairman or Second Vice-Chairman, shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Planning Commission to order. In the absence of the Chairman, First Vice-Chairman, and Second Vice-Chairman, the Planning Commission members present at the meeting shall select a temporary chairman. Upon arrival of the Chairman, First Vice-Chairman, or Second Vice-Chairman, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Planning Commission.

SECTION 7. ROLL CALL

Before proceeding with the business of the Planning Commission, the City Clerk, Recording Secretary, or other designated individual shall call the roll of the members, and the names of those present shall be entered in the minutes.

SECTION 8. QUORUM

The presence of four or more members of the Planning Commission shall constitute a quorum.

SECTION 10. ORDER OF BUSINESS

All meetings of the Planning Commission shall be open to the public. Promptly at the hour set for each regular meeting, special meeting, or Local Planning Agency meeting, the members of the Planning Commission shall take their stations in the City Hall Auditorium (or other duly designated location) along with the Community Development Director, City Attorney, and City Clerk, or Recording Secretary, and the business of the Planning Commission shall be taken up for consideration and disposition in the following order:

1. Meeting called to order by presiding officer
2. Cell phone announcement to turn off phones
3. Roll call
4. Motion to approve any absences.
5. Approval of minutes of previous meeting(s)
6. Ex-parte communications disclosure (for quasi judicial meetings)
7. Administration of witness oath (for quasi judicial meetings)
8. Presentation of each agenda item as follows:
 - Staff report
 - Planning Commission questioning of Staff
 - Applicant presentation, when applicable
 - Planning Commission questioning of applicant, when applicable
 - Public provides testimony / speaks to an issue
 - Applicant rebuttal, when applicable

- Close of Public Hearing, when applicable
 - Planning Commission discussion
 - Call for motion & second by presiding officer
 - Discussion of motion by Planning Commission
 - Vote on Motion
9. Reports and comments of City Attorney, Community Development Director, Chairman, and Planning Commission members
 10. Set date for next meeting
 11. Adjournment

SECTION 11. RULES OF DEBATE

- a. **Sequence of Debate.** Each member of the Planning Commission will have an opportunity to discuss the issue or topic. At the conclusion of discussion by those wishing to offer input, the presiding officer will call for a motion and second. A motion of a Planning Commission member shall be verbally stated. Once that motion receives a second by another Planning Commission member, each member of the Planning Commission will have an opportunity to discuss the motion once before any member of the Planning Commission has additional opportunities to offer further discussion. At the conclusion of discussion by all members, action on the motion shall be concluded and the presiding officer will call for a roll call vote of the Planning Commission members. The member making any motion shall not be required to vote affirmatively on said motion. The member seconding the motion being voted upon shall not be required to vote in favor of said motion.
- b. **Presiding officer may debate, vote, etc.** The Chairman, First Vice-Chairman, Second Vice-Chairman, or such other member of the Planning Commission as may be presiding may vote, second and debate from the chair subject only to such limitations of debate as are imposed by these rules on all members and shall not be deprived of any of the rights and privileges of the member by reason of the member acting as a presiding officer. No member of the Planning Commission who is present at any meeting of the Planning Commission at which an official decision, ruling or other official action is to be taken or adopted may abstain from voting in regard to such decision, ruling or act, and a vote shall be recorded or counted for each such member present except when, with respect to any such member, there is, or appears to be, a possible conflict of interest under the provisions of Chapter 112, Florida Statutes. In such cases, such members shall comply with the disclosure requirements of Section 112.313, Florida Statutes.
- c. **Getting the floor - improper references to be avoided.** Every member of the Planning Commission desiring to speak shall address the presiding officer and upon recognition shall confine comments to the question under debate, avoiding all personalities and indecorous language.
- d. **Interruptions.** A member, once recognized, shall not be interrupted when speaking unless it is to call the member to order or as herein otherwise provided. If a member while speaking is called to order, he/she shall cease speaking until the question of order is determined, and if in order, the member shall be permitted to proceed.
- e. **Remarks by Planning Commission Members.** The Planning Commission recognizes that all applicants are entitled to due process and a fair hearing on their applications. Accordingly, all members shall refrain from forming or expressing their personal conclusion on any aspect of

the applicant's matter until all evidence has been received and the public hearing has been closed.

- f. **Withdrawal of motions.** Any motion before the Planning Commission may be withdrawn at any time prior to a vote being taken thereon by the member making such motion, upon agreement by the member seconding said motion to withdraw his/her second.
- g. **Amending of motions.** At any time during discussion of a motion on the floor, a motion to amend said motion may be made if the amending motion is seconded, the members shall at the conclusion of discussion, first vote on the amending motion and then upon the original motion in its original form as amended. A motion and second to amend will not be necessary if the member making the original motion and the member seconding the original motion agree to the amendment and restates the original motion with the suggested amendment. An amending motion may be withdrawn in the same manner as set forth in sub-paragraph e above.
- h. **Privilege of closing debate.** The member moving the adoption of a motion shall have the privilege of closing the debate.
- i. **Motion to reconsider.** A motion to reconsider any action taken by the Planning Commission may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourning session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor, it shall be debatable. Nothing herein contained shall be construed to prevent any member of the Planning Commission from making or remaking the same or any other motion at a subsequent meeting of the Planning Commission.
- j. **Remarks of Planning Commission Members - when entered in minutes.** The recording secretary shall be directed to enter in the minutes a synopsis of the discussion on any question coming regularly before the Planning Commission.

SECTION 12. ADDRESSING THE PLANNING COMMISSION

Any person desiring to address the Planning Commission shall first complete a card expressing the desire to address the Planning Commission on a specific topic. A separate card shall be completed for each topic the person desires to discuss. All cards shall be given to recording secretary prior to discussion of the item. Those persons addressing the Planning Commission on an item on the agenda at their request do not have to complete a card on that item.

- a. **Written communications.** Interested parties or their authorized representatives may address the Planning Commission by written communications in regard to matters then under discussion.
- b. **Oral communications.** Interested parties or their authorized legal representatives may address the Planning Commission by oral communications on any matter provided; however, that preference shall be given to those persons who have notified the Community Development Director in advance of their desire to speak so that such matter appears on the agenda of the Planning Commission.
- c. **Reading of protests, etc.** Interested persons or their authorized representatives may address the Planning Commission by reading protests, petitions or communications relating to matters

under consideration by the Planning Commission.

- d. **Cellular Telephone.** Cellular telephone and audible pagers shall be turned off or on vibrate while the Board meeting is in session.

SECTION 13. ADDRESSING THE PLANNING COMMISSION AFTER MOTION

After a motion is made by the Planning Commission, no person shall address the Planning Commission without first securing the permission from the presiding officer to do so.

SECTION 14. MANNER OF ADDRESSING PLANNING COMMISSION - TIME LIMIT

Each person addressing the Planning Commission shall step in front of the podium, shall give his/her name and address in an audible tone of voice for the record, and unless more or less time is granted by the presiding officer, shall limit his/her address to five (5) minutes. All remarks shall be addressed to the Planning Commission as a body and not to any member thereof. No person, other than the presiding officer of the Planning Commission and the person having the floor shall be permitted to enter into any discussion either directly or through a member of the Planning Commission, without first being recognized by the presiding officer. No questions shall be asked of a Planning Commission member without first obtaining permission from the presiding officer.

SECTION 15. DECORUM

- a. **By Planning Commission members.** While the Planning Commission is in session, the members must preserve order and decorum and a member shall neither by conversation or otherwise delay nor disturb any member while speaking, or refuse to obey the orders of the Planning Commission or its presiding officer, except as otherwise herein provided.
- b. **By persons.** Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Planning Commission shall be forthwith barred by the presiding officer from further audience before the Planning Commission unless permission to continue is granted by a majority vote of the Planning Commission.

SECTION 16. ENFORCEMENT OF DECORUM

If it is deemed necessary by the presiding officer or City official, a Sheriff's Deputy shall be called to act as sergeant-at-arms. The Deputy shall carry out those orders and instructions requested by the presiding officer for the purpose of maintaining order and decorum at the Planning Commission meeting. If necessary, it shall be the duty of the sergeant-at-arms to remove the person or persons violating the order and decorum of the meeting from the premises. Any additional action by law enforcement regarding any person or persons violating the order and decorum of the meeting shall be at the discretion of the law enforcement officer.

SECTION 17. EFFECTIVE DATE

These rules shall be in force and effect immediately upon adoption by the Planning Commission and shall remain in effect until such rules are amended or repealed.