

## ORDINANCES 2017

- 17-01 **Annex** 1718 Curlew Road (1/26/17)
- 17-02 LUP 1718 Curlew Road (1/26/17)
- 17-03 **Zoning** 1718 Curlew Road (1/26/17)
- 17-04 Moratorium on the establishment & operation on Medical Marijuana Dispensing & treatment centers (1/26/17)
- 17-05 **Tabled**
- 17-06 Removing single site Historic Overlay on the Eastern portion of 453 Edgewater Drive (6/15/17)
- 17-07 **Amend** Sec. 105, Green Bldg. Codes
- 17-08 **Amend** Ch. 6 of the Code of Ordinances pertaining to Alcohol sales. (5/18/17)
- 17-09 **Amend** Sec. 2-93 of the Code Book relating to the Gift Policy (6/15/17)
- 17-10 **Rezone** vacant parcel on Jackson St., App. Zo 17-51.00 (7/27/17)
- 17-11 **Amend** Sec. 103, Permitted Uses (8/24/17)
- 17-12 **Amend** Sec. 105, Cross Access Driveway Width (8/24/17)
- 17-13 **Failed on 1st reading**
- 17-14 **Tabled on 1st reading**
- 17-15 **Annex** 1501 San Christopher Dr. (8/24/17)
- 17-16 LUP following annexation, 1501 San Christopher (8/24/17)
- 17-17 **Zoning** following annexation, 1501 San Christopher (8/24/17)

## ORDINANCES 2017

- 17-18 Calling for a Municipal Election (6/15/17)
- 17-19 **Not Used**
- 17-20 **Not Used**
- 17-21 **Not Used**
- 17-22 **Not Used**
- 17-23 **Amend** Sec. 3.05 of Charter, selection of Vice-Mayor
- 17-24 **Amend** Sec. 3.06 of Charter, special election
- 17-25 **Amend** Sec. 3.08 of Charter, notice of special meetings
- 17-26 **Amend** Sec. 5.01 of Charter, rename title "Electors"
- 17-27 **Amend** Sec. 6.04 of Charter, code of ethics
- 17-28 **Amend** Sec. 26-73 and 26-74 of Code of Ordinances (12/21/17)
- 17-29 **Rezone** 93 Lexington Dr (10/19/17) App. S/D-LDO-ZO 17-58
- 17-30 Temporary moratorium on establishment & operation of Medical Marijuana centers
- 17-31 **Rezone** 805/811 Main St, 815/825 SR 580, 1029/1033 Park Dr (11/16/17) App. ZO 17-59
- 17-32 Establish annual salary of the City Commission - review every 5 years (9/21/17)
- 17-33 2nd Reading scheduled 1/25/18
- 17-34 **Tabled until 7/12/18**

## ORDINANCES 2017

**17-35** 2nd Reading scheduled 1/11/18

**17-36** Imposing a temp. moratorium on the establishment and operation of medical marijuana organizations and treatment centers (12/21/17)

## ORDINANCE 17-01

**AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF DUNEDIN, FLORIDA TO ANNEX CERTAIN REAL PROPERTY LOCATED AT 1718 CURLEW ROAD (PARCEL NUMBER 13-28-15-00000-310-0600) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 2.1 ACRES, INTO THE CORPORATE LIMITS OF THE CITY OF DUNEDIN; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, pursuant to the provisions of the Florida Statutes, the City of Dunedin may lawfully annex land lying contiguous to the boundaries of the City upon written petition of the property owners thereof; and

**WHEREAS**, the City of Dunedin has received a written petition of the property owners of the following described property and has received proper proof of title setting forth the names of all persons, firms or corporations owning any interest in said property; and

**WHEREAS**, said property is reasonably compact and is contiguous to the City of Dunedin, lying in an unincorporated area.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** The City of Dunedin, acting by and through its City Commission, hereby declares its intention to annex into the corporate limits of the City Dunedin the following property lying contiguous to the territorial limits of said City:

**SEE ATTACHED EXHIBIT "A"**

**A map clearly showing the annexed area is attached hereto as Exhibit "B" and incorporated herein by reference.**

**Section 2.** Upon final passage and adoption, a certified copy of this Ordinance shall be duly recorded in the Office of the Circuit Court of Pinellas County and filed with the Department of State, State of Florida and the County Administrator of Pinellas County, Florida.

**Section 3.** When this Ordinance has been duly recorded and filed as aforesaid, the territory hereinabove described shall be thereupon annexed to the City of Dunedin and the inhabitants thereof shall enjoy all the privileges and be

subject to all liabilities as are applicable to the other lands and inhabitants within the corporate limits and subject to all laws and ordinances of the City of Dunedin.

**Section 4.** That this Ordinance shall become effective immediately upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 26th day of January, 2017.**

  
\_\_\_\_\_  
Julie Ward Bujalski  
Mayor

ATTEST:

  
\_\_\_\_\_  
Denise M. Kirkpatrick  
City Clerk

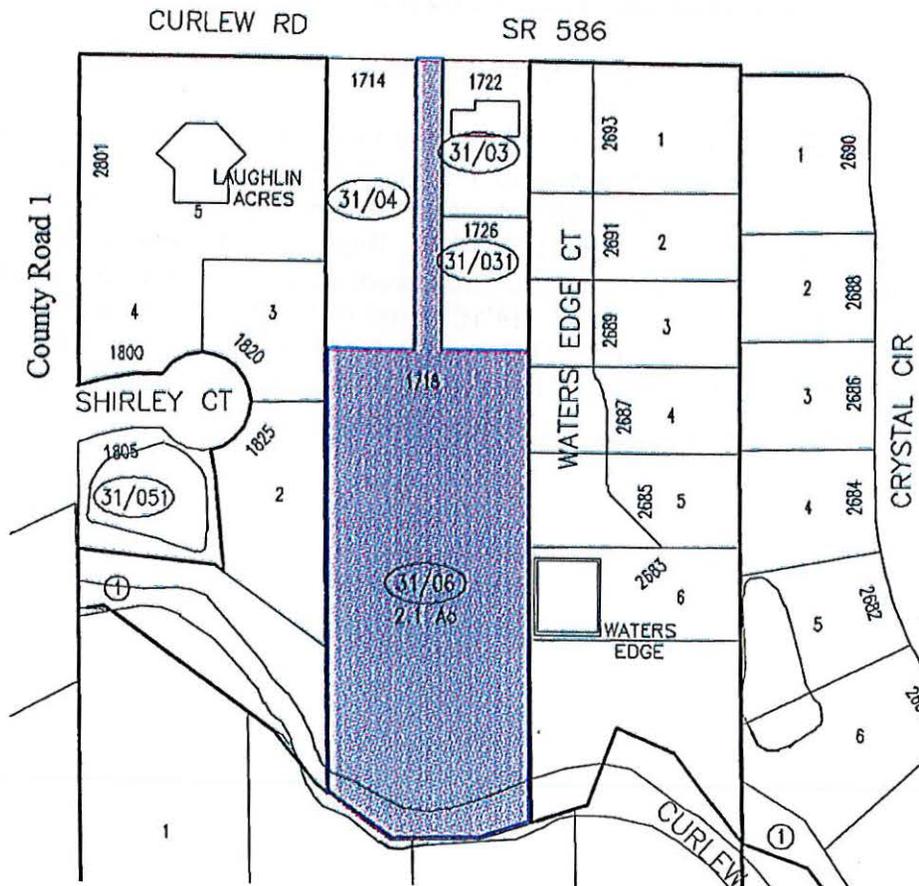
READ FIRST TIME AND PASSED: January 12, 2017

READ SECOND TIME AND ADOPTED: January 26, 2017

# Ordinance 17-01

## Exhibit A

APPLICATION AN-LUP-ZO 16-62.00  
1718 Curlew Road  
Parcel Number 13-28-15-00000-310-0600



Land Use Plan Designation  
Residential Suburban (RS) and Preservation (P)

Zoning Designation  
Agricultural Residential (AR)

**Ordinance 17-01**

**Exhibit B**

**APPLICATION AN-LUP-ZO 16-62.00  
1718 Curlew Road  
Parcel Number 13-28-15-00000-310-0600**

**LEGAL DESCRIPTION**

Begin at the Northwest (NW) corner of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section 13, Township 28 South, Range 15 East, and run thence South 89 deg.38'47" East along the quarter section line 280.89 feet for P.O.B., thence continue along said quarter section line 185.0 feet, thence South 0 deg. 14'16" East 702.26 feet to the bank of Curlew Creek, thence Northwesterly along said bank to a point which lies 684.80 feet South 0 deg. 14'16" East of the P.O.B., thence N 0 deg. 14'16" West 684.80 feet to the P.O.B., LESS AND EXCEPT the East 80 feet of the North 320 feet and LESS AND EXCEPT the West 80 feet of the 320 feet, also, LESS AND EXCEPT THE right-of-way of Curlew Road on the North.



**FLORIDA DEPARTMENT of STATE**

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

February 16, 2017

Ms. Denise Kirkpatrick  
City Clerk  
City of Dunedin  
P. O. Box 1348  
Dunedin, Florida 34697-1348

Dear Ms. Kirkpatrick:

This will acknowledge receipt of a certified copy of Ordinance No. 17-01, annexing property into the City of Dunedin, which was filed in this office on February 15, 2017.

Ms. Liz Cloud has retired, please send ordinances to my attention at:

Florida Department of State  
Administrative Code and Register  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Sincerely,

A handwritten signature in black ink, appearing to read "Ernest L. Reddick".

Ernest L. Reddick  
Program Administrator

ELR/lb

KEN BURKE, CLERK OF COURT  
AND COMPTROLLER PINELLAS COUNTY, FL  
INST# 2017035179 02/01/2017 at 01:56 PM  
OFF REC BK: 19504 PG: 1860-1863  
DocType:GOV RECORDING: \$35.50

I DO HERE-BY CERTIFY THIS TO BE A TRUE  
AND CORRECT COPY  
CERTIFIED THIS

DATE 1/30/17

*Ken Burke*  
CITY CLERK

## ORDINANCE 17-01

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF DUNEDIN, FLORIDA TO ANNEX CERTAIN REAL PROPERTY LOCATED AT 1718 CURLEW ROAD (PARCEL NUMBER 13-28-15-00000-310-0600) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 2.1 ACRES, INTO THE CORPORATE LIMITS OF THE CITY OF DUNEDIN; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

**WHEREAS**, pursuant to the provisions of the Florida Statutes, the City of Dunedin may lawfully annex land lying contiguous to the boundaries of the City upon written petition of the property owners thereof; and

**WHEREAS**, the City of Dunedin has received a written petition of the property owners of the following described property and has received proper proof of title setting forth the names of all persons, firms or corporations owning any interest in said property; and

**WHEREAS**, said property is reasonably compact and is contiguous to the City of Dunedin, lying in an unincorporated area.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

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**SEE ATTACHED EXHIBIT "A"**

**A map clearly showing the annexed area is attached hereto as Exhibit "B" and incorporated herein by reference.**

**Section 2.** Upon final passage and adoption, a certified copy of this Ordinance shall be duly recorded in the Office of the Circuit Court of Pinellas County and filed with the Department of State, State of Florida and the County Administrator of Pinellas County, Florida.

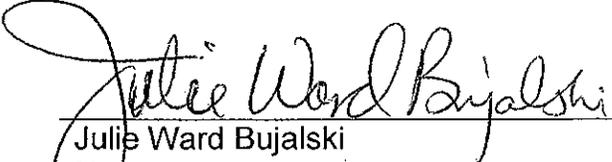
**Section 3.** When this Ordinance has been duly recorded and filed as aforesaid, the territory hereinabove described shall be thereupon annexed to the City of Dunedin and the inhabitants thereof shall enjoy all the privileges and be

FOR THE CITY OF DUNEDIN, FLORIDA

subject to all liabilities, as are applicable to the other lands and inhabitants within the corporate limits and subject to all laws and ordinances of the City of Dunedin.

**Section 4.** That this Ordinance shall become effective immediately upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 26th day of January, 2017.**

  
Julie Ward Bujalski  
Mayor

ATTEST:

  
Denise M. Kirkpatrick  
City Clerk

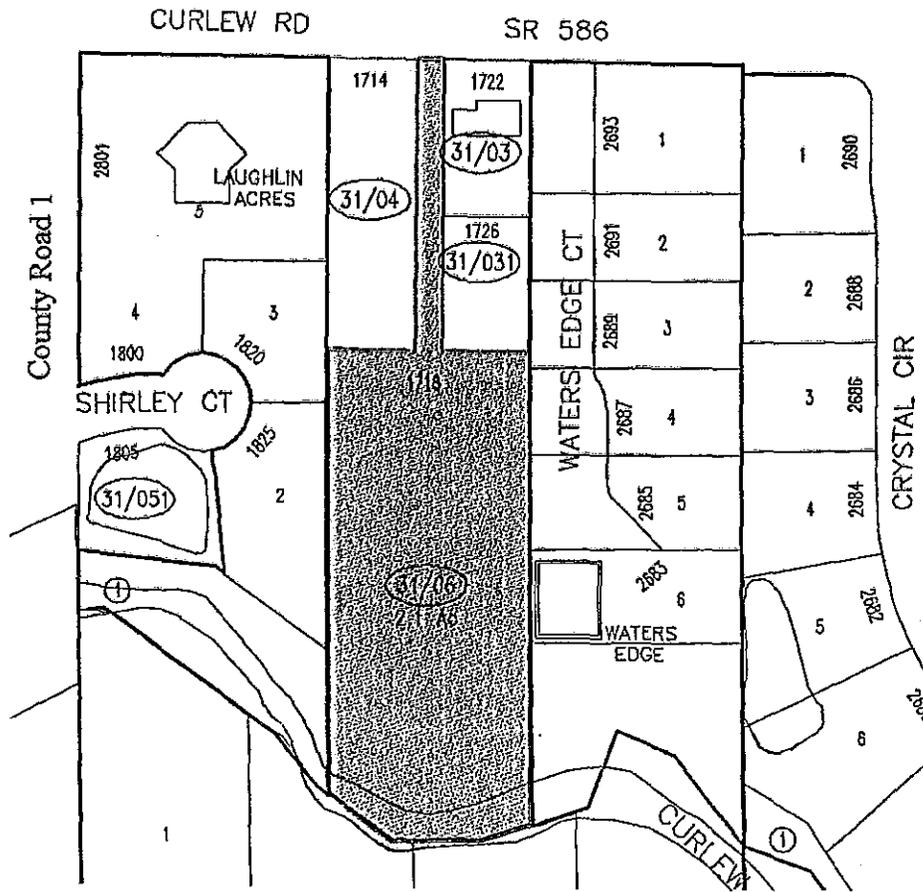
READ FIRST TIME AND PASSED: January 12, 2017

READ SECOND TIME AND ADOPTED: January 26, 2017

**Ordinance 17-01**

**Exhibit A**

**APPLICATION AN-LUP-ZO 16-62.00**  
**1718 Curlew Road**  
**Parcel Number 13-28-15-00000-310-0600**



**Land Use Plan Designation**  
Residential Suburban (RS) and Preservation (P)

**Zoning Designation**  
Agricultural Residential (AR)

**Ordinance 17-01**

**Exhibit B**

**APPLICATION AN-LUP-ZO 16-62.00  
1718 Curlew Road  
Parcel Number 13-28-15-00000-310-0600**

**LEGAL DESCRIPTION**

Begin at the Northwest (NW) corner of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section 13, Township 28 South, Range 15 East, and run thence South 89 deg.38'47" East along the quarter section line 280.89 feet for P.O.B., thence continue along said quarter section line 185.0 feet, thence South 0 deg. 14'16" East 702.26 feet to the bank of Curlew Creek, thence Northwesterly along said bank to a point which lies 684.80 feet South 0 deg. 14'16" East of the P.O.B., thence N 0 deg. 14'16" West 684.80 feet to the P.O.B., LESS AND EXCEPT the East 80 feet of the North 320 feet and LESS AND EXCEPT the West 80 feet of the 320 feet, also, LESS AND EXCEPT THE right-of-way of Curlew Road on the North.

## ORDINANCE 17-02

**AN ORDINANCE AMENDING THE CITY OF DUNEDIN LAND USE PLAN, AS ADOPTED BY ORDINANCE 89-21, ON CERTAIN REAL PROPERTY FOLLOWING ANNEXATION LOCATED AT 1718 CURLEW ROAD (PARCEL NUMBER 13-28-15-00000-310-0600) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 2.1 ACRES, ASSIGNING RESIDENTIAL SUBURBAN (RS), AND PRESERVATION (P) LAND USE DESIGNATIONS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the owners of the property described herein have requested that the said property receive an amended land use designation on the Dunedin Land Use Plan following annexation; and

**WHEREAS**, the owners of the property described herein has requested that the Dunedin Land Use Plan be changed following annexation to Residential Suburban (RS), and Preservation (P); and

**WHEREAS**, the Local Planning Agency of the City of Dunedin has duly considered the type of land use designation that would be appropriate on said property and has recommended that the property herein below be changed following annexation to Residential Suburban (RS), and Preservation (P); and

**WHEREAS**, the City Commission of the City of Dunedin has considered such request and finds that such request should be granted.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That the Dunedin Land Use Plan as adopted by Ordinance 89-21 be amended by redesignating the following described real property following annexation to Residential Suburban (RS), and Preservation (P), as said designations are more particularly described in said Land Use Plan:

**See Exhibit "A" attached hereto and made a part hereof.**

**Section 2.** The effective date of this small scale development plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), F.S. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, F.S. No development orders,

development permits or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 26th day of January, 2017.**

  
\_\_\_\_\_  
Julie Ward Bujalski  
Mayor

ATTEST:

  
\_\_\_\_\_  
Denise M. Kirkpatrick  
City Clerk

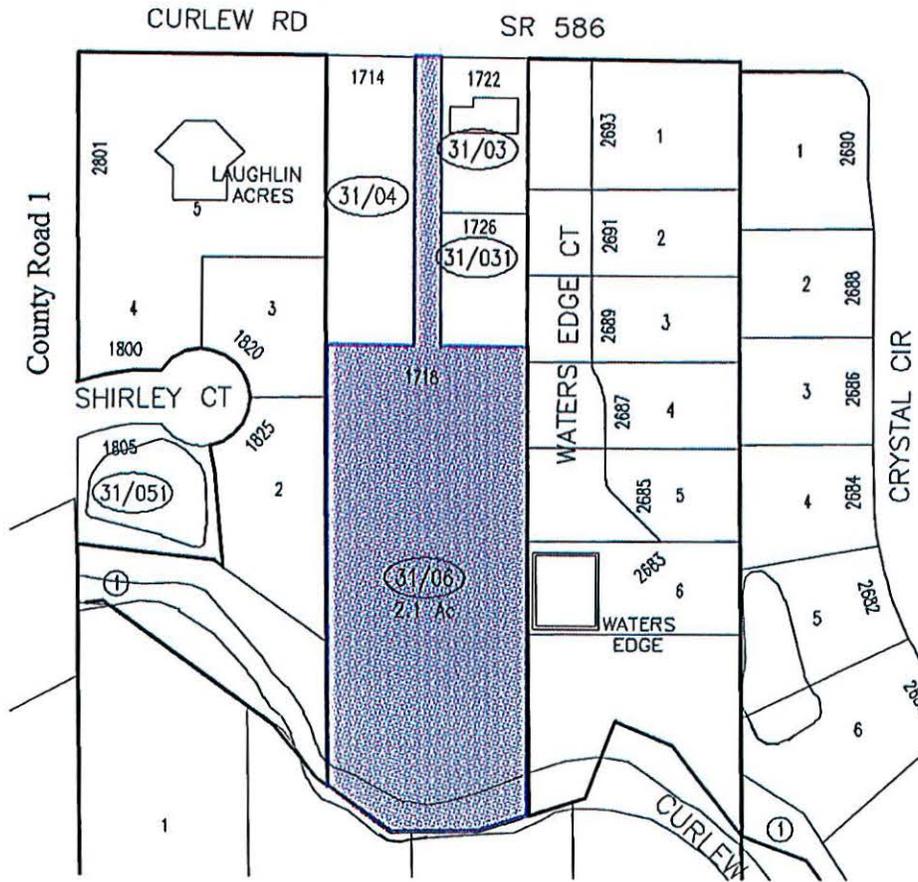
READ FIRST TIME AND PASSED: January 12, 2017

READ SECOND TIME AND ADOPTED: January 26, 2017

**Ordinance 17-02**

**Exhibit A**

**APPLICATION AN-LUP-ZO 16-62.00  
1718 Curlew Road  
Parcel Number 13-28-15-00000-310-0600**



**Land Use Plan Designation**  
Residential Suburban (RS) and Preservation (P)

**Zoning Designation**  
Agricultural Residential (AR)

## ORDINANCE 17-03

AN ORDINANCE ZONING CERTAIN REAL PROPERTY FOLLOWING ANNEXATION LOCATED AT 1718 CURLEW ROAD (PARCEL NUMBER 13-28-15-00000-310-0600) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 2.1 ACRES, AS AGRICULTURAL RESIDENTIAL (AR); AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

**WHEREAS**, the owners of the property described herein have requested that the said property be zoned following annexation to Agricultural Residential (AR); and

**WHEREAS**, the Local Planning Agency of the City of Dunedin, Florida, has duly considered the type of zoning which would be proper on said real property, and has recommended that the zoning request of said owner be granted; and

**WHEREAS**, due and proper public hearing on the said recommended zoning has been conducted by the City Commission and the recommendations of the Local Planning Agency having been found by the Commission to be meritorious.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** That from and after the effective date of the within Ordinance, the following described real property shall hereby be zoned to Agricultural Residential (AR), as said zoning classification is more particularly described in Dunedin's Land Development Code:

**See Exhibit "A" attached hereto and made a part hereof.**

**Section 2:** This Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
DUNEDIN, FLORIDA, THIS 26th day of January, 2017.

  
\_\_\_\_\_  
Julie Ward Bujalski  
Mayor

ATTEST:

  
\_\_\_\_\_  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: January 12, 2017

READ SECOND TIME AND ADOPTED: January 26, 2017



## **ORDINANCE 17-04**

**AN ORDINANCE OF THE CITY OF DUNEDIN IMPOSING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSING ORGANIZATIONS AND MEDICAL MARIJUANA TREATMENT CENTERS WITHIN THE CITY OF DUNEDIN FOR A PERIOD OF ONE HUNDRED AND EIGHTY (180) DAYS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, in 2014 the Florida Legislature enacted a medical marijuana law, the “Compassionate Medical Cannabis Act of 2014” (codified as §381.986, Fla. Stat.)(the “Act”) which authorized a limited number of large nurseries to cultivate, process, and dispense non-euphoric, low THC cannabis and operate as “Dispensing Organizations” for individuals with certain specified serious ailments; and

**WHEREAS**, the Florida Legislature in its 2016 session amended the Compassionate Medical Cannabis Act (§381.986, Fla. Stat.) to include the use of “medical marijuana” for eligible patients with terminal conditions; and

**WHEREAS**, the 2016 Amendment expanded the type of marijuana available to eligible patients beyond low THC cannabis to include all types of marijuana, and the statutory amendment has been codified and has become effective in the State of Florida; and

**WHEREAS**, on November 8, 2016, Florida’s voters approved an amendment to the Florida Constitution, titled “Use of Marijuana for Debilitating Medical Conditions” (“Amendment 2”); and

**WHEREAS**, Amendment 2 would fully legalize the medical use of marijuana throughout the State of Florida for those individuals with specified “debilitating” conditions, and would authorize the cultivation, processing, distribution and sale of marijuana and related activities by licensed “Medical Marijuana Treatment Centers”; and

**WHEREAS**, a comprehensive state licensing and regulatory framework for the cultivation, processing and dispensing of cannabis under Act of 2014 presently exists and provides that criteria for the number and location of dispensaries and other permitting requirements that do not conflict with state law or Department of Health rules may be established by local ordinance; and

**WHEREAS**, businesses licensed pursuant to the Act have begun cultivating cannabis for processing and dispensing; and

**WHEREAS**, to promote the effective regulation of such activities, the City Commission wishes to preserve the status quo while researching, studying, and analyzing the potential impact of dispensing facilities within the City's boundaries upon adjacent uses and the surrounding areas, including its effect on traffic, congestion, surrounding property values, demand for City services including inspections and increase police monitoring, and other aspects of the operation of dispensing facilities impacting the general welfare of the community; and

**WHEREAS**, due to the historical prohibition of marijuana, the City of Dunedin does not currently have any land development Codes governing the use of real property for purposes of cultivating, processing, distributing or selling marijuana or related activities and such uses are neither lawfully existing nor permissible within the City; and

**WHEREAS**, to promote effective land use planning if a dispensing organization should seek to operate within the City, the City Commission wishes to preserve the status quo while researching, studying and analyzing the potential impact of Medical Marijuana dispensing organizations and Medical Marijuana Treatment Centers upon nearby properties; and

**WHEREAS**, the City Commission finds that imposing a temporary moratorium until adequate regulations have been developed, considered and adopted is in the best interest of the health, safety and general welfare of the community and the residents of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**SECTION 1.** The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

**SECTION 2.** A temporary moratorium is hereby imposed on the establishment and operation of Medical Marijuana Dispensing Organizations and Medical Marijuana Treatment Centers (as referenced in §381.986 and Constitutional Amendment 2, respectively) within the corporate limits of the City of Dunedin. While the temporary moratorium is in effect, the City shall not accept, process or approve any application relating to the establishment or operation of a Medical Marijuana Dispensing Organization or Medical Marijuana Treatment Center. Nothing in this temporary moratorium shall be construed to prohibit the medical use of medical marijuana or low-THC cannabis by a qualifying or eligible patient, as determined by a licensed Florida physician,

pursuant to Amendment 2, Fla. Stat. § 381.986 or other Florida law, as applicable

**SECTION 3.** For purposes of the temporary moratorium, a “Medical Marijuana Treatment Center” means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Florida Department of Health. “Dispensing organization” means an organization approved by the Florida Department of Health to cultivate, process, transport and dispense low-THC cannabis or medical cannabis pursuant to Fla. Stat. § 381.986.

**SECTION 4.** This ordinance shall take effect immediately upon adoption. The temporary moratorium shall terminate one hundred and eighty (180) days from the effective date of this ordinance, unless the City Commission rescinds or extends the moratorium by subsequent ordinance

**SECTION 5.** The City Commission directs the City Manager to have the Community Development Director and the City Attorney’s Office initiate a zoning review of Medical Marijuana dispensing organizations and Medical Marijuana Treatment Centers within the City of Dunedin, to prepare a staff report containing recommendations as to the appropriate zoning regulations in which such facilities should be located and whether such facilities should be permitted within such district(s) as principal permitted uses, by conditional use permit, or by some other process; and to present such report to the City Commission.

**SECTION 6.** All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

**SECTION 7.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

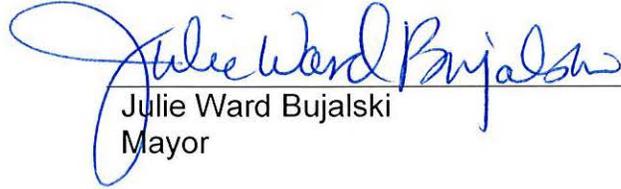
**SECTION 8.** This Ordinance is to be liberally construed to accomplish its objectives.

**SECTION 9.** This Ordinance shall be published in accordance with the requirements of law.

**SECTION 10.** This ordinance shall take effect immediately upon adoption, but shall terminate one hundred and eighty (180) days from the

effective date, unless the City Commission rescinds or extends the moratorium by subsequent ordinance.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 26th day of January, 2017.**

  
Julie Ward Bujalski  
Mayor

ATTEST:

  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: January 12, 2017

READ SECOND TIME AND ADOPTED: January 26, 2017

## ORDINANCE 17-06

**AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, REMOVING THE SINGLE SITE HISTORIC OVERLAY DISTRICT ON THE EASTERN PORTION OF THE REAL PROPERTY LOCATED AT 453 EDGEWATER DRIVE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, Ordinance 09-10 applied the Single Site Historic Overlay District on the real property located at 453 Edgewater Drive with designated metes and bounds totaling approximately 5.26 acres; and

**WHEREAS**, the owner of the subject property wishes to subdivide the property for the purposes of redevelopment; and

**WHEREAS**, subdividing the subject property would render the property ineligible for the Single Site Historic Overlay District as it would consist of more than one site; and

**WHEREAS**, the City and the property owner previously entered into a Development Agreement for the renovation and rehabilitation of the former Fenway Hotel on the subject property; and

**WHEREAS**, the City and the property owner will enter into an Amended Development Agreement contemporaneously with the passage of this Ordinance that will ensure the continuing compatibility with abutting properties with the restoration of the former Fenway Hotel.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That from and after the effective date of this Ordinance, the Single Site Historic Overlay District classification as more particularly described in the Land Development Code is removed and shall no longer be applied to the property particularly described as Tax Parcel I.D. 34-28-15-27540-003-0000; however, it shall retain its zoning classification of R-60 Single Family Residential.

**Section 2.** That the Single Site Historic Overlay District classification as more particularly described in the Land Development Code shall continue to be applied to the property particularly described as Tax Parcel I.D. 34-28-15-27540-003-0001.

**Section 3.** That this Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 15th day of June, 2017.

  
Julie Ward Bujalski  
Mayor

ATTEST:

  
Denise M. Kirkpatrick  
City Clerk

Passed on First Reading: June 01, 2017

Passed on Second Reading: June 15, 2017

## FIRST AMENDED FENWAY HOTEL DEVELOPMENT AGREEMENT

THIS FIRST AMENDED FENWAY HOTEL DEVELOPMENT AGREEMENT (the "Agreement") made and entered into this 29<sup>th</sup> day of June, 2017, by and between the CITY OF DUNEDIN, a municipal corporation of the State of Florida, hereinafter referred to as "City, TTCS-USA TITLE HOLDING CORPORATION, a Florida non-profit corporation authorized to transact business in the State of Florida, hereinafter referred to as "TTCS-USA" and MAINSAIL FENWAY HOTEL LLLP, a Florida limited liability limited partnership authorized to transact business in the State of Florida, hereinafter referred to as "Mainsail."

THIS AMENDMENT is amending and restating the Fenway Hotel Development Agreement between the City and TTCS-USA that was entered into between the parties on March 16, 2015.

FOR AND IN CONSIDERATION of the mutual promises made and agreed to be kept hereunder and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the approval of certain uses by the City and conditioned on the performance in all respects of this Agreement by each of the parties, it is hereby agreed between the parties as follows:

### RECITALS:

1. TTCS-USA is the fee simple owner of the 5.19 acre property located at 453 Edgewater Drive, Dunedin, Florida which is more specifically described in the attached Exhibit "A," hereinafter referred to as the "Property".

2. TTCS-USA desires to restore/rehabilitate the former Fenway Hotel.

Hotel up to 102 rooms (0.35 FAR)

Height – Lobby (2 stories\*)

Height – Wings (2 stories)

The dimensional requirements listed above are hereinafter referred to as the "Project", as more particularly shown on Exhibit "B" attached hereto and made part hereof ("Final Design Review," which includes a final site plan, architectural renderings and a landscape plan).

3. The proposed Site Plan consists of the renovation of the former Fenway Hotel (Building A), demolition of Building B and the renovation of Buildings C, D and E.

4. The development rights of the project are subject to the conditions of the Final Design Review approval as set forth.

5. The City has determined that the Final Design Review, as described herein is consistent with Dunedin's 2025 Comprehensive Plan and the City's Land Development Code (LDC) as required per Section 104-24.4 and Section 104-26 of the LDC.

6. TTCS-USA intends to convey a portion of the Property to Mainsail, that property being described as Tax Parcel I.D. 34-28-15-27540-003-0001, hereinafter referred to as "Mainsail Property," with TTCS-USA retaining title to the remainder of the Property and more particularly described as Tax Parcel I.D. 34-28-15-27540-003-0000, hereinafter referred to as TTCS-USA Property."

7. Following conveyance by TTCS-USA to Mainsail of the Mainsail Property, Mainsail intends to complete the restoration/rehabilitation of the former Fenway Hotel.

8. TTCS-USA and Mainsail acknowledge that the consideration and approval of this Agreement is contingent upon the adoption of an Ordinance that would remove the Single Site Historic Overlay from the TTCS-USA Property and that the TTCS-USA Property shall be considered legally non-conforming as to use as well as the existing structures.

9. The development rights approved pursuant to this Agreement are set forth on Exhibit "C" attached hereto and made a part hereof.

10. The development rights set forth in this Agreement and Final Design Review approval are subject to the following conditions:

- a. Approval of the related development agreement pertaining to the site development of the subject property as described and depicted in the approved Final Design Review for Case Number DEV-S/D-LDO 14-57.01 Z/C.
- b. Where necessary to accommodate proposed development, TTCS-USA and/or Mainsail shall be responsible for the removal and/or relocation of any and all public utilities located on the subject site, including the granting of easements as may be required by TTCS-USA and Mainsail. This is regardless of whether the public utilities are known at the time of Final Design Review approval or discovered subsequent to such approval. Any required relocation will require approval from the City's Engineering Division.
- c. All construction associated with this project shall be subject to the current requirements of the Florida Building Code, City of Dunedin Land Development Code, the Florida Fire Prevention Code, Life Safety Code and all other technical codes adopted by the City of Dunedin, and FEMA.
- d. All on-site construction activities related to erosion control shall be applied as required by the Florida Building Code, the National Pollutant Discharge Elimination System's Best Management Practice (NPDES-BMP), and the City of Dunedin Code of Ordinances.
- e. Final approval of the infrastructure permit from the City's Engineering Division prior to building permits being issued.
- f. Final approval from the Building Official, Fire Marshal and City Engineer on all final inspections necessary to provide the Certificate of Occupancy for the hotel and meeting space as shown in the Final Design Review.

- g. The City of Dunedin requires Concurrency approval prior building permits being issued.
- h. That subject to acts of God, Mainsail shall substantially complete the restoration/rehabilitation of the former Fenway Hotel on or before May 31, 2018.

### THE AGREEMENT BETWEEN THE PARTIES

11. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference as fully enforceable agreements and representations by the parties hereto.

12. Authority. This Agreement is authorized by Section 163.3220, *et seq.* F.S. (2013) and Chapter 104, Division 3, Section 104-33 of the Code of Ordinances of the City of Dunedin.

13. Effective Date. This Agreement shall be effective as of the day after it is fully executed and recorded in the public records of Pinellas County ("Effective Date"). In the event that there is an appeal or legal proceeding challenging this Agreement or challenging the other matters affecting the purpose, intent, or the rights of TTCS-USA, Mainsail or the City to develop the Property as contemplated hereby, the Effective Date of this Agreement shall be extended and shall commence upon the conclusion of such litigation, including appeals and upon all rights of appeal having expired. In the event that a Court decision materially changes any aspect of this Agreement or has made the performance of a portion of this Agreement impossible or unacceptable to one of the parties, any party may choose to terminate this Agreement upon thirty (30) days written notice to the other parties and the parties shall assist each other in returning each party to the positions and legal status that it enjoyed immediately prior to the date of the entry into this Agreement; or, alternatively, the parties shall work together to restore the material benefit if such is reasonably possible.

In the event that this Agreement is subject to termination pursuant to the provisions hereof, either party may record an affidavit signed by all parties hereto or their respective successors and assigns in the Public Records of Pinellas County, Florida reflecting that such termination has occurred and that this Agreement is thereby terminated and by such affidavit, notice that the termination provisions of this Agreement pursuant to this paragraph have occurred. The party recording such affidavit shall send a copy of the recorded affidavit to the other party and this Agreement shall be terminated and shall be deemed void and of no further force and effect. In the event that TTCS-USA's fee simple title is encumbered by any mortgages, liens or other rights of third persons which are not subordinated to the terms, conditions, covenants and restrictions set forth in this Agreement, said third party encumbrances shall be of no force and effect as to the provisions of this Agreement.

This Agreement shall be superior to any mortgages, liens or other rights of third persons. Any mortgages or liens or encumbrances on the Property created contemporaneously or after the effective date of the Fenway Hotel Development Agreement dated March 16, 2015 shall be subject to and subordinate to the terms of this Agreement.

In the event that this Agreement is not executed by TTCS-USA and Mainsail on or before 5:00 p.m. on the 30th day of June, 2017, this Agreement shall be null and void and of no further force and effect and any development permissions granted pursuant hereto shall no longer be valid.

14. Duration of Agreement. This Agreement shall terminate upon the earlier of the following dates: (i) the date on which construction of the Project is complete and issuance of the last Certificate of Occupancy for the Project; or (ii) ten (10) years from the Effective Date. This time period may be extended by mutual agreement of the parties. The recordation of the last Certificate of Occupancy by any party hereto or their successor in interest shall be conclusive evidence of the termination of this Agreement.

15. Third Party Rights. The parties represent, to their respective best knowledge, that nothing herein is barred or prohibited by any other contractual agreement to which it is a party, or by any Statute or rule of any governmental agency, or any third party's rights or by the rights of contract vendees, lien holders, mortgage holders or any other party with a direct or contingent interest in the Property, whether legal or equitable.

It shall be an absolute condition precedent to any obligation of the City under the terms of this Agreement that any current mortgage holder consent to and subordinate its mortgage interest to the terms of this Agreement.

TTCS-USA or Mainsail shall submit a title opinion by a title company or attorney at law certifying in writing as of the date of approval of this Agreement by the City Commission of the City of Dunedin as to the status of title of such lands including all lien holders, mortgagees or any other encumbrances. The City will rely on such certification. If any lienholder or mortgagee is shown by the title opinion, a satisfaction or subordination shall be received by the City of Dunedin prior to the time the City executes this Agreement although the approval of the execution of this Agreement may be made by the City Commission contingent upon the receipt of such consent and subordination.

Any lienholder or mortgagee shall have the right to perform any term, covenant or condition and to remedy any default hereunder, and City shall accept such performance with the same force and effect as if furnished by TTCS-USA or Mainsail.

16. Law and Ordinance Compliance. The ordinances, policies and procedures of the City concerning development of the Property that are in existence as of the approval of this Agreement shall govern the development of the Project, and the same shall be in compliance with the applicable regulations of County, State and Federal agencies. No subsequently adopted ordinances, policies, or procedures shall apply to the Project except in accordance with the provisions of Section 163.3233(2), Florida Statutes (2016). Notwithstanding the foregoing, the City shall have the absolute discretion to amend and/or adopt life safety codes such as but not limited to fire codes, that may conflict with the provisions herein or may impose additional burdens on TTCS-USA and Mainsail as is otherwise authorized by State Statutes or the regulations of governmental administrative agencies, provided that such life safety codes retroactively apply to all development similar to the Project in the City. The parties agree that such codes may be adopted without any special notice to TTCS-USA or Mainsail and that TTCS-USA and Mainsail shall not be entitled to any special hearing relative to the adoption of such codes. Failure of this Agreement to address a particular permit, condition, term, restriction, or to require a development permission shall not relieve TTCS-USA and Mainsail of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions in any matter or thing required under existing Ordinances of the City or regulations of any other governmental agency, or any other entity having legal authority over the Property. Except as provided in this Agreement, all applicable impact fees, development review fees, building permit fees and all other fees of any type or kind shall be paid by TTCS-USA and/or Mainsail in accordance with their terms and in such amount applicable as they become due and payable. Notwithstanding the removal of the Single Site Historical Overlay from the TTCS-USA Property, the City agrees

that TTCS-USA shall have the right to demolish and rebuild Buildings C and E in accordance with the provisions of the Single Site Historical Overlay District, for a period of two (2) years from the date of this First Amendment. TTCS-USA acknowledges that any such reconstruction of Buildings C and E would require: (i) that the architectural style of Buildings C and E be similar to the architectural styles of the structures in the Fenway on the Bay platted subdivision; (ii) that the architectural style be reviewed by the City's Historical Preservation Advisory Committee (HPAC) for consistency with the structures in the Fenway on the Bay platted subdivision. HPAC shall present its recommendations to the City Commission during the Design Review process; and (iii) Design Review approval by the City Commission.

17. No Estoppel. The parties agree that prior to the approval of this Agreement by the City Commission, the City's interest in entering into this Agreement, the studies, surveys, environmental studies, consultant plans or investigations, the expenditure of substantial funds, the staff approval or recommendation relative to the proposed development and any other act in furtherance of this Agreement, shall not be used by TTCS-USA or Mainsail or their successors in title in any way whatsoever as committing the City legally through a theory of equitable estoppel, action in reliance, or any other legal theory as to the approval of such proposed development in the event that this Agreement is not approved by the City Commission or for any other reason does not take effect in all material respects.

The parties further agree that any and all action by TTCS-USA or Mainsail or their representatives in negotiation of this Agreement, including all acts or expenditures in the implementation of this Agreement or submittals to other governmental bodies shall in no way be deemed to be an action in reliance giving rise to an equitable estoppel.

18. No Partnership or Joint Venture. The City, TTCS-USA and Mainsail agree that the matters contained in this Agreement shall under no circumstances constitute a joint venture, partnership or agency between them. No third party shall be deemed to have any beneficial interest in this Agreement or any expectation of benefit or property rights or any other rights of any kind arising from this Agreement.

19. Final Design Review. In order to avoid any adverse impacts from the development of the Property on the abutting property owners and on the residents of the City of Dunedin, the parties agree that the Property will be developed in substantial conformance with the Final Design Review as such Final Design review submittals may be modified by the requirements of other state and county governmental agencies having jurisdiction over the development of the Property. The appearance and use of the Property after development are the reasons that the City Commission exercised its legislative authority and entered into this Agreement. Except as may be authorized by the parties hereto, any material deviation from the commitments made by the parties herein shall be considered material defaults in this Agreement. The City of Dunedin shall not consent to any modification unless it deems that such is in the best interest of the public and in its discretion in reaching such decision it shall be deemed to be acting in a legislative capacity and within its sole and absolute discretion taking into account the public health, safety and welfare. The following specific requirements shall also be met:

- a. The Property shall be developed and landscaped in accordance with the Final Design Review approval. A detailed landscape plan in the Final Design Review will be substantially adhered to. The landscaping within the TTCS-USA Property shall be maintained by TTCS-USA. The landscaping within the Mainsail Property shall be maintained by Mainsail. The purpose of landscaping and the continued development and care of the landscaping on the Property is, in part, for the benefit of the abutting property owners and to screen light, noise and other

possible negative aspects of the development. Such landscaping shall be provided prior to the Certificate of Occupancy being issued and will be maintained in good and healthy condition at all times.

There shall not be any material deviation from the provisions of the Final Design Review documents unless such is approved by the City Commission of the City of Dunedin at a public hearing conducted for such purpose and this Agreement is modified in writing by the parties thereto for the purpose of agreeing to such deviation.

- b. The Property shall be developed substantially in accordance with the Final Design Review submittal.
  - c. All outdoor lighting on the Property shall be directed downward so as not to be disruptive to the residential neighborhoods abutting the Property and shall be oriented and shielded so that no light is cast directly on abutting property. Light cast onto abutting properties by reflection or otherwise shall be limited to an intensity that is substantially in conformance with the lighting conditions in residential neighborhoods in the City of Dunedin. At no time shall TTCS-USA or Mainsail allow a nuisance condition to exist on the Property. Furthermore, all outdoor lighting shall be compliant with Chapter 107, Division 4, Section 107-40 (Lighting) of the Dunedin Land Development Code.
  - d. Dumpster and trash pickup will be contained within the Property and fully screened from adjacent residential properties.
  - e. Ingress and egress to the Property shall be as shown on the Final Site Plan.
  - f. Building heights, architectural style and location will be as shown on the Final Design Review submittal. The architectural style reflected as an attachment to or being part of the Final Design Review shall be complied with in all material respects during the development of the Project.
  - g. This Agreement and the Final Design Review Plan attached hereto specify certain minimum setbacks, building heights, sign sizes and similar dimensional requirements and agreements. No changes may be made in these agreed upon dimensional requirements, except as described in Section 104-24.11.1 of the LDC, or in any matter that is reflected on the Final Design Review or addressed specifically in this Agreement through any appeal process to the Board of Adjustment and Appeal for a variance, conditional use permit or other process which would serve to vary or change the terms of this Development Agreement and the Final Design Review attached hereto. The only change which may be requested by the parties is for an amendment to this Agreement which revised amendment is legislatively considered by the City Commission and agreed to by the City Commission, set forth in writing as an amendment to this Agreement and executed by the parties hereto or their successors or assigns. Both TTCS-USA and Mainsail, and their successors and assigns specifically waive and relinquish any right to change the terms of this Agreement through any administrative or legal process, including a decision by a court of competent jurisdiction, unless agreed to by the parties.
20. Public Infrastructure. TTCS-USA or its successor in title, as appropriate, at its

sole cost, shall design, construct and maintain, until acceptance by the City and conveyance by recordable instrument or bill of sale, as appropriate, to the City, all public infrastructure facilities and lands necessary to serve the Project which are shown on the Final Site Plan, provided that said public infrastructure facilities have received construction plan approval and that all applicable review procedures have been complied with fully, inspected and accepted by the City. Public infrastructure facilities shall include those facilities to be located in rights-of-way or easement areas conveyed to the City, as shown on the approved engineering construction drawings and shall include, but not be limited to the following:

- a. Pedestrian ways, sidewalks, and crosswalks located on the Property, as shown on the Final Site Plan.
- b. Sewer collection systems, located on the Property, including any necessary pumping facilities providing for transmission of sewage flows generated by the Project.
- c. Water distribution system located on the Property including fire protection facilities and reclaimed water facilities as may be necessary to serve the Project.
- d. Stormwater drainage systems serving public facilities located on the Property, serving to conduct, transmit, channel or otherwise provide for stormwater flow from, through and to adjoining lands according to the natural site topography including retention/detention ponds or any other stormwater facilities required by the City of Dunedin or any other governmental agency with jurisdiction concerning such facilities. Any required easements or other rights of access to insure the continued maintenance and working condition of said retention/detention ponds shall be granted to City by Mainsail or to TTCS-USA by City, as may be applicable.
- e. Street signage and pavement striping.
- f. Utility easements or rights-of-way.
- g. Other facilities deemed necessary for public use, including but not limited to off-site road and drainage facilities as identified in the site plan review process, building permit issuance process, engineering review, fire department review, or any other review process of the City or other governmental agency with jurisdiction over such development.

Public infrastructure facilities, as shown on the Final Site Plan, shall be complete, and approved for acceptance by the City prior to the issuance of any Certificate of Occupancy on the Property (except for Buildings C, D and E), or TTCS-USA or Mainsail, as applicable, shall provide the appropriate letter of credit in a form satisfactory to the City Attorney, drawable on or through a local Pinellas County bank or an acceptable Performance Bond. Said letter of credit shall be deposited with the City to guarantee the completion of public infrastructure facilities prior to the time that Certificates of Occupancy are issued on the Property and public access and facilities to serve the proposed structures are available in accordance with City regulations. Before Buildings C, D and E can be occupied, a building and fire inspection will be completed to confirm compliance with City codes and Life Safety codes.

21. Public Facilities. The City shall cause to be provided to the boundary of the Property the following available City owned and operated facilities, to wit: infrastructure and services for fire protection, potable water and sanitary sewer to meet domestic and fire flow levels of service as required for the Project by City and other applicable regulations.

22. Permits. Development permits, which may need to be approved and issued, include, but are not limited to the following:

- a. City of Dunedin vertical building permits.
- b. Southwest Florida Water Management District surface water management permit.
- c. City of Dunedin Engineering Division infrastructure permit.
- d. Pinellas County Water and Navigation Authority
- e. All other approvals or permits as required by existing governmental regulations as they now exist.

Except as set forth in this Agreement, all development permits required to be obtained by TTCS-USA for the Project will be obtained at the sole cost of TTCS-USA or Mainsail, as applicable, and in the event that any required development permissions issued by entities other than the City are not received, no further development of the Property shall be allowed until such time as the City and TTCS-USA or Mainsail, as applicable, have reviewed the matter and determined whether to modify or terminate this Agreement.

23. Recycling. TTCS-USA and its successors-in-title will cooperate with City to encourage and promote recycling activities within the Project and such commitment will be reflected in a covenant running with the Project lands.

24. Annual Review. The City of Dunedin shall review the Project once every twelve (12) calendar months from the Effective Date.

25. Recordation. Not later than fourteen (14) days after the execution of this Agreement, the City shall record this Agreement with the Clerk of the Circuit Court in Pinellas County, Florida, and a copy of the recorded Agreement shall be submitted to the Florida Department of Economic Opportunity within fourteen (14) days after the Agreement is recorded. The burdens of this Agreement shall be binding upon, and the benefits of the Agreement shall inure to, all successors and assigns in interest to the parties to this Agreement.

26. Agreement as Covenant. This Agreement shall constitute a covenant running with the Property for the duration hereof and shall be binding upon TTCS-USA and Mainsail and upon all persons deriving title by, through or under said TTCS-USA and Mainsail and upon its successors and assigns in title. The agreements contained herein shall benefit and limit all present and future owners of the Property, and the City for the term hereof.

27. Legislative Act. This Agreement is agreed to be an legislative act of the City in furtherance of its powers to regulate land use and development within its boundaries and, as such, shall be superior to the rights of existing mortgagees, lien holders or other persons with a legal or equitable interest in the Property and this Agreement and the obligations and

responsibilities arising hereunder as to TTCS-USA and Mainsail shall be superior to the rights of said mortgagees or lien holders and shall not be subject to foreclosure under the terms of mortgages or liens entered into or recorded prior to the execution and recordation of this Agreement. The execution of this Agreement or the consent to this Agreement by any existing mortgage holder, lien holder or other persons having an encumbrance on the Property shall be deemed to be in agreement with the matters set forth in this paragraph.

28. Entire Agreement. This Agreement constitutes the entire agreement and understanding between the parties and no modification hereof shall be made except by written agreement executed with the same formality as this Agreement. The parties agree that there are no outstanding agreements of any kind other than are reflected herein and, except as is otherwise specifically provided herein, for the term of the Agreement the Property shall be subject to the laws, ordinances and regulations of the City of D u n e d i n as they exist as of the date of this Agreement. Any reference in this Agreement to "TTCS-USA" or "Mainsail" contemplates and includes the fee simple title owners of record of the Property their heirs, assigns or successors in title and interest. Any oral agreements, agreements created by written correspondence or any other matter previously discussed or agreed upon between the parties are merged herein.

29. Enforcement. The parties agree that any party may seek legal and equitable remedies for the enforcement of this Agreement, provided however that neither the City nor TTCS-USA nor Mainsail may seek or be entitled to any monetary damages from each other as a result of any breach or default of this Agreement provided, however, that (a) the City may not seek or be entitled to any monetary damages from TTCS-USA or Mainsail as a result of any breach or default of this Agreement, and (b) neither TTCS-USA nor Mainsail may seek or be entitled to any monetary damages from the City as a result of any breach or default of this Agreement. In any litigation arising out of this Agreement, the prevailing party shall be entitled to recover its costs and attorney's fees at mediation, trial and through any appellate proceedings.

Except as provided above, the parties agree that any legislative and quasi-judicial decisions, if any are required, by the City regarding the appropriate land use or other development regulations impacting the Property shall, in no event or under any conditions, give rise to a claim for monetary damages or attorney fees against the City and any claim for such damages or fees by TTCS-USA or Mainsail or their successors or assigns are specifically waived.

30. Execution. TTCS-USA and Mainsail represent and warrant that this Agreement has been executed by those persons having equitable title in the subject Property.

The City represents that the officials executing this Agreement on behalf of the City have the legal authority to do so, that this Agreement has been approved in accordance with the ordinances and Charter of the City and applicable State law, that appropriate approval of this Agreement has been received in a public hearing and that the City Commission of the City of Dunedin has authorized the execution of this Agreement by the appropriate City officials.

31. Severability. In the event that any of the covenants, agreements, terms, or provisions contained in this Agreement shall be found invalid, illegal, or unenforceable in any respect by a court of competent jurisdiction, the validity of the remaining covenants, agreements, terms, or provisions contained herein shall be in no way affected, prejudiced, or disturbed thereby.

32. Estoppel Certificates. Within twenty (20) days after request in writing by either party or any lender, the other party will furnish a written statement in form and substance reasonably acceptable to the requesting party, duly acknowledging the fact that (a) this

Development Agreement is in full force and effect, (b) there are no uncured defaults hereunder by City, TTCS-USA or Mainsail, if that be the case, and (c) additional information concerning such other matters as reasonably requested. In the event that any party shall fail to deliver such estoppel certificate within such twenty (20) day period, the requesting party shall forward such request directly to the City Manager and the City Attorney or to TTCS-USA or Mainsail with copies to TTCS-USA's and Mainsail's general counsel by certified mail, return receipt requested or by Federal Express or other delivery service in which delivery must be signed for. In the case where TTCS-USA or Mainsail is the requesting party, TTCS-USA or Mainsail may in their sole discretion but without obligation, appear at a public meeting and request the estoppel certificate to insure that the City Manager and staff are aware of their request and TTCS-USA or Mainsail may rely on the statement of the City Manager at such public meeting or may request that the City Manager be directed by the City Commission to respond to the estoppel certificate request in a timely manner.

33. Venue. Venue for the enforcement of this Agreement shall be exclusively in Pinellas County, Florida.

34. Default. Upon default or breach of any substantive portion of this Agreement by any party, the non-defaulting party shall provide written notice via overnight, traceable delivery service of the default and opportunity to cure within sixty (60) days to each of the other parties hereto. It being specifically understood that a default by either TTCS-USA or Mainsail shall not automatically trigger a default by the non-defaulting property owner. For avoidance of doubt, if TTCS-USA shall fail to cure any TTCS-USA default within 30 days after receipt by Mainsail of such written notice of TTCS-USA default, then Mainsail shall have the right, at its sole option, to cure such TTCS-USA default on behalf of, and at the sole cost and expense of, TTCS-USA, prior to the expiration of such 60-day cure period. Upon the failure of TTCS-USA and/or Mainsail to cure such defaults, the City shall provide notice via overnight traceable delivery service to TTCS-USA and Mainsail of its intent to terminate this Agreement on a date not less than sixty (60) days from the date of such notice and upon the expiration of such period, the City, unless ordered otherwise by a court of competent jurisdiction, may revoke the then existing development permits issued by it and neither TTCS-USA or Mainsail shall have no claim for damages against the City arising from such revocation. Alternatively, the City may proceed in court to obtain any legal or equitable remedies available to it to enforce the terms of this Agreement. In the event of any default or breach of any substantive portion of this Agreement by the City, TTCS-USA or Mainsail may: (i) give written notice via overnight traceable delivery service to the City of said default with an opportunity to cure within sixty (60) days of receipt of such notice. In the event City fails to cure within said time period, TTCS-USA or Mainsail may thereafter proceed in a court of competent jurisdiction to institute proceedings for specific performance or to obtain any other legal or equitable remedy to cure the default of this Agreement by the City. In any litigation arising hereunder, the prevailing party shall be entitled to recover its costs and attorney's fees at mediation, trial and through any appellate proceedings.

35. Notices. All notices and other communications required or permitted to be given hereunder shall be in writing and shall be mailed by certified or registered mail, postage prepaid or by Federal Express, UPS, USPS or similar overnight delivery services, addressed as follows:

**To TTCS-USA:**

TTCS-USA Title Holding Corporation  
2100 Thomasville Road  
Tallahassee, FL 32308  
Attention: Pegoty Packman, President

**with copies to:**

Ed Armstrong, Esquire  
Hill Ward Henderson  
3700 Bank of America Plaza  
101 East Kennedy Blvd.  
Tampa, FL 33602

**To the City:**

City of Dunedin  
P.O. Box 1348  
Dunedin, FL 34698  
Attention: Doug Hutchens,  
Interim City Manager

Thomas J. Trask, Esquire  
City Attorney  
Trask Daigneault, LLP  
1001 S. Fort Harrison Ave., Suite 201  
Clearwater, FL 33756

**To Mainsail:**

Mainsail Fenway Hotel LLLP  
c/o Mainsail Fenway GP, LLC  
4602 Eisenhower Blvd.  
Tampa, FL 33634  
Attention: Joe C. Collier, III

**with copies to:**

Leslie Wager Hudock, Esquire  
Barnett Bolt Kirkwood Long & Koche, P.A.  
601 Bayshore Blvd., Suite 700  
Tampa, FL 33606

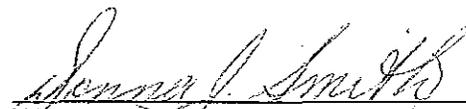
Notice shall be deemed to have given upon receipt or refusal.

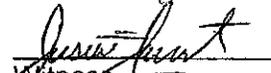
36. Binding Effect. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors and assigns in interest to the parties of this Agreement.

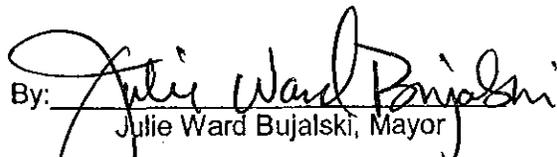
37. Third Party Beneficiaries. There are no third party beneficiaries to this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and their respective seals affixed as of this 20<sup>th</sup> day of June, 2017

**CITY OF DUNEDIN**

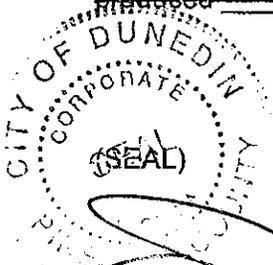
  
\_\_\_\_\_  
Witness Danna J. Smith

  
\_\_\_\_\_  
Witness Justin Catacchio

By:   
\_\_\_\_\_  
Julie Ward Bujalski, Mayor

STATE OF FLORIDA  
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of June, 2017 by Julie Ward Bujalski, Mayor of the City of Dunedin, who  is personally known to me or ~~who~~ produced \_\_\_\_\_ as identification.



**ANDREA M. NAZZARO**  
Notary Public, State of Florida  
My Comm. Expires May 17, 2020  
No. FF 993676

Andrea M. Nazzaro  
NOTARY PUBLIC, STATE OF FLORIDA  
My Commission Expires: \_\_\_\_\_

[Signature]  
Doug Hutchens, Interim City Manager

[Signature]  
Denise Kirkpatrick, City Clerk

APPROVED AS TO FORM:

[Signature]  
Thomas J. Trask, Esquire, City Attorney

**TTCS-USA TITLE HOLDING  
CORPORATION**

[Signature]  
Witness

[Signature]  
Witness

By: [Signature]  
Peggy Packman

Its: President

STATE OF FLORIDA  
COUNTY OF PINELLAS

BEFORE ME, the undersigned authority, personally appeared Pegoty Packman, President of TTCS-USA Title Holding Corporation, who ✓ is personally known to me ~~or who produced~~ \_\_\_\_\_ as identification and, being first duly sworn, acknowledges that she has read the foregoing and that the same is true and correct, and that she is duly authorized to execute this Agreement on behalf of TTCS-USA Title Holding Corporation, this 29<sup>th</sup> day of June, 2017.

(SEAL)



Jean Swantish  
NOTARY PUBLIC, STATE OF FLORIDA  
My Commission Expires:

**MAINSAIL FENWAY HOTEL, LLLP**  
BY: MAINSAIL FENWAY GP, LLC  
Its General Partner

Sean Dennis  
Witness

By: Joe C. Collier, III  
Joe C. Collier, III

Pegoty Packman  
Witness

Its: Manager

STATE OF FLORIDA  
COUNTY OF PINELLAS

BEFORE ME, the undersigned authority, personally appeared Joe C. Collier, III, as Manager of Mainsail Fenway GP, LLC, the General Partner of Mainsail Fenway Hotel, LLLP, who X is personally known to me ~~or who produced~~ \_\_\_\_\_ as identification and, being first duly sworn, acknowledges that he has read the foregoing and that the same is true and correct, and that he is duly authorized to execute this Agreement on behalf of Mainsail Fenway Hotel, LLLP, this 28 day of June, 2017.

(SEAL)



Jean Swantish  
NOTARY PUBLIC, STATE OF FLORIDA  
My Commission Expires:

**ORDINANCE 17-07**

**AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING SECTION 105-28.3.4 OF THE DUNEDIN CODE OF ORDINANCES REMOVING THE 25% REDUCTION IN REQUIRED ON-SITE PARKING AND CHANGING THE PERMIT FEE REBATES TO FIXED GRANTS; AMENDING SECTION 105-28-3.5 REQUIRING CERTIFICATION WITHIN 180 DAYS OF THE CERTIFICATE OF OCCUPANCY; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, City staff reviewed Chapter 105 of the Code of Ordinances and has recommended that certain revisions are necessary to remove the requirement of 25% reduction in on-site parking, change the permit fee rebates to fixed grants and require certification within 180 days of the Certificate of Occupancy; and

**WHEREAS**, the recommendations of staff have been found meritorious by the City Commission; and

**WHEREAS**, the City Commission has received input from the public at two public hearings.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That Section 105-28.3.4 of Chapter 105 of the Code of Ordinances is amended to read as follows:

**105-28.3.4 - Private Voluntary Green Building Incentive Details**

The City offers assistance in the "green building" certification process, and encourages builders and developers to employ green building strategies that conserve water and energy, reduce the generation of solid waste, and improve occupant health and productivity. To encourage private builders and developers to voluntarily construct buildings as described in *Section 105-28.3.3 Green Building Standards* and receive the corresponding certification, the City shall provide incentives on the stipulation that the builder or developer furnish a copy of the project's green building certificate to the City's department of Planning & Development. Incentives include fast track permitting, a 10% density bonus, recognition at a City Commission meeting, inclusion of project details on the City's green building webpage, and informative banners placed at the project site. In addition to these incentives, the City shall offer grants to projects that receive the specified certification levels, as outlined below:

- Certified/Bronze, \$2,500.00 grant
- Silver, \$5,000.00 grant
- Gold, \$7,500.00 grant
- Platinum, \$10,000.00 grant
- Where certification levels are not specified, the grant shall be \$2,500.00.

**Section 2.** That Section 105-28.3.5 of Chapter 105 of the Code of Ordinances is amended to read as follows:

**105-28.3.5 - Certification**

At the time of application for Design Review, the developer shall be required to submit a green building checklist to serve as a good faith demonstration of the developer's intent to achieve green building certification, and the methods that will be utilized to achieve said certification. The most recent LEED Scorecard, most recent version of the FGBC checklist, or equivalent green building certificate checklist shall be submitted depending on the certification the developer is seeking. The grant referenced in Section 105-28.3.4 will be paid as a reimbursement, and will be issued upon receipt of a copy of the certification achieved. Certification must be received within 180 days of the Certificate of Occupancy issue date.

**Section 3.** That this Ordinance shall become effective upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 24th day of August, 2017.**

  
 Julie Ward Bujalski  
 Mayor

ATTEST:

  
 Denise M. Kirkpatrick  
 City Clerk

READ FIRST TIME AND PASSED: August 10, 2017

READ SECOND TIME AND ADOPTED: August 24, 2017

5

**ORDINANCE 17-08**

**AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN PERTAINING TO ALCOHOLIC BEVERAGES, BY AMENDING SEC. 6-32 HOURS OF SALE TO ALLOW FOR SALE OF ALCOHOL AFTER 8:00 A.M. INSTEAD OF 11:00 A.M. ON SUNDAYS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, the City Commission seeks to amend Section 6-32 of Chapter 6 to provide that the hours of sale for alcoholic beverages is the same for every day of the week; and

**WHEREAS**, the Ordinance Review Committee, on May 8, 2014, did review and recommend to the City Commission the amendment proposed; now, therefore

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

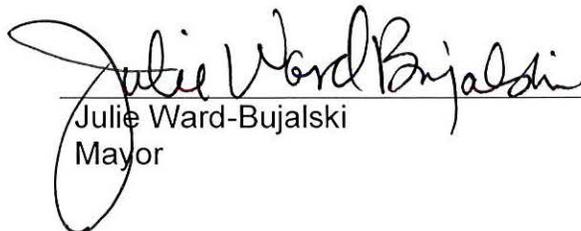
**Section 1:** That Section 6-32 of Chapter 6 of the Code of Ordinances of the City of Dunedin is amended to read as follows:

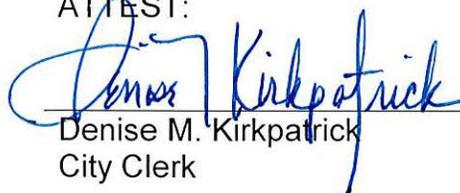
**Sec. 6-32. - Hours of sale.**

The sale and distribution of alcoholic beverages, as defined by the State Beverage Law, within the city between the hours of 3:00 a.m. and 8:00 a.m. is hereby prohibited.

**Section 2:** That this Ordinance shall be effective upon passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 18th day of May, 2017.**

  
\_\_\_\_\_  
Julie Ward-Bujalski  
Mayor

ATTEST:  
  
\_\_\_\_\_  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: May 04, 2017  
READ SECOND TIME AND ADOPTED: May 18, 2017

## ORDINANCE 17-09

**AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING SECTION 2-93 OF THE CODE OF ORDINANCES RELATING TO THE GIFT POLICY FOR ELECTED AND CHARTER OFFICIALS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the City Commission has reviewed Section 2-93 of the Code of Ordinances and wishes to amend said section to provide that the Commission will comply with the gift law requirements set forth in the Florida Statutes; and

**WHEREAS**, the recommendations of staff have been found meritorious by the City Commission; and

**WHEREAS**, the City Commission has received input from the public at two public hearings.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That Section 2-93 of Article IV, Chapter 2, Subpart A, Part I of the Code of Ordinances of the City of Dunedin shall be amended, to read as follows:

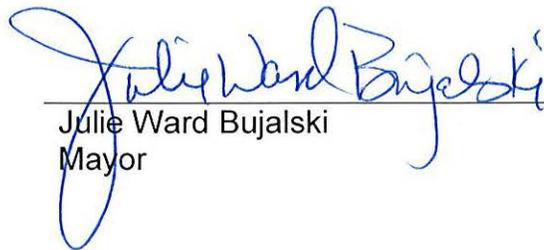
**Sec. 2-93. - Gift policy for elected and charter officials.**

- (a) The policies and standards set forth herein regulating gifts and certain matters regarding the expenditure of public funds for elected and charter officials of the city are founded upon the following constitutional and statutory principals:
- (1) "A public office is a public trust." Article II, Section 8, Florida Constitution.
  - (2) "It is essential to the proper conduct and operation of government that public officials be independent and impartial and that the public office not be used for private gain, other than the remuneration provided by law." F.S. § 112.311(1).
  - (3) "It is declared to by the policy of the state that public officers and employees, state and local, are agents of the people and hold their positions for the benefit of the public... promoting the public interest and maintaining the respect of the people in their government must be of foremost concern." F.S. § 112.311(6).

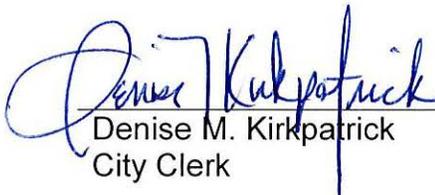
(b) The city commission, in accordance with the constitutional and statutory principles set forth above, and in recognition of the principle that the public's belief and trust in its government is of overriding concern, acknowledge that the city commission and charter officials are obligated to comply with the standards of conduct that are set forth in Chapter 112, Florida Statutes.

**Section 2.** That this Ordinance shall become effective upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 15th day of June, 2017.**

  
\_\_\_\_\_  
Julie Ward Bujalski  
Mayor

ATTEST:

  
\_\_\_\_\_  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: June 01, 2017

READ SECOND TIME AND ADOPTED: June 15, 2017

## ORDINANCE 17-10

AN ORDINANCE REZONING CERTAIN VACANT REAL PROPERTY LOCATED ON THE SOUTH SIDE OF JACKSON STREET BETWEEN DOUGLAS AVENUE AND MARTIN LUTHER KING JR. AVENUE (PARCEL NUMBER 27/28/15/51588/000/0700) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.30 ACRES, FROM MUNICIPAL PARK LAND (MPL) TO DOWNTOWN RESIDENTIAL (DR); AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

**WHEREAS**, the owners of the property described herein have requested that the said property be rezoned from Municipal Park Land to Downtown Residential (DR); and

**WHEREAS**, the Local Planning Agency of the City of Dunedin, Florida, has duly considered the type of zoning which would be proper on said real property, and has recommended that the rezoning request of said owners be granted; and

**WHEREAS**, due and proper public hearing on the said recommended rezoning has been conducted by the City Commission and the recommendations of the Local Planning Agency having been found by the Commission to be meritorious.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** That from and after the effective date of the within Ordinance, the following described real property shall hereby be zoned to Downtown Residential (DR), as said zoning classification is more particularly described in Dunedin's Land Development Code:

**See Exhibit "A" attached hereto and made a part hereof.**

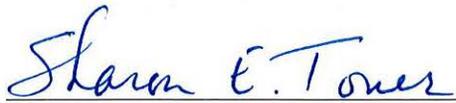
**Section 2:** The approval of the rezoning of the subject property is conditioned upon the property being used for one single-family residence.

**Section 3:** This Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 27th day of July, 2017.

  
Deborah Kynes  
Vice-Mayor

ATTEST:

  
Sharon E. Toner  
Acting City Clerk

READ FIRST TIME AND PASSED: July 13, 2017

READ SECOND TIME AND ADOPTED: July 27, 2017

## **Ordinance 17-10**

### **Exhibit "A"**

That part of Lot 7, SARAH J. LEWIS SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 3, Page 5, Hillsborough County, Florida, of which Pinellas County was formerly a part, more particularly described as follows:

From point on the East right of way of Douglas Avenue and South right of way of Jackson Street, thence East 175.8 feet for a Point of Beginning; thence East 80 feet, thence South 40 feet, thence West 80 feet, thence North 40 feet to the Point of Beginning. Less and except any portion lying within the property contained in Quit Claim Deed recorded in O.R. Book 5462, Page 969, Public Records of Pinellas County, Florida.

Parcel Identification Number: 27/28/15/51588/000/0700

**Miller, Janice**

---

**From:** Jansen, Scott <sjansen@pcpao.org>  
**To:** Miller, Janice  
**Sent:** Monday, July 31, 2017 10:36 AM  
**Subject:** Read: Dunedin rezoning Ordinance 17-10

Your message

To:  
Subject: Dunedin rezoning Ordinance 17-10  
Sent: Monday, July 31, 2017 10:35:37 AM (UTC-05:00) Eastern Time (US & Canada)

was read on Monday, July 31, 2017 10:35:32 AM (UTC-05:00) Eastern Time (US & Canada).

## ORDINANCE 17-11

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING SECTION 103-60.1 OF THE DUNEDIN CODE OF ORDINANCES TO REQUIRE THAT THE CONDITIONAL USE PROCESS WILL BE USED FOR HIGH QUALITY BED & BREAKFAST ESTABLISHMENTS IN MULTI-FAMILY ZONING DISTRICTS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

**WHEREAS**, the City staff has reviewed Chapter 103 of the Code of Ordinances and has recommended that certain revisions are necessary to encourage high quality Bed & Breakfast establishments in multi-family zoning districts; and

**WHEREAS**, the recommendations of staff have been found meritorious by the City Commission; and

**WHEREAS**, the City Commission has received input from the public at two public hearings.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That the Land Development Code Use Matrix in Section 103-60.1 of Chapter 103 of the Code of Ordinances is amended as set forth in the attached Exhibit "A."

**Section 2.** That this Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY  
OF DUNEDIN, FLORIDA, THIS 24th day of August, 2017.

  
\_\_\_\_\_  
Julie Ward Bujalski  
Mayor

ATTEST:

  
\_\_\_\_\_  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: August 10, 2017

READ SECOND TIME AND ADOPTED: August 24, 2017

# ORDINANCE 17-11

## Exhibit "A"

### TABLE 103-60.1 LAND DEVELOPMENT CODE USE MATRIX

<b>Note:</b> Listed uses, which are permitted or conditional permit uses, must be allowed in correlation with the underlying land use category. <b>"P" means Permitted Use    "C" means Conditional Use    "Z" means use approved by Zoning Administrator</b>																														
Use/Activity	C	M	A	R-30	R-20	R-15	R-10	R-9	R-7	R-6	MF-	MF-	MF-	MF-	M	PR	T	D	FX	FX	G	N	G	D	D	S	C	C	L	G
		P	R	0	0	0	0	0	5	0	7.5	-10	12.5	-15	H	D	F	R	-M	-H	O	B	B	C	I	C	P	R	I	I
<b>Residential</b>																														
Dwelling, single-family detached	-	-	P	P	P	P	P	P	P	P	P	P	P	P	-	P	C	P	Z	Z	-	-	-	P	-	-	-	-	-	-
Dwelling, two family (duplex)	-	-	-	-	-	-	-	-	C	C	P	P	P	P	-	P	C	P	Z	Z	-	-	-	P	-	-	-	-	-	-
Multifamily dwelling (condo, townhome, apartment)	-	-	-	-	-	-	-	-	C	C	P	P	P	P	-	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-
Live-work unit	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P	-	P	P	P	P	-	P	-	P	-	-	-	-	-
Manufactured / mobile home	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Group living home (6 or fewer residents / live-in care)	-	-	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	P	C	C	-	-	-	Z	-	-	-	-	-	-
Community residential home (7 to 14 residents)	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	C	P	P	-	-	-	Z	-	-	-	-	-	-
Assisted living facility	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	C	P	P	-	P	P	Z	-	-	-	-	-	-
Congregate care facility	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	C	P	P	-	P	P	Z	-	-	-	-	-	-

Transient Use																										
Bed-and-breakfast inn	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hotel, motel, condo-hotel	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Commercial																										
Shop, store or bank building	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Shop, store or bank building with drive-through facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Convenience store w/o gas	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Beer, wine, and liquor store (off-premises consumption of alcohol)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bars, taverns, nightclubs, close before 10:00 p.m. no amplified music.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bars, taverns, and nightclubs, close after 10:00 p.m.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Craft /micro brewery, winery or distillery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Department store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Grocery store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Warehouse discount	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-





Clinic	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	P	-	-	-
Municipal service building (fire, law enforcement, city hall, other)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	P	-
School, public or private	-	-	C	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-	P	P	P	P	P	Z	-	P	P	-	P	-
Day care center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	Z	-	P	P	-	-	-
Social services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	Z	-	P	P	-	-	-
Emergency and relief services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	Z	-	P	P	-	-	-
Animal hospitals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	Z	-	P	P	-	-	-
Funeral homes	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	-	-	-	-
Cremation facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Post offices	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	P	-	P	-
Fraternal organizations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	Z	P	Z	-	P	P	-	-	-
<b>Transportation-related facilities</b>																														
Surface Parking	-	-	-	-	-	-	-	-	-	-	-	-	Z	Z	-	-	P	-	P	P	P	P	P	Z	P	-	-	-	Z	Z
Parking structure	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	P	P	Z	Z	Z
Transit station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Z	-	P	P	P	Z	P	Z	Z	-	-	-	-	P	P
Bus or truck maintenance facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	P
Truck and freight transportation services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Z	Z	-	-	P	-	-	-	-	-	-	P
Taxi and limousine service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	P	-	-	-	-	-
Towing and other road services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	P

Courier and messenger services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	P	P	-	P	P	
Communication towers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	C	-	-	C	C	-	P	P	
Food trucks, roadside stands, pushcarts, kiosk, etc.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	Z	Z	Z	Z	Z	C	Z	Z	Z	-	Z	Z	
<b>Agriculture, forestry, fishing, and hunting</b>																															
Urban greenhouses/nurseries	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	P	-	-	-	
Commercial nursery	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	Z	P	
Equine related activities	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Kennels and other canine-related facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	Z	P	-	-	-	-	-	Z	
<b>Marina Facilities</b>																															
Transient Use	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	P	-	-
Commercial Use	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7	-	-	-	-	-	-	-	-	-	-	P	-	-

## ORDINANCE 17-12

**AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING SECTION 105-23.3.1 OF THE DUNEDIN CODE OF ORDINANCES AMENDING CROSS-ACCESS WAY DIMENSIONS TO MATCH OTHER PORTIONS OF THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, City staff has reviewed Chapter 105 of the Code of Ordinances and has recommended that certain revisions are necessary to amend cross-access way dimensions to match other portions of the Land Development Code; and

**WHEREAS**, the recommendations of staff have been found meritorious by the City Commission; and

**WHEREAS**, the City Commission has received input from the public at two public hearings.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That Section 105-23.3.1 of Chapter 105 of the Code of Ordinances is amended to read as follows:

### **105-23.3.1 - Cross-Access between Adjacent Uses**

- a) Internal vehicular circulation areas shall be designed to allow for cross-access with adjacent lots that have nonresidential or mixed uses.
- b) A stub for future cross-access shall be provided from the vehicular use area to all adjacent land designated for nonresidential or mixed-use development.
- c) Cross-access ways shall allow for two-way traffic between parcels through the use of a single drive aisle with a minimum width of 20 feet or through two one-way aisles each with a minimum width of 10 feet.
- d) When cross-access for vehicles is deemed impractical by the Planning & Development and Public Works Directors by the presence of natural features, or vehicular safety factors, the requirement for cross-access may be waived if bicycle and pedestrian connections are provided between adjacent developments or land uses, either at the street frontage or internal within the site.

- e) A cross-access easement must be recorded prior to issuance of a building permit for the development, unless otherwise approved by the Planning & Development Director.

**Section 2.** That this Ordinance shall become effective upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 24th day of August, 2017.**

  
\_\_\_\_\_  
Julie Ward Bujalski  
Mayor

ATTEST:

  
\_\_\_\_\_  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: August 10, 2017

READ SECOND TIME AND ADOPTED: August 24, 2017

KEN BURKE, CLERK OF COURT  
AND COMPTROLLER PINELLAS COUNTY, FL  
INST# 2017272182 08/31/2017 11:02 AM  
OFF REC BK: 19761 PG: 24-27  
DocType:GOV RECORDING: \$35.50

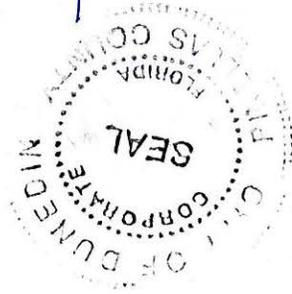
I DO HEREBY CERTIFY THIS TO BE A TRUE  
AND CORRECT COPY  
CERTIFIED THIS

DATE 8/28/2017

Denise Kirkpatrick  
CITY CLERK

## ORDINANCE 17-15

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF DUNEDIN, FLORIDA TO ANNEX CERTAIN REAL PROPERTY LOCATED AT 1501 SAN CHRISTOPHER DRIVE (PARCEL NUMBER 26-28-15-00000-140-0200) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 2.01 ACRES, INTO THE CORPORATE LIMITS OF THE CITY OF DUNEDIN; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.



**WHEREAS**, pursuant to the provisions of the Florida Statutes, the City of Dunedin may lawfully annex land lying contiguous to the boundaries of the City upon written petition of the property owner thereof; and

**WHEREAS**, the City of Dunedin has received a written petition of the property owner of the following described property and has received proper proof of title setting forth the names of all persons, firms or corporations owning any interest in said property; and

**WHEREAS**, said property is reasonably compact and is contiguous to the City of Dunedin, lying in an unincorporated area.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** The City of Dunedin, acting by and through its City Commission, hereby declares its intention to annex into the corporate limits of the City Dunedin the following property lying contiguous to the territorial limits of said City:

**SEE ATTACHED EXHIBIT "A"**

**A map clearly showing the annexed area is attached hereto as Exhibit "B" and incorporated herein by reference.**

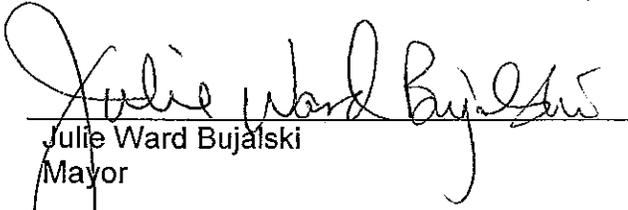
**Section 2.** Upon final passage and adoption, a certified copy of this Ordinance shall be duly recorded in the Office of the Circuit Court of Pinellas County and filed with the Department of State, State of Florida and the County Administrator of Pinellas County, Florida.

**Section 3.** When this Ordinance has been duly recorded and filed as aforesaid, the territory hereinabove described shall be thereupon annexed to the City of Dunedin and the inhabitants thereof shall enjoy all the privileges and be

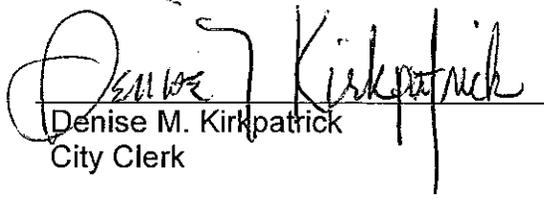
subject to all liabilities as are applicable to the other lands and inhabitants within ~~the corporate limits~~ and subject to all laws and ordinances of the City of Dunedin.

**Section 4.** That this Ordinance shall become effective immediately upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 24th day of August, 2017.**

  
Julie Ward Bujalski  
Mayor

ATTEST:

  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: August 10, 2017

READ SECOND TIME AND ADOPTED: August 24, 2017

**APPLICATION AN-LUP-ZO-SD-LDO 17-56.00**

**1501 San Christopher Drive  
Parcel Number 26-28-15-00000-140-0200**

**LEGAL DESCRIPTION**

A PARCEL OF LAND LYING IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 28 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

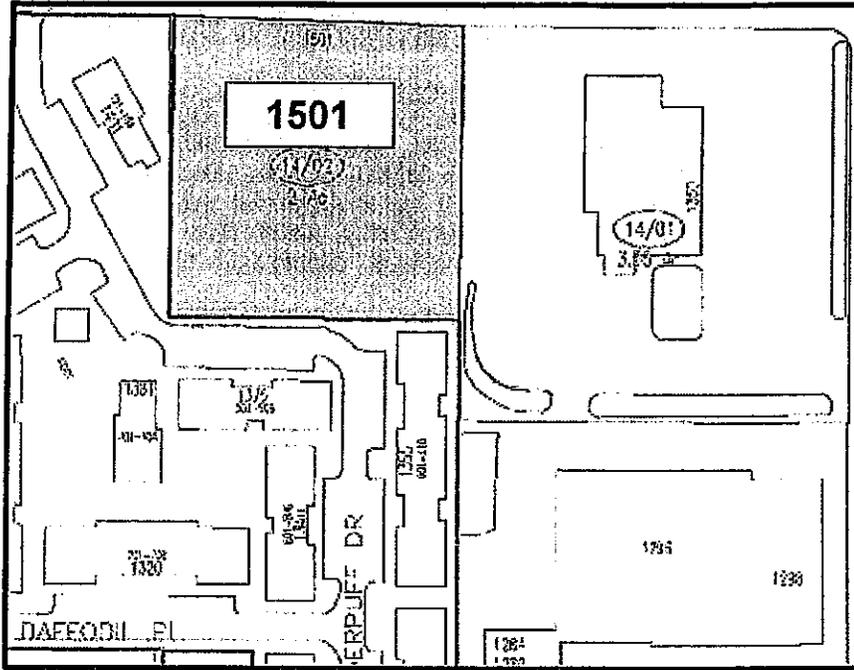
BEGIN AT THE NORTHEAST CORNER OF SAN CHRISTOPHER VILLAS, A CONDOMINIUM, PHASE ONE AS RECORDED IN CONDOMINIUM PLAT BOOK 54, PAGE 15, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID CORNER ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAN CHRISTOPHER DRIVE, THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, S.88°34'09"E., 203.10 FEET; THENCE S.87°32'46"E., 92.00 FEET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE, S.00°18'26"W., 294.00 FEET TO THE EASTERLY CORNER OF SAID SAN CHRISTOPHER VILLAS; THENCE ALONG A NORTHERLY BOUNDARY LINE OF SAID SAN CHRISTOPHER VILLAS, N.89°24'55"W., 295.00 FEET; THENCE ALONG A EASTERLY BOUNDARY LINE OF SAID SAN CHRISTOPHER VILLAS, N.00°18'26"E., 300.00 FEET TO THE POINT OF BEGINNING.

LESS RIGHT-OF-WAY FOR SAN CHRISTOPHER DRIVE.

CONTAINING 2.015 ACRES, MORE OR LESS.

**APPLICATION AN-LUP-ZO-SD-LDO 17-56.00**  
**1501 San Christopher Drive**  
**Parcel Number 26-28-15-00000-140-0200**

San Christopher Dr



CR 1

## ORDINANCE 17-15

**AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF DUNEDIN, FLORIDA TO ANNEX CERTAIN REAL PROPERTY LOCATED AT 1501 SAN CHRISTOPHER DRIVE (PARCEL NUMBER 26-28-15-00000-140-0200) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 2.01 ACRES, INTO THE CORPORATE LIMITS OF THE CITY OF DUNEDIN; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, pursuant to the provisions of the Florida Statutes, the City of Dunedin may lawfully annex land lying contiguous to the boundaries of the City upon written petition of the property owner thereof; and

**WHEREAS**, the City of Dunedin has received a written petition of the property owner of the following described property and has received proper proof of title setting forth the names of all persons, firms or corporations owning any interest in said property; and

**WHEREAS**, said property is reasonably compact and is contiguous to the City of Dunedin, lying in an unincorporated area.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** The City of Dunedin, acting by and through its City Commission, hereby declares its intention to annex into the corporate limits of the City Dunedin the following property lying contiguous to the territorial limits of said City:

**SEE ATTACHED EXHIBIT "A"**

**A map clearly showing the annexed area is attached hereto as Exhibit "B" and incorporated herein by reference.**

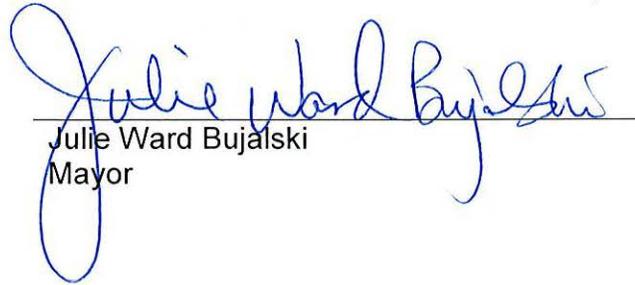
**Section 2.** Upon final passage and adoption, a certified copy of this Ordinance shall be duly recorded in the Office of the Circuit Court of Pinellas County and filed with the Department of State, State of Florida and the County Administrator of Pinellas County, Florida.

**Section 3.** When this Ordinance has been duly recorded and filed as aforesaid, the territory hereinabove described shall be thereupon annexed to the City of Dunedin and the inhabitants thereof shall enjoy all the privileges and be

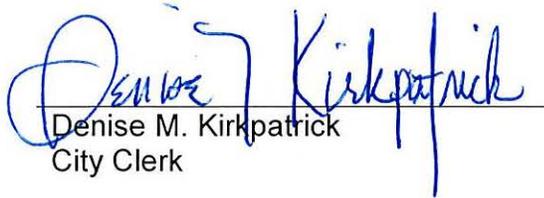
subject to all liabilities as are applicable to the other lands and inhabitants within the corporate limits and subject to all laws and ordinances of the City of Dunedin.

**Section 4.** That this Ordinance shall become effective immediately upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 24th day of August, 2017.**

  
Julie Ward Bujalski  
Mayor

ATTEST:

  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: August 10, 2017

READ SECOND TIME AND ADOPTED: August 24, 2017

**APPLICATION AN-LUP-ZO-SD-LDO 17-56.00**

1501 San Christopher Drive  
Parcel Number 26-28-15-00000-140-0200

**LEGAL DESCRIPTION**

A PARCEL OF LAND LYING IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 28 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

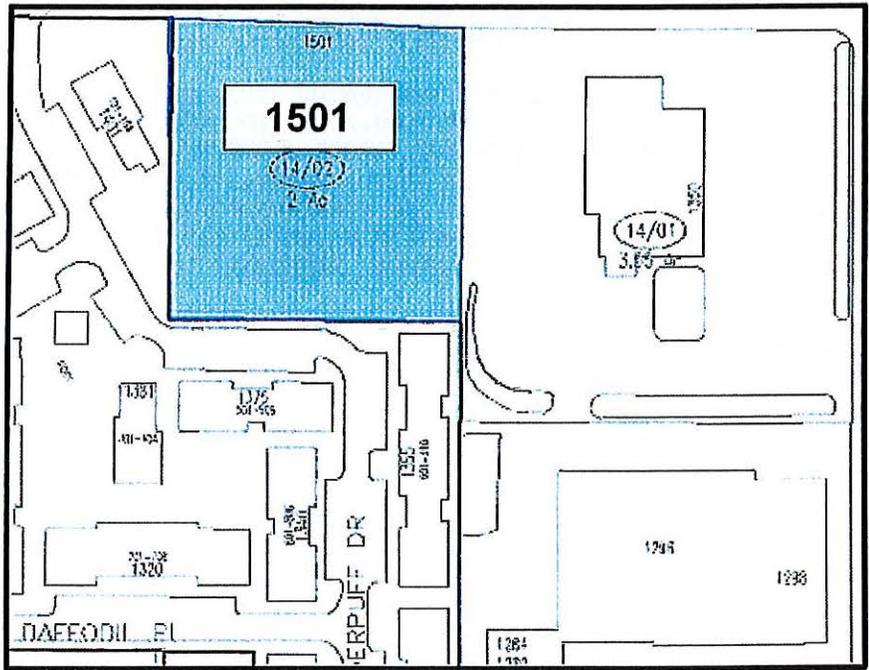
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LESS RIGHT-OF-WAY FOR SAN CHRISTOPHER DRIVE.

CONTAINING 2.015 ACRES, MORE OR LESS.

**APPLICATION AN-LUP-ZO-SD-LDO 17-56.00**  
1501 San Christopher Drive  
Parcel Number 26-28-15-00000-140-0200

San Christopher Dr



CR 1



September 19, 2017

Mr. Ernest Reddick, Program Administrator  
Florida Department of State  
Administrative Code and Register  
500 South Bronough Street  
Tallahassee, FL 32399-0250

Dear Mr. Reddick:

Enclosed please find certified copy of Ordinances 17-15, which was passed and adopted by the Dunedin City Commission on August 24, 2017.

Sincerely,

A handwritten signature in blue ink that reads "Denise Kirkpatrick". The signature is fluid and cursive, with a long horizontal stroke at the end.

Denise Kirkpatrick  
City Clerk  
City of Dunedin  
P.O. Box 1348  
Dunedin FL 34697-1348

Attachment



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

September 26, 2017

Ms. Denise Kirkpatrick  
City Clerk  
City of Dunedin  
P. O. Box 1348  
Dunedin, Florida 34697-1348

Dear Ms. Kirkpatrick:

This will acknowledge receipt of your letter dated September 19, 2017 and certified copy of Ordinance No. 17-15, annexing property into the City of Dunedin, which was filed in this office on September 26, 2017.

If we may be of further assistance, please contact this office at (850) 245-6270.

Sincerely,

A handwritten signature in black ink, appearing to read "Ernest L. Reddick".

Ernest L. Reddick  
Program Administrator

ELR/lb

## ORDINANCE 17-16

**AN ORDINANCE AMENDING THE CITY OF DUNEDIN LAND USE PLAN, AS ADOPTED BY ORDINANCE 89-21, ON CERTAIN REAL PROPERTY FOLLOWING ANNEXATION LOCATED AT 1501 SAN CHRISTOPHER DRIVE (PARCEL NUMBER 26-28-15-00000-140-0200) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 2.01 ACRES, ASSIGNING A RESIDENTIAL MEDIUM (RM) LAND USE DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the owner of the property described herein has requested that the said property receive an amended land use designation on the Dunedin Land Use Plan following annexation; and

**WHEREAS**, the owner of the property described herein has requested that the Dunedin Land Use Plan be changed following annexation to Residential Medium (RM); and

**WHEREAS**, the Local Planning Agency of the City of Dunedin has duly considered the type of land use designation that would be appropriate on said property and has recommended that the property herein below be changed following annexation to Residential Medium (RM); and

**WHEREAS**, the City Commission of the City of Dunedin has considered such request and finds that such request should be granted.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That the Dunedin Land Use Plan as adopted by Ordinance 89-21 be amended by redesignating the following described real property following annexation to Residential Medium (RM), as said designation is more particularly described in said Land Use Plan:

**See Exhibit "A" attached hereto and made a part hereof.**

**Section 2.** The effective date of this small scale development plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), F.S. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, F.S. No development orders, development permits or land uses dependent on this amendment may be issued

or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 24th day of August, 2017.**

  
\_\_\_\_\_  
Julie Ward Bujalski  
Mayor

ATTEST:

  
\_\_\_\_\_  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: August 10, 2017

READ SECOND TIME AND ADOPTED: August 24, 2017



## **ORDINANCE 17-17**

**AN ORDINANCE ZONING CERTAIN REAL PROPERTY FOLLOWING ANNEXATION LOCATED AT 1501 SAN CHRISTOPHER DRIVE (PARCEL NUMBER 26-28-15-00000-140-0200) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 2.01 ACRES, TO PLANNED RESIDENTIAL DEVELOPMENT (PRD); AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the owner of the property described herein has requested that the said property be zoned following annexation to Planned Residential Development (PRD); and

**WHEREAS**, the Local Planning Agency of the City of Dunedin, Florida, has duly considered the type of zoning which would be proper on said real property, and has recommended that the zoning request of said owner be granted; and

**WHEREAS**, due and proper public hearing on the said recommended zoning has been conducted by the City Commission and the recommendations of the Local Planning Agency having been found by the Commission to be meritorious.

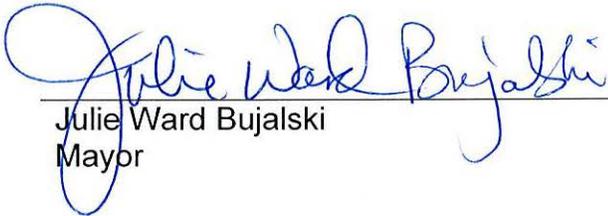
**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** That from and after the effective date of the within Ordinance, the following described real property shall hereby be zoned to Planned Residential Development (PRD), as said zoning classification is more particularly described in Dunedin's Land Development Code:

**See Exhibit "A" attached hereto and made a part hereof.**

**Section 2:** This Ordinance shall become effective upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 24th day of August, 2017.**

  
\_\_\_\_\_  
Julie Ward Bujalski  
Mayor

ATTEST:

  
\_\_\_\_\_  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: August 10, 2017

READ SECOND TIME AND ADOPTED: August 24, 2017

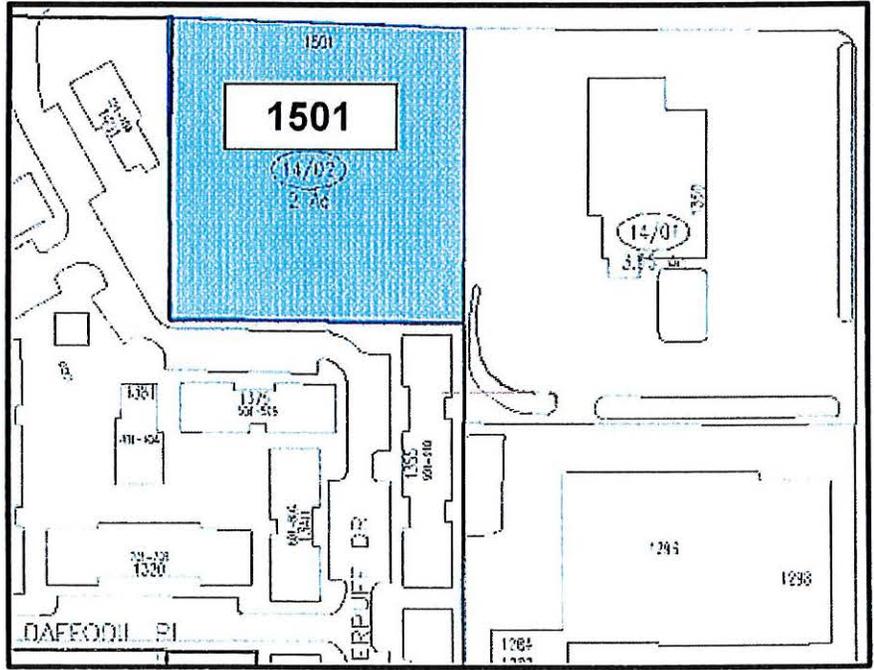
**APPLICATION AN-LUP-ZO-SD-LDO 17-56.00**

1501 San Christopher Drive  
Parcel Number 26-28-15-00000-140-0200

**ZONING CLASSIFICATION**

**PLANNED RESIDENTIAL DEVELOPMENT  
(PRD)**

San Christopher Dr



CR 1

## ORDINANCE 17-18

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, CALLING FOR A GENERAL MUNICIPAL ELECTION ON NOVEMBER 7, 2017; PROVIDING FOR CONSIDERATION OF PROPOSED CHARTER AMENDMENTS TO THE ELECTORS OF THE CITY OF DUNEDIN; PROVIDING GUIDELINES IN ACCORDANCE WITH FLORIDA STATUTES, THE CITY CHARTER, CHAPTER 26 TITLED "ELECTIONS" OF THE CITY OF DUNEDIN CODE OF ORDINANCES AND AS OUTLINED IN THE "AGREEMENT FOR CONDUCTING IN-CONJUNCTION MUNICIPAL ELECTION" ATTACHED HERETO; PROVIDING AUTHORIZATION FOR THE INTERIM CITY MANAGER TO SIGN THE AGREEMENT; PROVIDING FOR PUBLICATION; AUTHORIZING ELECTION EXPENDITURES; BY PROVIDING FOR READING BY TITLE ONLY; BY PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, pursuant to the City of Dunedin City Charter, Section 5.04 titled "Election Ordinance", the City Commission shall, by City Ordinance define and describe to the voters the rules and methods of conducting elections within the City of Dunedin; and

**WHEREAS**, said election shall be held in accordance with Florida Statutes, the City Charter and Chapter 26 titled "Elections" of the City of Dunedin Code of Ordinances and as outlined in Exhibit A titled "Agreement for Conducting In-Conjunction Municipal Election"; now, therefore

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That an election shall be held in the City of Dunedin, Florida on November 7, 2017, for the purpose of providing proposed Charter Amendments

**Section 2.** That said election shall be held in accordance with Florida Statutes, the City Charter and Chapter 26 titled "Elections" of the City of Dunedin Code of Ordinances and as outlined in Exhibit A titled *Agreement for Conducting In-Conjunction Municipal Election* ("Agreement").

**Section 3.** That the Interim City Manager shall be authorized to sign the Agreement between the Pinellas County Supervisor of Elections and the City of Dunedin.

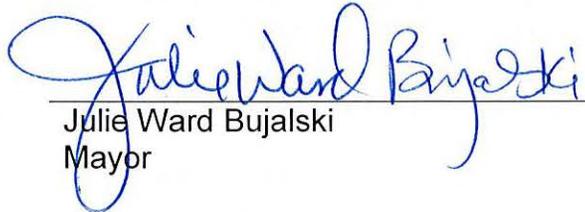
**Section 4.** That the City Clerk shall be authorized:

- ◆ To procure such voting equipment, ballots, tally sheets, list of registered voters, certificates and such other similar items as shall be necessary for the conducting and holding of such election.
- ◆ To expend such monies as may be necessary in order to prepare for and conduct said election.

**Section 5:** That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be hereby repealed insofar as the same affect this Ordinance.

**Section 6:** This Ordinance shall become effective immediately upon its final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 15th day of June, 2016.**

  
\_\_\_\_\_  
Julie Ward Bujalski  
Mayor

ATTEST:

  
\_\_\_\_\_  
Denise M. Kirkpatrick  
City Clerk

Passed on First Reading: \_\_\_\_\_ June 01, 2017

Passed on Second Reading: \_\_\_\_\_ June 15, 2017



## Pinellas County Supervisor of Elections

13001 Starkey Road, Largo, Florida 33773-1416 • 727 464 6108 • VotePinellas.com

### Agreement for Conducting In-Conjunction Municipal Election

#### City of Dunedin

#### County Referendum and Municipal General Elections – November 7, 2017

WHEREAS, the City/Town has requested the assistance of the Office of the County Supervisor of Elections (Supervisor) in conducting its General Election; and

WHEREAS, the Supervisor is agreeable to providing such assistance to the City/Town subject to the following conditions, considerations and agreements arrived at between the parties;

IT IS HEREBY AGREED AS FOLLOWS:

#### GENERAL PROVISIONS

The election is to be conducted under any applicable ordinances of the City/Town and all sections of Chapters 97-106, Florida Statutes (the State Election Code). It is understood that the Supervisor is in charge of the election, and that the County Canvassing Board is responsible for canvassing the election (no cost to the City/Town). The City/Town may have a designated representative in the canvassing board room. This designee may only serve in an "observer" capacity and may not participate in the canvassing of the election. The County Canvassing Board will determine whether a recount is required and advise the City/Town. The County Canvassing Board will certify the election results and will provide a Certificate of Election to the City/Town (ONE Certificate of Election will include all elections held on the same day). The Certificate of Election will be provided to the City/Town after the County Canvassing Board certifies the official election results.

The Post-Election Audit may not begin until the Canvassing Board has certified the official election results.

The City/Town is responsible for the costs associated with conducting an annexation election (mapping annexation areas, reassigning addresses, and mailing new voter registration cards).

The City/Town is responsible for the costs associated with any legal action or contest of election arising from its election. The City/Town, the Supervisor of Elections and the County Canvassing Board agree that

## Agreement for Conducting In-Conjunction Municipal Election

the County Attorney's Office will represent the Supervisor of Elections and County Canvassing Board in any legal action concerning the canvass or certification of the election.

It is understood that the provisions of this contract are based on current state law, and if any changes in election law should occur during the period of this agreement, those changes will supersede the terms of this contract where applicable.

The City/Town will provide the Supervisor with the current City/Town definition/boundaries (which includes ALL current annexations) no later than 5:00 p.m., August 22, 2017. It is the responsibility of the City/Town to ensure the Supervisor has the current definition/boundary information so all eligible voters can participate in the City/Town's election. The City/Town agrees that NO changes to the City/Town definition/boundaries will be made effective between 5:00 p.m., August 22, 2017, and Midnight, November 7, 2017.

This contract must be signed by the City/Town and received by the Supervisor no later than the ballot language deadline of 5:00 p.m., August 22, 2017.

The Supervisor will certify to the City/Town the number of registered voters for this election approximately 10 days prior to the election.

### ELECTION INFORMATION

Election Title: County Referendum and Municipal General Elections  
Election Date: November 7, 2017  
Voter Registration Deadline: October 10, 2017

## Agreement for Conducting In-Conjunction Municipal Election

### SPECIAL PROVISIONS

City/Town Clerk: Denise Kirkpatrick  
\*Election Day Cell: (727) 423-5316  
Alternate Phone: (727) 298-3034  
Email: DKirkpatrick@DunedinFL.net  
Fax: (727) 298-3505  
Mailing Address: PO Box 1348, Dunedin, FL 34697

\*The City/Town Clerk MUST be available from 6:00 a.m. to 9:00 p.m. on Election Day.

### TRANSLATION (Spanish – Section 203, Voting Rights Act) (Jason Latimer – 464-4988)

- Pinellas County is a jurisdiction covered by Section 203 of the Voting Rights Act and must provide language assistance (Spanish). ALL municipalities within Pinellas County are also covered by Section 203 of the Voting Rights Act. Full compliance is a requirement for all jurisdictions (County and Municipal). This means that all information directed to voters or otherwise concerning voting-connected activities must be provided in both English and Spanish. This includes, but is not limited to, voter registration, legal advertisements and/or other notices, forms, voting instructions and procedures at the polls or otherwise, polling place signage, any printed voter information guides or website information concerning elections, communication assistance at the polls and election offices and communication with the jurisdiction's minority language community. The obligations and requirements apply to all elections conducted by the City/Town.
- Questions concerning your legal obligations/requirements to comply with Section 203, Voting Rights Act should be directed to your legal counsel.
- Any costs associated with the SOE translating election materials, including but not limited to ballots, are the responsibility of the City/Town and will be billed to the City/Town.

## Agreement for Conducting In-Conjunction Municipal Election

### BALLOT INFORMATION (Wendy Grimes 464-4987):

- Final Ballot Language is due no later than **5:00 p.m., August 22, 2017** and must include all qualified opposed candidates and resolutions and/or ordinances with ballot questions.
- All ballot language must comply with Florida Statutes 101.161(1) and the Uniform Ballot Rule (1S-2.032).
- Using the Ballot Language Submittal Forms – Complete required information. Include information and Candidate Oaths for ONLY qualified opposed candidates in ballot order, and all Charter Amendments/Referendum Questions with SIGNED/APPROVED Ordinances/Resolutions including numbering for ballot order.
- Scan and email ballot language to Wendy Grimes at [wgrimes@votePinellas.com](mailto:wgrimes@votePinellas.com) by the final ballot language deadline.

### BALLOT LAYOUT/PRINTING (Marc Gillette 464-4958)

- The Supervisor is responsible for creating the ballot (ballot layout will comply with Florida Statutes and the Uniform Ballot Rule).
- The City/Town is responsible for approving the City/Town's portion of ballot.
- Precinct ballots will be printed by the Supervisor. The Supervisor will bill the City/Town 22 cents per ballot card (includes shipping charges) if the City/Town's portion of the ballot creates an additional ballot card.
- Provisional Ballots (minimum of 25 ballots per precinct) will be printed by the Supervisor. The Supervisor will bill the City/Town 22 cents per ballot card if the City/Town's portion of the ballot creates an additional ballot card.
- If the City/Town requires a ballot change after ballots are printed, the City/Town is responsible for additional costs.

### CANDIDATE AUDIO RECORDING (Nicole Sokolowski/David Wise 464-4958)

The deadline for candidates to record their names and office titles for the audio ballot is

**5:00 p.m., August 29, 2017.** It is the responsibility of the City/Town to notify City/Town candidates of this deadline. Candidates must call (727) 453-3293; a voice message will prompt the candidate to record his/her name as indicated on the Candidate Oath and the office for which the candidate is running.

## Agreement for Conducting In-Conjunction Municipal Election

### MAIL BALLOTS (Martin Munro 464-6788)

- The Supervisor will bill the City/Town 22 cents per ballot card, if the City/Town's portion of the ballot creates an additional ballot card, used in the initial mailing.
- The Supervisor will bill the City/Town 40 cents per ballot card, if the City/Town's portion of the ballot creates an additional ballot card, used in daily mailings.
- If placement of the City/Town's municipal contests/questions on the ballot causes an additional ballot card to be created, the Supervisor will bill the City/Town for the cost of that additional card and postage for mailing that ballot.
- The deadline for mailing military/overseas mail ballots is September 23, 2017 [F.S. 101.62(4)(a)]. Tentative Mailing Schedule for military/overseas ballots: The week of September 18, 2017, no later than September 23, 2017.
- Domestic ballots must be mailed no earlier than October 3, 2017 and no later than October 10, 2017 [F.S. 101.62(4)(b)].
- After the initial mailings, ballots will be mailed daily up to the fourth day prior to the election. The deadline to request a ballot be mailed is 5:00 p.m., November 1, 2017, six days prior to the election [F.S. 101.62].
- Duplicate and test ballots will be printed by the Supervisor; the Supervisor will bill the City/Town 40 cents per ballot card if the City/Town's portion of the ballot creates an additional ballot card.

### LEGAL NOTICES (Jason Latimer 464-4988)

- The Supervisor is responsible for publishing the canvassing board meeting schedule.
- The Supervisor is responsible for creating the Sample Ballot and publishing it in a newspaper of general circulation. The City/Town is responsible for the advertising costs associated with publishing their portion of the sample ballot advertisement. The Supervisor will bill the City/Town for the City/Town's portion of the sample ballot advertisement.
- The Supervisor is responsible for mailing any necessary polling place change notices, one per household, and publishing the list in a newspaper of general circulation.
- If the City/Town is conducting a special election or special referendum election, the City/Town is responsible for any additional notices required by Florida law. The City/Town is responsible for any notices required in its charter or by ordinance.

## Agreement for Conducting In-Conjunction Municipal Election

### TESTING BALLOT COUNTING EQUIPMENT (Marc Gillette 464-4958)

- The canvassing board will certify test results of the ballot counting equipment and the Supervisor will file the election parameters with the Division of Elections.
- All tests will be performed at the Election Service Center, 13001 Starkey Road, Largo.
- The Supervisor will publish the Canvassing Board Meeting/Testing Schedule at no cost to the City/Town.

### CANVASSING BOARD MEETING SCHEDULE (Jason Latimer 464-4988)

- All Canvassing Board Meetings will take place at: Election Service Center, 13001 Starkey Road, Largo.
- A Canvassing Board Schedule will be emailed to you once meeting dates are finalized.

### EARLY VOTING (Martin Munro 464-6788)

Early Voting ballots will be printed by the Supervisor; the Supervisor will bill the City/Town 40 cents per ballot card if the City/Town's portion of the ballot creates an additional ballot card.

Early Voting will be October 28, 2017 – November 5, 2017 [F.S. 101.657]

### Days/Times of Operation

Monday – Friday: 10:00 a.m. - 6:00 p.m.; Saturday – Sunday: 9:00 a.m. - 5:00 p.m.

### Early Voting Locations

- Election Office - County Courthouse, 315 Court Street, Room 117, Clearwater, FL 33756
- Election Service Center, 13001 Starkey Road, Largo, FL 33773
- Election Office – County Building, 501 First Avenue North, St. Petersburg, FL 33701

### MAIL BALLOT DROP-OFF LOCATIONS (Jeff Mendes 464-6110)

The Supervisor will provide mail ballot drop-off locations. Locations, dates and times will be published by the Supervisor of Elections.

## Agreement for Conducting In-Conjunction Municipal Election

### POLL WATCHERS (Wendy Grimes 464-4987)

- Early Voting poll watcher designations for municipal candidates/committees must be submitted to the City/Town Prior to Noon, October 14, 2017 [F.S. 101.131(2)].
- The City/Town must submit Early Voting poll watcher designations to the Supervisor Prior to 5:00 p.m., October 16, 2017.
- Election Day poll watcher designations for municipal candidates/committees must be submitted to the City/Town Prior to Noon, October 24, 2017 [F.S. 101.131(2)].
- The City/Town must submit Election Day poll watcher designations to the Supervisor Prior to 5:00 p.m, October 24, 2017.
- The City/Town shall provide to each designated municipal poll watcher, no later than 7 days prior to the beginning of Early Voting and Election Day, a poll watcher identification badge that identifies the poll watcher by name. Each poll watcher must wear his or her identification badge while in the early voting area or polling room. [F.S. 101.131(5)].

### OVER-THE-COUNTER BALLOT PICKUP (Martin Munro 464-6788)

In-office ballot pickup will be available in each of the Supervisor of Elections locations during the following dates and times:

- September 25 - October 27: 8:00 a.m. - 5:00 p.m. (Closed weekends and holidays)
- October 28 - 29: 9:00 a.m. - 5:00 p.m.
- October 30 - November 3: 8:00 a.m. - 6:00 p.m.
- November 4 - 5: 9:00 a.m. - 5:00 p.m.
- November 6: 8:00 a.m. - 5:00 p.m.
- November 7: 7:00 a.m. - 7:00 p.m. [Only permitted in cases of emergency, F.S. 101.62(4)(c).5]

### VOTING EQUIPMENT AND SUPPLIES (Ken Lanphar 464-6788)

- The Supervisor will contract with a moving company to transport the voting equipment and supplies to and from polling locations.
- Supplies not transported by the moving company will be picked up by the precinct clerks after Clerks' Class at the Election Service Center.

## Agreement for Conducting In-Conjunction Municipal Election

### POLL WORKERS (Laurie Fidler 464-6110)

- The Supervisor will recruit, assign, train, and compensate ALL poll workers.
- A Deputy Sheriff will deputize the poll deputies.
- The Supervisor will bill the City/Town for additional poll workers needed to support voters eligible to vote only in City/Town's election.

### POLLING PLACES (Linda Cahill – 464-6110)

The Supervisor will select, contract with and compensate polling places [F.S. 101.715].

### CANVASSING MAIL BALLOTS (Martin Munro 464-6788)

The Supervisor, in the presence of the County Canvassing Board will open and prepare mail ballots for tabulation at the Election Service Center. Questionable ballots will be presented to the County Canvassing Board for decision. Florida Statute 101.68(2) allows for the canvassing of mail ballots to begin 15 days prior to the election. The Canvassing Board/testing schedule reflects ALL possible meeting days. The Canvassing Board will modify the schedule as needed based on the number of mail ballots received. Updates to the canvassing board schedule will be posted to the Supervisor's website.

### PROVISIONAL BALLOTS (Martin Munro 464-6788)

The Supervisor will research each provisional ballot to determine the voter's eligibility and will present the provisional ballots to the County Canvassing Board for decision. Voters casting a provisional ballot have two days after Election Day to provide written proof of eligibility to the County Canvassing Board. The deadline for this election is 5:00 p.m., November 9, 2017 [F.S. 101.048]. All provisional ballots will be canvassed at the Election Service Center.

### ELECTION NIGHT PROCEDURE (Jason Latimer 464-4988)

- The Supervisor will have unofficial election results modemed from the polling places to the Election Service Center.
- The Supervisor will have the precinct scanner memory sticks, voted precinct and provisional ballots, and election supplies transported to the Election Service Center.
- Results will be released throughout the night and posted to the Supervisor's website (VotePinellas.com). The Supervisor will provide unofficial results on election night.

## Agreement for Conducting In-Conjunction Municipal Election

- Campaign Signs – If candidates wish to reuse their campaign signs left at the polls on Election Day, the signs must be collected by campaign staff prior to poll workers removing and disposing of them after the polls close.

### AFTER ELECTION DAY (Jason Latimer 464-4988)

- Provisional ballots will be canvassed. All ballots accepted by the County Canvassing Board will be processed and added to the election night results to produce Official Election Results. Provisional ballots cannot be rejected until after the deadline for provisional ballot voters to provide written proof of eligibility [F.S. 101.048].
- The County Canvassing Board will certify the election results and will provide a certificate of election to the City/Town (ONE Certificate of Election will include all elections held on the same day). This document will be provided to the City/Town via email after the County Canvassing Board certifies the official election results.
- The County Canvassing Board will conduct a post-election manual audit in accordance with F.S. 101.591 and Division of Elections Administrative Rule 1S-5.026. The Supervisor will post the required post-election audit notices to the Supervisor's website and at each elections office. The Supervisor will post the final post-election audit report to the Supervisor's website after the County Canvassing Board completes the audit.
- Election materials will remain sealed at the Election Service Center for the duration of the public records retention period.
- The Supervisor of Elections in accordance with F.S. 98.0981(2) will report precinct-level results to the Department of State within 30 days following the election.

### DATA PROCESSING ORDERS (Nicole Sokolowski 464-4958)

The City/Town is to place data orders directly with an IT staff member by contacting (727) 464-4958 or SOEIT@VotePinellas.com.

### VOTER HISTORY (Marc Gillette/David Wise 464-4958)

When voter history is completed, the City/Town will be provided with the names of those who voted. The information will be provided on CD to each municipality.

Agreement for Conducting In-Conjunction Municipal Election

ELECTION COSTS (Susan Morse 464-6108)

- There will be a 10-cent election administration fee per registered voter.
- The City/Town will be provided an invoice based on election cost estimates. Payment must be received no later than 5:00 p.m., August 22, 2017. After the election, based on actual election costs, the Supervisor will reimburse the City/Town for unused funds or provide the City/Town with an invoice for additional costs incurred.

By affixing their signatures hereto, the parties acknowledge each to the other that they have full authority to enter into this Contract.

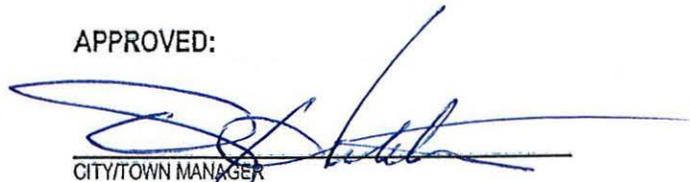
APPROVED:



DEBORAH CLARK  
Supervisor of Elections, Pinellas County, Florida

Dated: 06/29/17

APPROVED:



CITY/TOWN MANAGER  
Print name: Douglas Hutchens

Dated: June 19, 2017

APPROVED AS TO FORM:



OFFICE OF THE COUNTY ATTORNEY

Dated: 6.26.17

REVIEWED AND APPROVED:



CITY/TOWN ATTORNEY  
Print name: Thomas J. Trask

Dated: 6/15/2017

ATTEST TO:



MUNICIPAL CLERK  
Print name: Denise M. Kirkpatrick

Dated: June 19, 2017

**ORDINANCE 17-23**

**AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, SUBMITTING TO THE ELECTORS OF THE CITY OF DUNEDIN A PROPOSED AMENDMENT TO THE CITY CHARTER, SAID AMENDMENT AMENDING SECTION 3.05 OF THE CHARTER TO PROVIDE THAT THE SELECTION OF THE VICE-MAYOR BE DONE ANNUALLY AT THE FIRST REGULAR MEETING OF THE CITY COMMISSION IN DECEMBER; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, pursuant to Section 6.01 of the present Charter of the City of Dunedin, the Charter may be amended in the manner provided by the general laws of the State of Florida; and

**WHEREAS**, following a review of the Charter by the City Commission and the Charter Review Committee it has been deemed desirable that Section 3.05 of the Charter be amended.

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That Section 3.05 of the Charter of the City of Dunedin shall be amended to read as follows:

Section 3.05. - Mayor and Vice-Mayor.

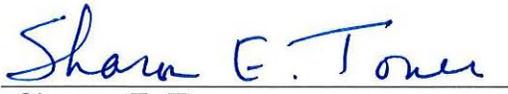
The Mayor shall preside at meetings of the City Commission, shall be recognized as head of City government for all ceremonial purposes, by the Governor for the purposes of military law, for service of process, execution of contracts, deeds and other documents and as the City Official designated to represent the City in all agreements with other governmental entities or certifications to other governmental entities, but shall have no administrative duties, except as required to carry out the responsibilities herein. The City Commission shall select from among its elected members a Vice-Mayor. Selection of the Vice-Mayor shall be done annually at the first regular meeting of the City Commission ~~following the regular election date prescribed by ordinance whether or not an election is held~~ **in December**. The selection of the Vice-Mayor shall be done on a rotating basis unless there are extenuating circumstances. The Vice-Mayor shall act as Mayor during the absence or the inability of the Mayor to perform the duties of the office of the Mayor.

**Section 2.** This Ordinance shall take effect immediately upon its passage and adoption, provided however it shall not be effective until such is approved by the electorate at a referendum election thereon to ratify the terms and conditions of this Ordinance. In the event that any such referendum question shall be defeated, then this Ordinance shall be of no further force and effect.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 27th DAY OF JULY, 2017.**

  
Deborah Kynes  
Vice-Mayor

ATTEST:

  
Sharon E. Toner  
Acting City Clerk

READ FIRST TIME AND PASSED:	<u>July 13, 2017</u>
ADVERTISED	<u>July 14, 2017</u>
READ SECOND TIME AND ADOPTED:	<u>July 27, 2017</u>

## ORDINANCE 17-24

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, SUBMITTING TO THE ELECTORS OF THE CITY OF DUNEDIN A PROPOSED AMENDMENT TO THE CITY CHARTER, SAID AMENDMENT AMENDING SECTION 3.06 OF THE CHARTER TO PROVIDE THAT A SPECIAL ELECTION BE HELD WITHIN ONE HUNDRED EIGHTY (180) DAYS TO FILL A VACANCY FOR THE MAYOR OR A COMMISSIONER IF A REGULAR ELECTION IS NOT TO BE CONDUCTED WITHIN THREE HUNDRED SIXTY (360) DAYS FROM THE DATE OF THE VACANCY; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, pursuant to Section 6.01 of the present Charter of the City of Dunedin, the Charter may be amended in the manner provided by the general laws of the State of Florida; and

WHEREAS, following a review of the Charter by the City Commission and the Charter Review Committee it has been deemed desirable that Section 3.06 of the Charter be amended.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That Section 3.06 of the Charter of the City of Dunedin shall be amended to read as follows:

### **Section 3.06. Vacancies; Forfeiture of Office; Filling of Vacancies.**

- (a) *Vacancies.* The office of a City Commission member shall become vacant upon death, resignation, removal from office in any manner authorized by law; or forfeiture of his office, such forfeiture to be declared by a majority vote of the remaining City Commission Members.
- (b) *Forfeiture of Office.* A City Commission member shall forfeit the office if such Commissioner:
  - (1) Violates a provision of the City Charter regarding the conduct of the office. In order for this provision to be effective, the City Commission must determine that such violation by the affected City Commission Member was intentional, willful, flagrant or continuous.
  - (2) Lacks at any time during the term of office any qualification for the office prescribed by this Charter or by law.

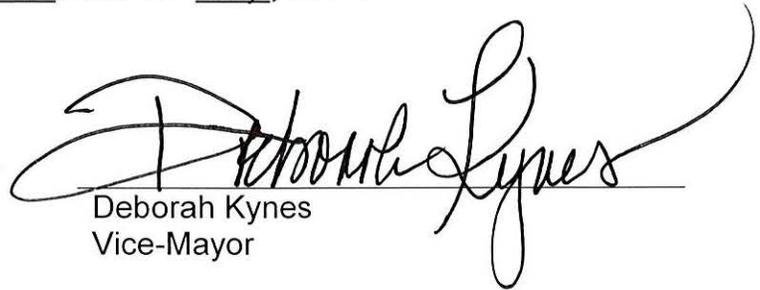
- (3) Is convicted of a crime involving moral turpitude. For the purposes of this section, "convicted" means a determination of guilt that is the result of a plea or trial, regardless of whether the adjudication is withheld.
  - (4) Fails to attend three (3) consecutive regular meetings of the City Commission unless such absence is excused by the City Commission.
  - (5) Fails to attend eight (8) regular meetings during a twelve-month period whether excused or not.
- (c) *Public Hearing.* A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing before the City Commission on demand and official notice of such hearing shall be published in a newspaper of general circulation in the City at least one (1) week in advance of the hearing. After due notice has been given to the affected City Commission member, the remaining City Commission members shall conduct a public hearing to determine and declare whether or not forfeiture of office exists. In conducting this hearing, the City Commission may appoint a hearing officer to conduct the hearing, or the Mayor may act as the chairperson. The affected City Commission Member and/or the individuals requesting the forfeiture shall be allowed to present oral and documentary evidence, submit memorandums of fact and law in support of their positions, present evidence, examine and cross-examine witnesses, including the affected City Commission Member, and may be represented by counsel. The chairperson of the meeting shall maintain decorum and rule on matters of law, procedure and/or evidence during the hearing. Upon submission of all the evidence by those individuals requesting the forfeiture and/or the affected City Commission Member, the remaining Commission Members shall determine whether or not a forfeiture of office exists. In order for a forfeiture to exist, not less than three (3) City Commission Members must vote in favor of and declare that a forfeiture of office exists.
- (d) *Filling of vacancies.* A vacancy in the City Commission in either the office of Mayor or Commissioner shall be filled by majority vote of the remaining members of the City Commission within thirty (30) days of the vacancy, and the person so appointed shall serve as Mayor or commissioner, as appropriate, until his or her successor has assumed office. Any person appointed to fill such vacancy shall possess all of the qualifications required of a Mayor or Commissioner by this Charter and by law. At the next regular election, as provided in Section 5.03, a special ballot shall be voted upon to elect a Mayor or Commissioner to serve any remainder of the unexpired term of office filled by vote of the City Commission; except that, if no regular election, pursuant to Section 5.03, is to be conducted within the City within 360 days from the date of the vacancy, the City Commission shall call a special

election to be held within ~~ninety (90)~~ **one hundred eighty (180)** days of the date of the vacancy to fill such vacancy. Upon failure of the City Commission to fill such vacancy as aforesaid, the Governor shall make such appointment.

One of the remaining members of the City Commission may be appointed to fill the office of Mayor if such appointment is conditional upon the resignation of such Commissioner from office prior to the effective date of such appointment. The office of the Commissioner so appointed shall then become vacant and shall be filled as is otherwise set forth herein. The Commissioner so appointed as Mayor shall serve until such vacancy is filled at a regular election or special election as set forth above and his or her successor has assumed office. No voting conflict shall exist for a remaining member of the City Commission to vote for himself or herself for appointment as Mayor. The presence of a quorum shall not be affected by the remaining members of the City Commission considering a remaining member for appointment as Mayor.

**Section 2.** This Ordinance shall take effect immediately upon its passage and adoption, provided however it shall not be effective until such is approved by the electorate at a referendum election thereon to ratify the terms and conditions of this Ordinance. In the event that any such referendum question shall be defeated, then this Ordinance shall be of no further force and effect.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 27th DAY OF July, 2017.**

  
Deborah Kynes  
Vice-Mayor

ATTEST:

  
Sharon E. Toner  
Acting City Clerk

READ FIRST TIME AND PASSED:	<u>July 13, 2017</u>
ADVERTISED	<u>July 14, 2017</u>
READ SECOND TIME AND ADOPTED:	<u>July 27, 2017</u>

## ORDINANCE 17-25

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, SUBMITTING TO THE ELECTORS OF THE CITY OF DUNEDIN A PROPOSED AMENDMENT TO THE CITY CHARTER, SAID AMENDMENT AMENDING SECTION 3.08 OF THE CHARTER TO PROVIDE THAT NO LESS THAN FORTY EIGHT (48) HOURS' NOTICE BE GIVEN FOR SPECIAL MEETINGS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

**WHEREAS**, pursuant to Section 6.01 of the present Charter of the City of Dunedin, the Charter may be amended in the manner provided by the general laws of the State of Florida; and

**WHEREAS**, following a review of the Charter by the City Commission and the Charter Review Committee it has been deemed desirable that Section 3.08 of the Charter be amended.

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That Section 3.08 of the Charter of the City of Dunedin shall be amended to read as follows:

Section 3.08. Procedure.

- (a) *Meetings.* The City Commission shall meet regularly twice a month unless the Commission determines that any particular meeting should be canceled. The Commission shall, however, meet at least once each month.

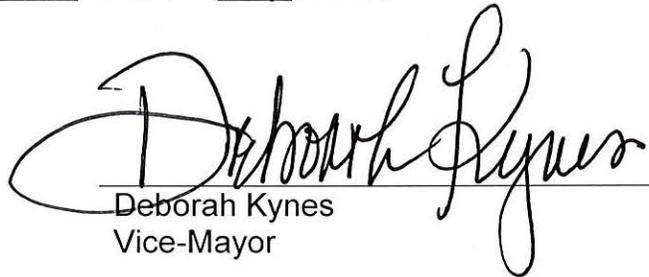
Special meetings shall be held on the call of the Mayor, City Manager, or any two (2) members of the City Commission and, whenever practicable, upon no less than ~~twelve (12)~~ **forty eight (48)** hours' notice to each member and to the public. All meetings shall be public.

- (b) *Rules and Agenda.* The City Commission shall determine its own rules and order of business.
- (c) *Voting.* Voting on ordinances and resolutions shall be by roll call and shall be recorded in the minutes. A majority of the City Commission shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the City

Commission. No action of the City Commission, except as otherwise provided in the preceding sentence and in Section 3.07, shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

**Section 2.** This Ordinance shall take effect immediately upon its passage and adoption, provided however it shall not be effective until such is approved by the electorate at a referendum election thereon to ratify the terms and conditions of this Ordinance. In the event that any such referendum question shall be defeated, then this Ordinance shall be of no further force and effect.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 27th DAY OF July, 2017.**

  
Deborah Kynes  
Vice-Mayor

ATTEST:

  
Sharon E. Toner  
Acting City Clerk

READ FIRST TIME AND PASSED:	<u>July 13, 2017</u>
ADVERTISED	<u>July 14, 2017</u>
READ SECOND TIME AND ADOPTED:	<u>July 27, 2017</u>

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## ORDINANCE 17-26

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, SUBMITTING TO THE ELECTORS OF THE CITY OF DUNEDIN A PROPOSED AMENDMENT TO THE CITY CHARTER, SAID AMENDMENT AMENDING SECTION 5.01 OF THE CHARTER TO RENAME SAID SECTION "ELECTORS;" AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

**WHEREAS**, pursuant to Section 6.01 of the present Charter of the City of Dunedin, the Charter may be amended in the manner provided by the general laws of the State of Florida; and

**WHEREAS**, following a review of the Charter by the City Commission and the Charter Review Committee it has been deemed desirable that Section 5.01 of the Charter be amended.

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That Section 5.01 of the Charter of the City of Dunedin shall be amended to read as follows:

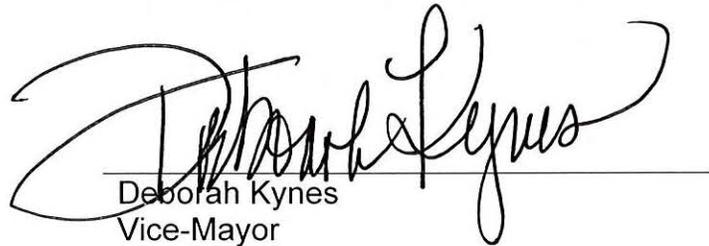
Section 5.01. ~~Elections~~ **Electors.**

All persons qualified to vote as an elector of this State, under the Constitution and Statutes of the State of Florida, who reside within the corporate boundaries of the City of Dunedin, and who are duly registered on the registration books of Pinellas County shall be qualified electors of the City of Dunedin in all elections except as otherwise provided by law.

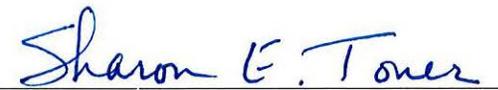
**Section 2.** This Ordinance shall take effect immediately upon its passage and adoption, provided however it shall not be effective until such is approved by the electorate at a referendum election thereon to ratify the terms

and conditions of this Ordinance. In the event that any such referendum question shall be defeated, then this Ordinance shall be of no further force and effect.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 27th DAY OF July, 2017.**

  
Deborah Kynes  
Vice-Mayor

ATTEST:

  
Sharon E. Toner  
Acting City Clerk

READ FIRST TIME AND PASSED:	<u>July 13, 2017</u>
ADVERTISED	<u>July 14, 2017</u>
READ SECOND TIME AND ADOPTED:	<u>July 27, 2017</u>

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## ORDINANCE 17-27

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, SUBMITTING TO THE ELECTORS OF THE CITY OF DUNEDIN A PROPOSED AMENDMENT TO THE CITY CHARTER, SAID AMENDMENT AMENDING SECTION 6.04 TO PROVIDE A REQUIREMENT FOR THE CITY COMMISSION TO ESTABLISH A CODE OF ETHICS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

**WHEREAS**, pursuant to Section 6.01 of the present Charter of the City of Dunedin, the Charter may be amended in the manner provided by the general laws of the State of Florida; and

**WHEREAS**, following a review of the Charter by the City Commission and the Charter Review Committee it has been deemed desirable that Section 6.04 of the Charter be amended.

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That Section 6.04 of the Charter of the City of Dunedin shall be amended to read as follows:

Section 6.04. Standards of Ethics.

All elected officials and employees of the City shall be subject to the standards of conduct for public officers and employees set by General Law. In addition, the City Commission ~~may~~ **shall**, by ordinance, establish a code of ethics for elected officials and employees of the City which may be supplemental to General Law, but in no case may an ordinance diminish the provisions of General Law.

**Section 2.** This Ordinance shall take effect immediately upon its passage and adoption, provided however it shall not be effective until such is approved by the electorate at a referendum election thereon to ratify the terms and conditions of this Ordinance. In the event that any such referendum question shall be defeated, then this Ordinance shall be of no further force and effect.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 27th DAY OF July, 2017.**

  
Deborah Kynes  
Vice-Mayor

ATTEST:

  
Sharon E. Toner  
Acting City Clerk

READ FIRST TIME AND PASSED:	<u>July 13, 2017</u>
ADVERTISED	<u>July 14, 2017</u>
READ SECOND TIME AND ADOPTED:	<u>July 27, 2017</u>

## ORDINANCE 17-28

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING SECTION 26-73 AND SECTION 26-74 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN AMENDING THE TIME FOR FILING PETITION CARDS AND THE QUALIFYING DATES FOR CANDIDATES; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

**WHEREAS**, the City Commission seeks to amend Sections 26-73 and Section 26-74 of Chapter 26 to provide that the time for filing petition cards and qualifying as a candidate, respectively, be amended; and

**WHEREAS**, the Charter Review Committee did review and recommend to the City Commission that the qualifying dates be amended; now, therefore

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** That Section 26-73 of Chapter 26 of the Code of Ordinances of the City of Dunedin is amended to read as follows:

**Sec. 26-73. - Method of qualifying.**

- (a) *General requirements.* Each person seeking to qualify as a candidate for city office shall file with the city clerk a candidate's oath and a request that the candidate's name be printed on the next city election ballot, together with campaign finance reports required by F.S. § 106.07, and a statement of financial interests required by F.S. § 112.3145, if applicable, or copies in lieu of originals previously filed.
- (b) *Qualification fee.*
  - (1) Unless qualifying pursuant to the alternative method of qualifying set forth in subsection (d) of this section, a qualification fee of one percent of the annual salary of the office sought shall be paid at the same time as the qualification papers are filed pursuant to subsection (a) of this section.
  - (2) Each person seeking to qualify for nomination or election to a municipal office shall pay, at the time of qualifying for office, an election assessment in accordance with F.S. § 99.093. Within 30 days after the close of qualifying, the qualifying officer shall forward all amounts collected pursuant to F.S. § 99.093, and

this section to the department of state for deposit in the elections commission trust fund. Payment of the qualifying fee and election assessment shall be by a check drawn on the candidate's campaign account payable to the city, delivered to the city clerk, who shall see that it is deposited in the general revenue fund of the city.

(c) *Petition cards.*

- (1) Candidates for the city commission shall each be nominated by petition cards signed personally by not less than 150 qualified voters in the city in the exact manner as the signature of the qualified voter appears on the registration books of the Pinellas County Supervisor of Elections. Petition cards shall be as prescribed by the city clerk and shall contain the residence address of each signer.
- (2) Petition cards shall be filed with the city clerk not more than ~~450~~ 113 days and must be certified by 12:00 noon, local time, on the ~~441st~~ 99th day before the said election. The decision of the supervisor of elections shall be final in determining the validity of the signatures on the petition cards.
- (3) As a condition precedent to qualifying, the candidates shall be required to file with their petition cards personal affidavits showing that they are residents of the city, having physically resided therein for a period of at least one year immediately prior to submitting the petition cards and are qualified electors of the city.
- (4) Candidates shall comply with all applicable provisions of the state election law with regard to the requirements for candidacy certification, conduct of the election campaign and campaign financing and compliance with state candidate financial disclosure requirements.
- (5) The petition cards shall be transmitted by the city clerk to the supervisor of elections for signature verification pursuant to F.S. § 99.097. The supervisor of elections shall notify the city clerk within five working days after receipt together with a certification of the number of signatures of city electors on the petition cards and whether that number equals or exceeds the requisite number. The cost of signature verification shall be paid pursuant to F.S. § 99.097(4), except that if a candidate is entitled to have the signatures verified at no cost to that candidate, the supervisor of elections shall submit a statement for the cost of such verification, not to exceed \$0.10 per

signature, to the city for payment. A candidate is entitled to have the petition card signatures verified at no cost to that candidate, provided that the candidate executes an affidavit under oath that the candidate cannot pay the charges for verification without imposing an undue burden upon the financial resources available to the candidate. Such affidavit shall be filed with the city clerk together with the petition cards.

(6) Upon receipt of the supervisor of election's certification, the city clerk shall notify the candidate of the result of the verification, and if the requisite number of valid signatures was attained, the city clerk shall place the candidate's name on the next city election ballot and he shall be considered as having qualified as of the date the requisite number of petition cards were certified as valid.

(d) *Alternative qualifying methods.*

(1) As an alternative method for qualifying for those individuals unable to or unwilling to pay the qualification fee, petition cards containing the signatures of city electors equal in number to one percent of the total registered electors of the city as of the most recent preceding regular city election may be filed with the city clerk, together with the required qualification papers, requesting that the individual's name be placed on the next city ballot for the office designated on the petition. The petition shall be filed with the city clerk not more than ~~450~~ 113 days and must be certified by 12:00 noon, local time, on the ~~441st~~ 99th day before the said election, pursuant to section 26-74.

(2) The petition cards shall be transmitted by the city clerk to the supervisor of elections for signature verification pursuant to F.S. § 99.097. The supervisor of elections shall notify the city clerk within ten days after receipt together with a certification of the number of signatures of city electors on the petition and whether that number equals or exceeds the requisite number. The cost of signature verification shall be paid pursuant to F.S. § 99.097(4), except that in the event a candidate is entitled to have the signature verified at no cost to that candidate, the supervisor shall submit a statement for the cost of such verification, not to exceed \$0.10 per signature, to the city for payment. A candidate is entitled to have the petition card signatures verified at no cost to that candidate, provided that he executes an affidavit, under oath, that the candidate cannot pay the charges for verification without imposing an undue burden upon the financial resources available to the candidate. Such

affidavit shall be filed with the city clerk together with the petition cards.

- (3) Upon receipt of the supervisor's certification, the city clerk shall notify the candidate of the result of the verification, and if the requisite number of valid signatures was attained, the city clerk shall place the candidate's name on the next city election ballot, and the candidate shall be considered as having qualified as of the date the requisite number of petition cards were certified as valid.

**Section 2:** That Section 26-74 of Chapter 26 of the Code of Ordinances of the City of Dunedin is amended to read as follows:

**Sec. 26-74. - Time for qualifying.**

No person may qualify as a candidate prior to the ~~150th~~ **113th** day before the next city election nor later than 12:00 noon, local time, on the ~~141st~~ **99th** day before the said election, except that if the ~~141st~~ **99th** day falls on a day that is a Saturday, Sunday or city holiday, the qualifying period shall be extended to the next city business day.

**Section 3:** That this Ordinance shall be effective upon passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 21st day of December, 2017.**

  
Julie Ward-Bujalski  
Mayor

ATTEST:



Sharon Toner  
Deputy City Clerk

READ FIRST TIME AND PASSED: December 12, 2017

READ SECOND TIME AND ADOPTED: December 21, 2017

## ORDINANCE 17-29

**AN ORDINANCE REZONING CERTAIN REAL PROPERTY LOCATED AT 93 LEXINGTON DRIVE (PARCEL ID NOS. 35-28-15-38682-000-0160 AND 35-28-15-00000-430-0300) FROM SINGLE-FAMILY RESIDENTIAL (R-75) to PLANNED RESIDENTIAL DEVELOPMENT (PRD); AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the owners of the property described herein have requested that the properties described herein be rezoned from Single-Family Residential (R-75) to Planned Residential Development (PRD); and

**WHEREAS**, the Local Planning Agency of the City of Dunedin, Florida, has duly considered the type of zoning which would be proper on said real properties, and has recommended that the zoning request be granted; and

**WHEREAS**, due and proper public hearing on the said recommended zoning has been conducted by the City Commission and the recommendations of the Local Planning Agency having been found by the Commission to be meritorious.

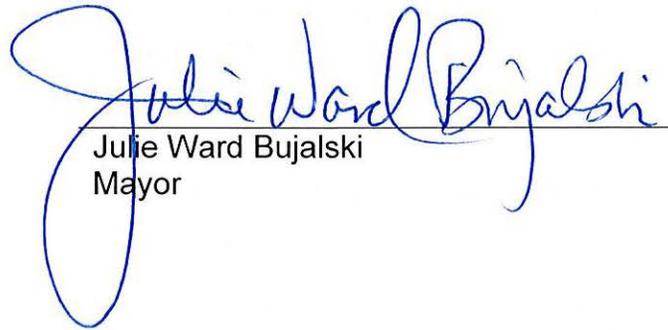
**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** That from and after the effective date of the within Ordinance, the following described real properties shall hereby be rezoned from Single-Family Residential (R-75) to Planned Residential Development (PRD), as said zoning classification is more particularly described in Dunedin's Land Development Code:

**See Exhibit "A" attached hereto and made a part hereof.**

**Section 2:** This Ordinance shall become effective upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 19 day of OCTOBER, 2017.**

  
Julie Ward Bujalski  
Mayor

ATTEST:

  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED:

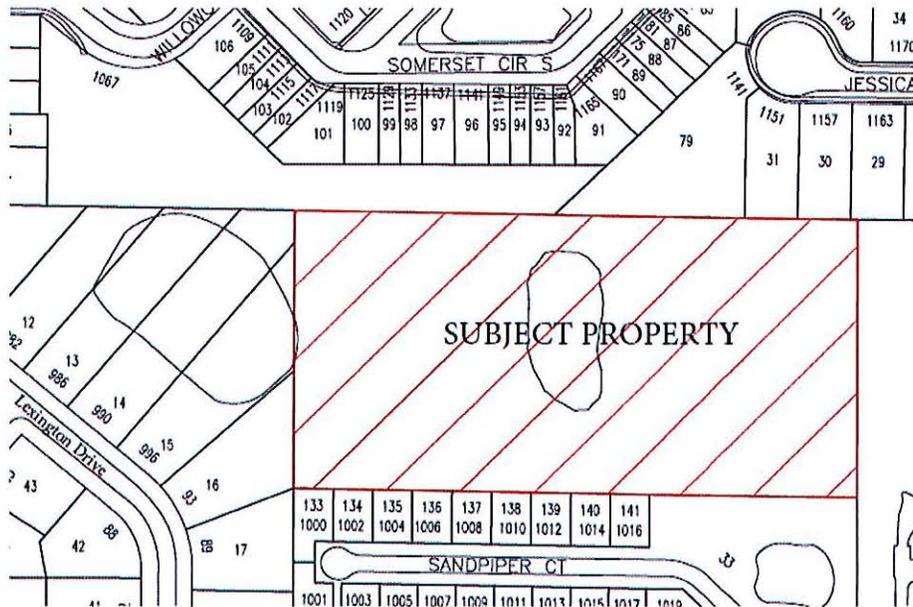
OCTOBER 5, 2017

READ SECOND TIME AND ADOPTED:

OCTOBER 19, 2017

**ORDINANCE 17-29  
ATTACHMENT A**

**REZONING FROM SINGLE-FAMILY RESIDENTIAL (R-60)  
to PLANNED RESIDENTIAL DEVELOPMENT (PRD)**



**93 LEXINGTON DRIVE  
PARCEL ID NOS. 35-28-15-38682-000-0160  
and 35-28-15-00000-430-0300**

Legal Description (Per Official Record Book 16497, Pages 1091 & 1092)

Lot 16, Highland Estates, according to the map or plat thereof, as recorded in Plat Book 49, Page 45, of the Public Records of Pinellas County, Florida and the North ¼ of the West ½ of the Southwest ¼ of the Southeast ¼ of Section 35, Township 28 South, Range 15 East, Public Records of Pinellas County, Florida. Containing 5.498 acres more or less.

## **ORDINANCE 17-30**

**AN ORDINANCE OF THE CITY OF DUNEDIN IMPOSING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSING ORGANIZATIONS AND MEDICAL MARIJUANA TREATMENT CENTERS WITHIN THE CITY OF DUNEDIN UNTIL DECEMBER 31, 2017, REPEALING ORDINANCE 17-04; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, in 2014 the Florida Legislature enacted a medical marijuana law, the “Compassionate Medical Cannabis Act of 2014” (codified as §381.986, Fla.Stat.)(the “Act”) which authorized a limited number of large nurseries to cultivate, process, and dispense non-euphoric, low THC cannabis and operate as “Dispensing Organizations” for individuals with certain specified serious ailments; and

**WHEREAS**, the Florida Legislature in its 2016 session amended the Compassionate Medical Cannabis Act (§381.986, Fla. Stat.) to include the use of “medical marijuana” for eligible patients with terminal conditions; and

**WHEREAS**, the 2016 Amendment expanded the type of marijuana available to eligible patients beyond low THC cannabis to include all types of marijuana, and the statutory amendment has been codified and has become effective in the State of Florida; and

**WHEREAS**, on November 8, 2016, Florida’s voters approved an amendment to the Florida Constitution, titled “Use of Marijuana for Debilitating Medical Conditions” (“Amendment 2”); and

**WHEREAS**, Amendment 2 would fully legalize the medical use of marijuana throughout the State of Florida for those individuals with specified “debilitating” conditions, and would authorize the cultivation, processing, distribution and sale of marijuana and related activities by licensed “Medical Marijuana Treatment Centers”; and

**WHEREAS**, the Florida Legislature passed Senate Bill 8A on June 12, 2017 as part of the Special Session and signed into law by the Governor on June 23, 2017; and

**WHEREAS**, a comprehensive state licensing and regulatory framework for the cultivation, processing and dispensing of cannabis under Act of 2014 presently exists and provides that criteria for the number and location of

dispensaries and other permitting requirements that do not conflict with state law or Department of Health rules may be established by local ordinance; and

**WHEREAS**, businesses licensed pursuant to the Act have begun cultivating cannabis for processing and dispensing; and

**WHEREAS**, to promote the effective regulation of such activities, the City Commission wishes to preserve the status quo while researching, studying, and analyzing the potential impact of dispensing facilities within the City's boundaries upon adjacent uses and the surrounding areas, including its effect on traffic, congestion, surrounding property values, demand for City services including inspections and increase police monitoring, and other aspects of the operation of dispensing facilities impacting the general welfare of the community; and

**WHEREAS**, due to the historical prohibition of marijuana, the City of Dunedin does not currently have any land development Codes governing the use of real property for purposes of cultivating, processing, distributing or selling marijuana or related activities and such uses are neither lawfully existing nor permissible within the City; and

**WHEREAS**, to promote effective land use planning if a dispensing organization should seek to operate within the City, the City Commission wishes to preserve the status quo while researching, studying and analyzing the potential impact of Medical Marijuana dispensing organizations and Medical Marijuana Treatment Centers upon nearby properties; and

**WHEREAS**, the City Commission found that imposing a temporary moratorium until adequate regulations have been developed, considered and adopted was in the best interest of the health, safety and general welfare of the community and the residents of the City and as a result adopted Ordinance 17-04 imposing a moratorium for 180 days; and

**WHEREAS**, it is necessary to extend the moratorium until December 31, 2017 to address the legislation that was just signed into law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**SECTION 1.** The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

**SECTION 2.** A temporary moratorium is hereby imposed on the establishment and operation of Medical Marijuana Dispensing Organizations and Medical Marijuana Treatment Centers (as referenced in §381.986 and Constitutional Amendment 2, respectively) within the corporate limits of the City of Dunedin. While the temporary moratorium is in effect, the City shall not accept, process or approve any application relating to the establishment or

operation of a Medical Marijuana Dispensing Organization or Medical Marijuana Treatment Center. Nothing in this temporary moratorium shall be construed to prohibit the medical use of medical marijuana or low-THC cannabis by a qualifying or eligible patient, as determined by a licensed Florida physician, pursuant to Amendment 2, Fla. Stat. § 381.986 or other Florida law, as applicable

**SECTION 3.** For purposes of the temporary moratorium, a "Medical Marijuana Treatment Center" means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Florida Department of Health. "Dispensing organization" means an organization approved by the Florida Department of Health to cultivate, process, transport and dispense low-THC cannabis or medical cannabis pursuant to Fla. Stat. § 381.986.

**SECTION 4.** This ordinance shall take effect immediately upon adoption. The temporary moratorium shall terminate on December 31, 2017, unless the City Commission rescinds or extends the moratorium by subsequent ordinance

**SECTION 5.** The City Commission directs the City Manager to have the Community Development Director and the City Attorney's Office initiate a zoning review of Medical Marijuana dispensing organizations and Medical Marijuana Treatment Centers within the City of Dunedin, to prepare a staff report containing recommendations as to the appropriate zoning regulations in which such facilities should be located and whether such facilities should be permitted within such district(s) as principal permitted uses, by conditional use permit, or by some other process; and to present such report to the City Commission.

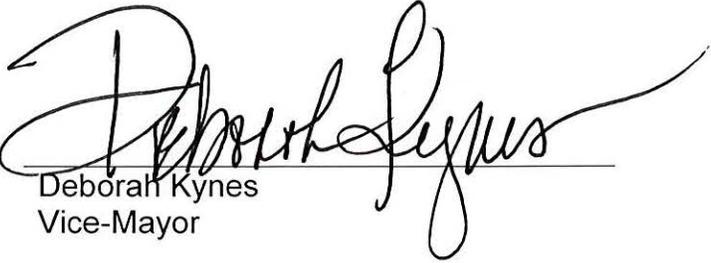
**SECTION 6.** Ordinance 17-04 and all ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

**SECTION 7.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

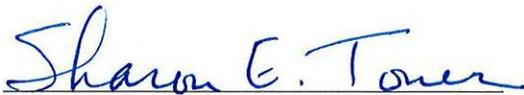
**SECTION 8.** This Ordinance is to be liberally construed to accomplish its objectives.

**SECTION 9.** This Ordinance shall be published in accordance with the requirements of law.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 27th day of July, 2017.**

  
Deborah Kynes  
Vice-Mayor

ATTEST:

  
Sharon E. Toner  
Acting City Clerk

READ FIRST TIME AND PASSED: July 13, 2017

READ SECOND TIME AND ADOPTED: July 27, 2017

**ORDINANCE 17-31**

**AN ORDINANCE REZONING CERTAIN REAL PROPERTY LOCATED AT 805 AND 811 MAIN STREET, 815 AND 825 STATE ROAD 580, AND 1029 AND 1033 PARK DRIVE, FROM MULTI-FAMILY RESIDENTIAL (MF-15) AND GENERAL OFFICE (GO) TO FORM-BASED MEDIUM (FX-M); AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the owners of the property described herein have requested that the properties described herein be rezoned from Multi-Family Residential (MF-15) and General Office (GO) to Form-Based Medium (FX-M); and

**WHEREAS**, the Local Planning Agency of the City of Dunedin, Florida, has duly considered the type of zoning which would be proper on said real properties, and has recommended that the zoning request be granted; and

**WHEREAS**, due and proper public hearing on the said recommended zoning has been conducted by the City Commission and the recommendations of the Local Planning Agency having been found by the Commission to be meritorious.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** That from and after the effective date of the within Ordinance, the following described real properties shall hereby be rezoned from Multi-Family Residential (MF-15) and General Office (GO) to Form-Based Medium (FX-M), as said zoning classification is more particularly described in Dunedin's Land Development Code:

**See Exhibit "A" attached hereto and made a part hereof.**

**Section 2:** This Ordinance shall become effective upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 16th day of November, 2017.**

  
Julie Ward Bujalski  
Mayor

ATTEST:

  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: November 2, 2017

READ SECOND TIME AND ADOPTED: November 16, 2017

ORDINANCE 17-31  
Exhibit "A"

Number	Parcel Information		Address		Zoning	
	Name	Suf	Parcel No	Current	Proposed	
805	MAIN	ST	262815000003204000	MF-15		FX-M
1029	PARK	DR	262815000003203700	MF-15		FX-M
1033	PARK	DR	262815000003203900	MF-15		FX-M
811	MAIN	ST	262815000003204100	GO		FX-M
815	SR 580		262815466740010011	GO		FX-M
825	SR 580		262815466740010010	GO		FX-M

## ORDINANCE 17-32

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, ESTABLISHING THE ANNUAL SALARY OF THE CITY COMMISSION OF THE CITY OF DUNEDIN; PROVIDING FOR THE EFFECTIVE DATE OF PAYMENT OF THE NEW SALARIES; PROVIDING FOR A REVIEW OF THE SALARIES EVERY FIVE (5) YEARS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the salary of the City Commission has not been adjusted for approximately nineteen years and the Charter Review Committee recommended an adjustment to the salary of the City Commission at this time; now, therefore,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

**Section 1:** That pursuant to Section 3.05 of the Charter of the City of Dunedin, the salary of the City Commission is hereby established as follows:

Mayor	\$15,000.00 per annum
City Commissioners	\$11,500.00 per annum

Said salaries shall remain in full force and effect until amended by subsequent ordinance of the City Commission.

**Section 2:** That the salaries set forth in this Ordinance shall become effective as of October 1, 2017.

**Section 3:** That the City Commission shall review the salaries every five (5) years to determine whether an adjustment of the salaries is appropriate.

**Section 4:** This Ordinance shall become effective immediately upon its final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY  
OF DUNEDIN, FLORIDA, THIS 21st day of September, 2017.

  
\_\_\_\_\_  
Julie Ward Bujalski  
Mayor

ATTEST:

  
\_\_\_\_\_  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: August 24, 2017  
READ SECOND TIME AND ADOPTED: September 21, 2017

## ORDINANCE 17-36

**AN ORDINANCE OF THE CITY OF DUNEDIN IMPOSING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSING ORGANIZATIONS AND MEDICAL MARIJUANA TREATMENT CENTERS WITHIN THE CITY OF DUNEDIN UNTIL JUNE 30, 2018, REPEALING ORDINANCE 17-30; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, in 2014 the Florida Legislature enacted a medical marijuana law, the "Compassionate Medical Cannabis Act of 2014" (codified as §381.986, Fla. Stat.)(the "Act") which authorized a limited number of large nurseries to cultivate, process, and dispense non-euphoric, low THC cannabis and operate as "Dispensing Organizations" for individuals with certain specified serious ailments; and

**WHEREAS**, the Florida Legislature in its 2016 session amended the Compassionate Medical Cannabis Act (§381.986, Fla. Stat.) to include the use of "medical marijuana" for eligible patients with terminal conditions; and

**WHEREAS**, the 2016 Amendment expanded the type of marijuana available to eligible patients beyond low THC cannabis to include all types of marijuana, and the statutory amendment has been codified and has become effective in the State of Florida; and

**WHEREAS**, on November 8, 2016, Florida's voters approved an amendment to the Florida Constitution, titled "Use of Marijuana for Debilitating Medical Conditions" ("Amendment 2"); and

**WHEREAS**, Amendment 2 would fully legalize the medical use of marijuana throughout the State of Florida for those individuals with specified "debilitating" conditions, and would authorize the cultivation, processing, distribution and sale of marijuana and related activities by licensed "Medical Marijuana Treatment Centers"; and

**WHEREAS**, the Florida Legislature passed Senate Bill 8A on June 12, 2017 as part of the Special Session and signed into law by the Governor on June 23, 2017; and

**WHEREAS**, a comprehensive state licensing and regulatory framework for the cultivation, processing and dispensing of cannabis under Act of 2014 presently exists and provides that criteria for the number and location of

dispensaries and other permitting requirements that do not conflict with state law or Department of Health rules may be established by local ordinance; and

**WHEREAS**, businesses licensed pursuant to the Act have begun cultivating cannabis for processing and dispensing; and

**WHEREAS**, to promote the effective regulation of such activities, the City Commission wishes to preserve the status quo while researching, studying, and analyzing the potential impact of dispensing facilities within the City's boundaries upon adjacent uses and the surrounding areas, including its effect on traffic, congestion, surrounding property values, demand for City services including inspections and increase police monitoring, and other aspects of the operation of dispensing facilities impacting the general welfare of the community; and

**WHEREAS**, due to the historical prohibition of marijuana, the City of Dunedin does not currently have any land development Codes governing the use of real property for purposes of cultivating, processing, distributing or selling marijuana or related activities and such uses are neither lawfully existing nor permissible within the City; and

**WHEREAS**, to promote effective land use planning if a dispensing organization should seek to operate within the City, the City Commission wishes to preserve the status quo while researching, studying and analyzing the potential impact of Medical Marijuana dispensing organizations and Medical Marijuana Treatment Centers upon nearby properties; and

**WHEREAS**, the City Commission found that imposing a temporary moratorium until adequate regulations have been developed, considered and adopted was in the best interest of the health, safety and general welfare of the community and the residents of the City and as a result adopted Ordinance 17-04 imposing a moratorium for 180 days and extended to December 31, 2017 by Ordinance 17-30; and

**WHEREAS**, it is necessary to extend the moratorium until June 30, 2018 to address additional issues raised during recent Commission meetings.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**SECTION 1.** The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

**SECTION 2.** A temporary moratorium is hereby imposed on the establishment and operation of Medical Marijuana Dispensing Organizations and Medical Marijuana Treatment Centers (as referenced in §381.986 and Constitutional Amendment 2, respectively) within the corporate limits of the City of Dunedin. While the temporary moratorium is in effect, the City shall not

accept, process or approve any application relating to the establishment or operation of a Medical Marijuana Dispensing Organization or Medical Marijuana Treatment Center. Nothing in this temporary moratorium shall be construed to prohibit the medical use of medical marijuana or low-THC cannabis by a qualifying or eligible patient, as determined by a licensed Florida physician, pursuant to Amendment 2, Fla. Stat. § 381.986 or other Florida law, as applicable

**SECTION 3.** For purposes of the temporary moratorium, a “Medical Marijuana Treatment Center” means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Florida Department of Health. “Dispensing organization” means an organization approved by the Florida Department of Health to cultivate, process, transport and dispense low-THC cannabis or medical cannabis pursuant to Fla. Stat. § 381.986.

**SECTION 4.** This ordinance shall take effect immediately upon adoption. The temporary moratorium shall terminate on June 30, 2018, unless the City Commission rescinds or extends the moratorium by subsequent ordinance

**SECTION 5.** The City Commission directs the City Manager to have the Community Development Director and the City Attorney’s Office initiate a zoning review of Medical Marijuana dispensing organizations and Medical Marijuana Treatment Centers within the City of Dunedin, to prepare a staff report containing recommendations as to the appropriate zoning regulations in which such facilities should be located and whether such facilities should be permitted within such district(s) as principal permitted uses, by conditional use permit, or by some other process; and to present such report to the City Commission.

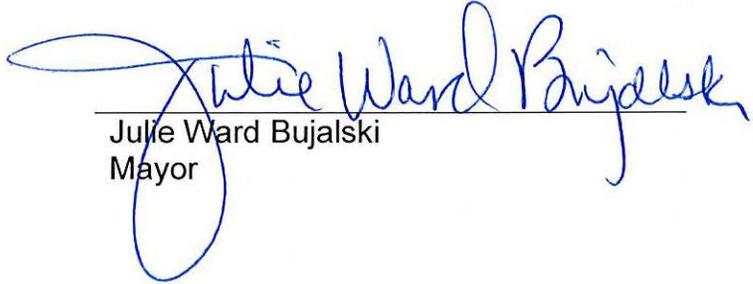
**SECTION 6.** Ordinance 17-30 and all ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

**SECTION 7.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 8.** This Ordinance is to be liberally construed to accomplish its objectives.

**SECTION 9.** This Ordinance shall be published in accordance with the requirements of law.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 21st day of December, 2017.**

  
\_\_\_\_\_  
Julie Ward Bujalski  
Mayor

ATTEST:

  
\_\_\_\_\_  
Sharon Toner  
Deputy City Clerk

READ FIRST TIME AND PASSED: December 12, 2017

READ SECOND TIME AND ADOPTED: December 21, 2017