

ORDINANCE 2024-09

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO ADOPT APPENDIX D TO ESTABLISH THE JOHN'S PASS VILLAGE ACTIVITY CENTER DEVELOPMENT STANDARDS; PROVIDING THAT SAID STANDARDS SHALL REGULATE DEVELOPMENT IN THE JOHN'S PASS VILLAGE DISTRICT; PROVIDING FOR PERMITTED, ACCESSORY AND SPECIAL EXCEPTION USES; PROVIDING FOR BUILDING SITE AREA REQUIREMENTS; PROVIDING FOR SETBACK REQUIREMENTS; PROVIDING FOR RESIDENTIAL, VACATION RENTAL AND TEMPORARY LODGING USE DENSITY; PROVIDING FOR MAXIMUM BUILDING HEIGHT; PROVIDING FOR MAXIMUM FLOOR AREA RATIO; PROVIDING FOR IMPERVIOUS SURFACE RATIO; PROVIDING FOR ALTERNATIVE TEMPORARY LODGING USE STANDARDS; PROVIDING FOR DESIGN STANDARDS AND GUIDELINES; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the John's Pass Village Activity Center Special Area Plan requires updates to the Madeira Beach Land Development Code to have consistent development standards; and

WHEREAS, to accomplish the stated intent City staff recommended changes to the C-1 Tourist Commercial District by renaming the district and replacing the development standards set forth in Sections 110-257 through 110-265 with Appendix D -John's Pass Village Activity Center Development Standards; and

WHEREAS, Appendix D -John's Pass Village Activity Center Development Standards will establish the regulations and means to preserve and rebuild the existing character, uses, and density and intensity of John's Pass Village; and

WHEREAS, Appendix D -John's Pass Village Activity Center Development Standards will include creating six Character Districts: Boardwalk, Commercial Core, John's Pass Resort, Low Intensity Mixed Use, Traditional Village, and Transitional; and

WHEREAS, each Character District within the John's Pass Village Activity Center has specific regulations related to development standards; and

WHEREAS, the John's Pass Village Activity Center Development Standards will regulate permitted uses, accessory uses, special exception uses, building site area requirements, setback requirements, density, maximum building height, intensity, impervious surface ratio, design standards, and design guidelines; and

WHEREAS, the Planning Commission has considered the recommended changes at a public hearing and has recommended approval to the Board of Commissioners; and

WHEREAS, the recommendations of the Planning Commission and city staff have been found meritorious by the Board of Commissioners; and

WHEREAS, the Board of Commissioners held two public hearings to consider the approval of the recommended changes and the adoption of this ordinance.

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

Section 1. That Appendix D -John's Pass Village Activity Center Development Standards is added to the Madeira Beach Code of Ordinances and shall read as follows:

Appendix D -John's Pass Village Activity Center Development Standards

Division 1. General Provisions

Section D-101. – Definition; Purpose and Intent.

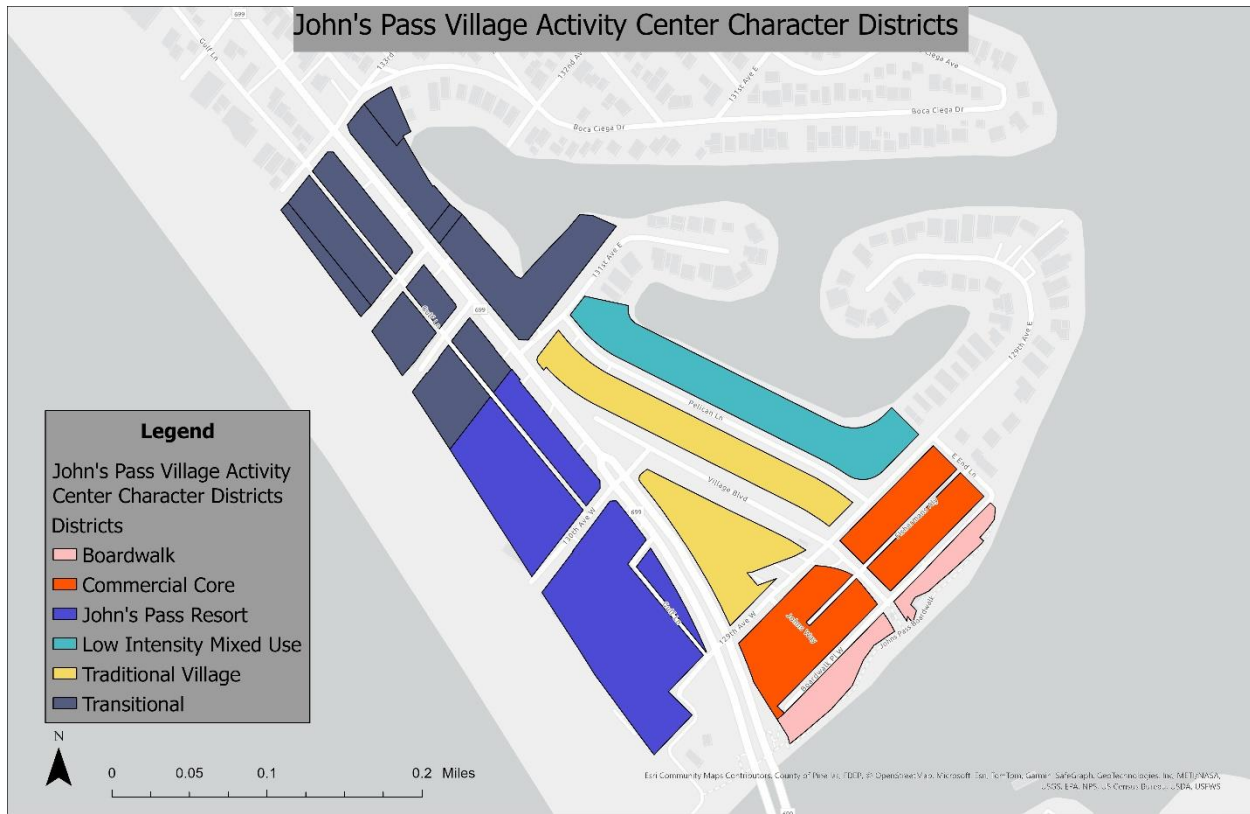
The John's Pass Village Activity Center Development Standards are land development regulations that establish the regulations and means to preserve and rebuild the existing character, uses, and density and intensity of John's Pass Village. The John's Pass Village Activity Center Development Standards are a comprehensive attempt to memorialize the character and function of this tourist, commercial, and cultural center, and to provide for future enhancement and revitalization.

Section D-113 includes design standards and guidelines for the tourist commercial areas in John's Pass Village Activity Center to retain and enhance the old Floridian fishing village architectural style.

Section D-102. – Relation to the Comprehensive Plan, Zoning District, and Character Districts.

The C-1 John's Pass Village Activity Center Zoning District correlates with the Activity Center future land use category of the City Madeira Beach Comprehensive Plan and Activity Center plan category in the Countywide Plan. The John's Pass Village Activity Center Zoning District has six Character Districts with specific regulations that reflect the uniqueness of each area.

Figure 1. Character Districts



Section D-103. – Permitted Uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses in the John's Pass Village District are as follows:

- 1) Boardwalk:
 - a. Commercial, business service, personal service, office, office support, restaurant, and retail commercial excluding drive-through windows.
 - b. Commercial recreation.
 - c. Commercial fishing activities and working waterfront.
 - d. Charter and party boat operations.
- 2) Commercial Core:
 - a. Commercial, business service, personal service, office, office support, restaurant, and retail commercial excluding drive-through windows.
 - b. Residential and vacation rental located above first floor commercial use.
 - c. Temporary lodging located above first floor commercial use.
 - d. Commercial recreation.
- 3) John's Pass Resort:
 - a. Residential and vacation rental.
 - b. Temporary lodging.
 - c. Publicly owned or operated parks and recreation areas.
 - d. Institutional.
- 4) Low Intensity Mixed Use:
 - a. Residential and vacation rental.
 - b. Temporary lodging.

- c. Publicly owned or operated parks and recreation areas.
- d. Institutional.
- 5) Traditional Village:
 - a. Commercial, business service, personal service, office, office support, restaurant, and retail commercial excluding drive-through windows.
 - b. Residential and vacation rental located above first floor commercial use.
 - c. Temporary lodging located above first floor commercial use.
 - d. Commercial recreation.
- 6) Transitional:
 - a. Commercial, business service, personal service, office, office support, restaurant, and retail commercial excluding drive-through windows only on the east side of Gulf Boulevard.
 - b. Residential and vacation rental.
 - c. Temporary lodging.
 - d. Publicly owned or operated parks and recreation areas.
 - e. Institutional.

Section D-104. – Accessory uses.

The accessory uses in the John’s Pass Village District are as follows:

- 1) Boardwalk:
 - a. Off-street parking and loading.
 - b. Essential services.
 - c. Open terrace uses.
 - d. Other customary accessory uses ancillary to the permitted uses.
- 2) Commercial Core:
 - a. Off-street parking and loading.
 - b. Essential services.
 - c. Open terrace uses.
 - d. Other customary accessory uses ancillary to the permitted uses.
- 3) John’s Pass Resort:
 - a. Off-street parking and loading.
 - b. Essential services.
 - c. Other customary accessory uses ancillary to the permitted uses.
 - d. Commercial, business service, personal service, office, office support, restaurant, and retail commercial excluding drive-through windows only allowed up to 20 percent of the total building floor area ratio.
 - e. Home occupation.
- 4) Low Intensity Mixed Use:
 - a. Off-street parking and loading.
 - b. Essential services.
 - c. Home occupation.
 - d. Other customary accessory uses ancillary to the permitted uses.
- 5) Traditional Village:
 - a. Off-street parking and loading.
 - b. Essential services.
 - a. Open terrace uses.
 - b. Other customary accessory uses ancillary to the permitted uses.

- 6) Transitional:
- a. East side of Gulf Boulevard
 - i. Off-street parking and loading.
 - ii. Boat slips associated with a permitted business use, not for rental or commercial marine activities
 - iii. Essential services.
 - iv. Home occupation.
 - v. Other customary accessory uses ancillary to the permitted use.
 - b. West side of Gulf Boulevard
 - i. Off-street parking and loading.
 - ii. Home occupation.
 - iii. Essential services.
 - iv. Other customary accessory uses ancillary to the permitted uses.
 - v. Retail commercial, personal service, business service, and restaurants excluding drive-through windows only allowed up to 20 percent of the building floor area ratio.

Section D-105.- Special exception uses.

Upon application for a special exception to the special magistrate and favorable action thereon, the following uses may be permitted in the John's Pass Village District:

- 1) Boardwalk:
 - a. Exhibition of reptiles by permit.
 - b. Open rooftop use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit.
- 2) Commercial Core:
 - a. Exhibition of reptiles by permit.
 - b. Private social, recreational or fraternal clubs and organizations.
 - c. Publicly owned or operated parks or recreation areas.
 - d. Stand-alone parking lots and parking garages.
 - e. Open rooftop use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit.
- 3) John's Pass Resort:
 - a. Retail commercial, restaurant, and personal service uses as a stand-alone use. Stand-alone commercial by special exception use can only front Gulf Boulevard.
 - b. Public service facilities.
 - c. Commercial recreation.
 - d. Open rooftop and terrace use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit.
- 4) Low Intensity Mixed Use:
 - a. Restaurants, excluding drive-through windows.
 - b. Retail commercial and business service, excluding drive-through windows.
 - c. Commercial recreation.
 - d. Open rooftop and terrace use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit.
- 5) Traditional Village:
 - a. Exhibition of reptiles by permit.
 - b. Private social, recreational or fraternal clubs and organizations.

- c. Publicly owned or operated parks or recreation areas.
 - d. Stand-alone parking lots and parking garages as a principal use.
 - e. Open rooftop use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit.
- 6) Transitional:
- a. Public service facilities.
 - b. Commercial recreation.
 - c. Open rooftop and terrace use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit.

Section D-106. - Building site area requirements.

The minimum building site area requirements are as follows:

- 1) Boardwalk:
 - a. Lot width: 40 feet.
 - b. Lot depth: 50 feet.
- 2) Commercial Core:
 - a. Lot width: 40 feet.
 - b. Lot depth: 80 feet.
- 3) John's Pass Resort:
 - a. Single-family, duplex, triplex: 40 feet in lot width.
 - b. Multifamily and temporary lodging: 60 feet in lot width.
 - c. Stand-alone commercial: 60 feet in lot width.
 - d. Lot depth: 80 feet.
- 4) Low Intensity Mixed Use:
 - a. Single-family, duplex, triplex: 40 feet in lot width.
 - b. Multifamily and temporary lodging: 60 feet in lot width.
 - c. Lot depth: 80 feet.
- 5) Traditional Village:
 - a. Lot width: 40 feet.
 - b. Lot depth: 75 feet.
- 6) Transitional:
 - a. Single-family, duplex, triplex: 40 feet in lot width.
 - b. Multifamily and temporary lodging: 60 feet in lot width.
 - c. Stand-alone commercial: 60 feet in lot width.
 - d. Lot depth: 80 feet.
 - e. Public service facilities: shall not exceed a maximum of five acres. Like uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the P-SP zoning district and the appropriate land use category.

Section D-107. – Setback requirements.

The following minimum and maximum setbacks shall apply in the John's Pass Village District:

- 1) Boardwalk:
 - a. Front yard (Boardwalk Place): ten feet.
 - i. Awnings may protrude into the setback a maximum of four feet. The property owner is responsible for maintenance and liability of the awning.

- b. Side yard:
 - i. Lots equal to or less than 60 feet wide: none.
 - ii. Lots greater than 60 feet wide: 5-foot setback on one side.
 - c. Rear or waterfront yard: none, however access to the “tie-backs” supporting seawalls must be provided for maintenance.
 - d. A ten-foot minimum step back is required for stories above the second story on the rear or waterfront yard facade of the building.
 - i. Open structured porches and walkways are allowed within the step back.
 - ii. Enclosed stairways and elevator shafts are allowed within the step back.
- 2) Commercial Core:
- a. Front yard:
 - i. Buildings one story high: 0 feet minimum to 10 feet maximum.
 - ii. Buildings two or more stories high: 10 foot minimum. Structured arcades, awnings or covered walkways are allowed in the setback.
 - iii. Awnings may protrude into the public right-of-way a maximum of 4 feet. The property owner is responsible for maintenance and liability of the awning.
 - b. Side yard:
 - i. Lots equal to or less than 100 feet wide: none.
 - ii. Lots greater than 100 feet wide: 10 feet on one side.
 - iii. For corner lots with a side yard along a street the side setback along the street must be 10 feet.
 - 1) Awnings may protrude into the public right-of-way along all street sides of corner lots a maximum of 4 feet. The property owner is responsible for maintenance and liability of the awning.
 - c. Rear yard: 20 feet.
 - d. A 10 foot minimum step back is required for stories above the second story on the front yard and street facing facade, not including alleys, of the building.
 - i. Open structured porches and walkways are allowed within the step back.
 - ii. Enclosed stairways and elevator shafts are allowed within the step back.
- 3) John’s Pass Resort:
- a. Front yard:
 - i. Single-family, duplex, and triplex: 20 feet.
 - ii. Multifamily and temporary lodging: 25 feet.
 - b. Rear yard:
 - i. Lots equal to or less than 100 feet long: 18 feet.
 - ii. Lots greater than 100 feet long: 25 feet.
 - c. Waterfront rear yard: For lots on the Gulf of Mexico, the setback shall be landward of the Coastal Construction Control Line (CCCL).
 - d. Side yard:
 - i. Single-family, duplex, and triplex:
 - 1) Lots equal to or less than 50 feet wide: 5-foot setback on both sides.
 - 2) Lots greater than 50 feet wide: 15 feet with a minimum of 7 feet on either side.
 - ii. Multifamily, temporary lodging, and retail commercial:
 - 1) Lots equal to or less than 120 feet long: 10 feet on both sides.
 - 2) Lots between 120 to 240 feet wide: 15 feet on both sides.

- 3) Lots wider than 240 feet: 20 feet on both sides.
 - e. A 10-foot minimum step back is required for stories above the third story on the front yard facade of the building.
 - i. Enclosed stairways and elevator shafts are allowed within the step back.
- 4) Low Intensity Mixed Use:
 - a. Front yard: 20 feet.
 - b. Rear yard: 18 feet.
 - c. Side yard:
 - i. Lots equal to or less than 50 feet wide: 5 feet on each side.
 - ii. Lots greater than 50 feet wide: 10 feet on each side.
- 5) Traditional Village:
 - a. Front yard: 0 feet minimum to 10 feet maximum.
 - i. Awnings may protrude into the public right-of-way a maximum of 4 feet. The property owner is responsible for maintenance and liability of the awning.
 - b. Rear yard: 10 feet.
 - c. Side yard:
 - i. 0 feet.
 - ii. For lots with a side yard along a street, the side setback must be 10 feet along a street.
 - d. A 10-foot minimum step back is required for stories above the second story on the front yard facade of the building.
 - i. Open structured porches and walkways are allowed within the step back.
 - ii. Enclosed stairways and elevator shafts are allowed within the step back.
- 6) Transitional:
 - a. Front yard:
 - i. Single-family, duplex, and triplex: 20 feet.
 - ii. Multifamily, temporary lodging, and commercial: 20 feet.
 - b. Rear yard:
 - i. Lots equal to or shorter than 100 feet in length: 18 feet.
 - ii. Lots greater than 100 feet in length: 25 feet.
 - iii. Waterfront lots on the Gulf of Mexico: landward of the Coastal Construction Control Line (CCCL).
 - c. Side yard:
 - iii. Single-family, duplex, and triplex:
 - 1) Lots equal to or less than 50 feet in width, the minimum side yard setback is 5 feet.
 - 2) Lots 51 feet or greater in width, the minimum total side yard setback is 15 feet with a minimum of 7 feet on either side.
 - iv. Multifamily, temporary lodging, and retail commercial:
 - 1) The minimum side yard setback is 10 feet for lots less than 120 feet wide.
 - 2) For lots wider than 120 feet but less than 240 feet, the minimum side yard setback is 15 feet.
 - 3) For lots wider than 240 feet, the minimum side yard setback is 20 feet.
 - d. A 10-foot minimum step back is required for stories above the third story on the front yard and street facing facade of the building.

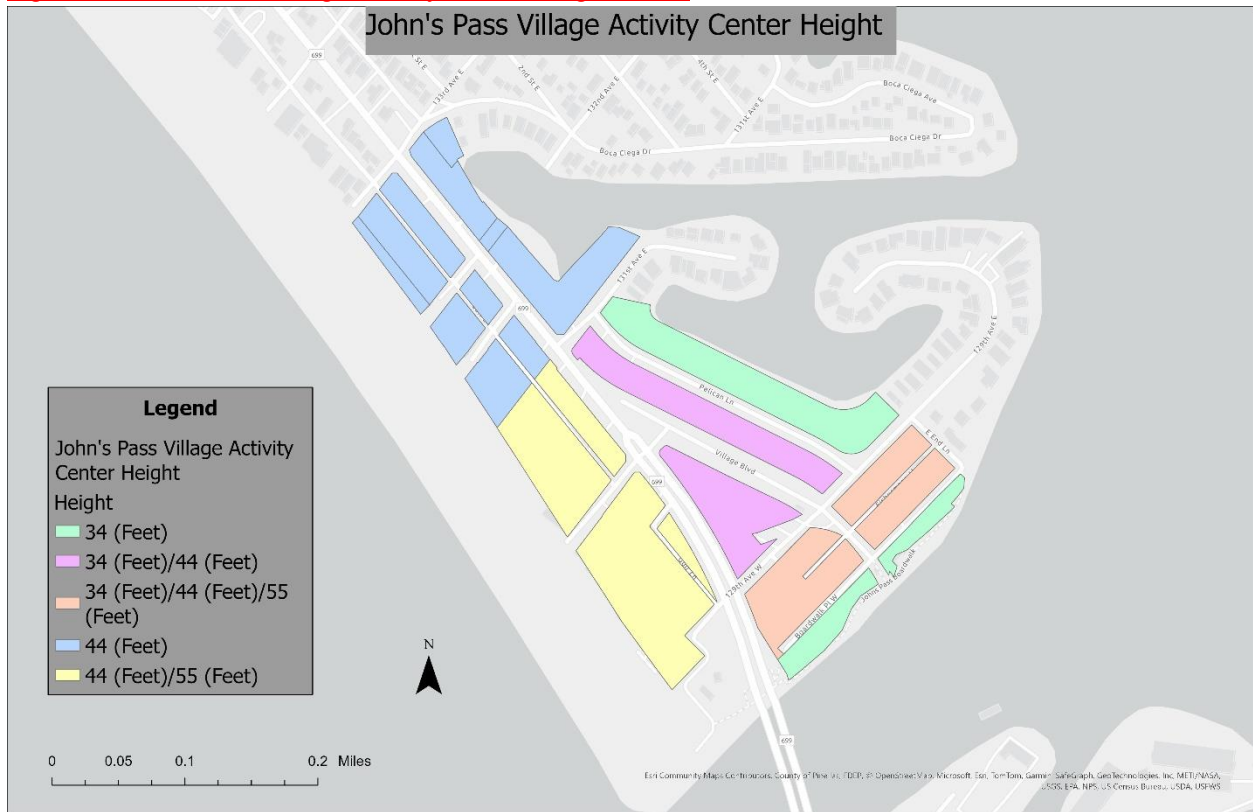
- i. Enclosed stairways and elevator shafts are allowed within the step back.

Section D-108. – Maximum building height.

The following maximum building heights are measured from Design Flood Elevation in the John's Pass Village District to the eave line of the building:

- 1) Boardwalk: 34 feet
- 2) Commercial Core:
 - a. Lots equal to or less than ¼ acre in size: 34 feet.
 - b. Lots between ¼ to ½ acre in size: 44 feet.
 - c. Lots equal to or larger than ½ acre in size: 55 feet.
- 3) John's Pass Resort:
 - a. Lots equal to or less than ½ acre in size: 44 feet.
 - b. Lots greater than ½ acre in size: 55 feet.
- 4) Low Intensity Mixed Use: 34 feet.
- 5) Traditional Village:
 - a. Lots equal to or less than ½ acre: 34 feet.
 - b. Lots greater than ½ acre: 44 feet.
- 6) Transitional: 44 feet

Figure 2. John's Pass Village Activity Center Height Limits



Section D-109. – Residential, vacation rental, and temporary lodging use density.

The following maximum densities are measured in units per acre and must also fall within the floor area ratio maximums allowed (Section D-109). If using the alternative temporary lodging use standards see Section D-112.

- 1) **Boardwalk:**
 - a. Residential and vacation rental: 0 units per acre.
 - b. Temporary lodging: 0 units per acre.
- 2) **Commercial Core:**
 - a. Residential and vacation rental: 15 units per acre.
 - b. Temporary lodging: 60 units per acre.
- 3) **John's Pass Resort:**
 - a. Residential and vacation rental: 18 units per acre.
 - b. Temporary lodging: 60 units per acre.
- 4) **Low Intensity Mixed Use:**
 - a. Residential and vacation rental: 18 units per acre.
 - b. Temporary lodging: 40 units per acre.
- 5) **Traditional Village:**
 - a. Residential and vacation rental: 15 units per acre.
 - b. Temporary lodging: 45 units per acre.
- 6) **Transitional:**
 - a. Residential and vacation rental: 18 units per acre.
 - b. Temporary lodging: 50 units per acre.

Figure 3. Maximum Residential Density

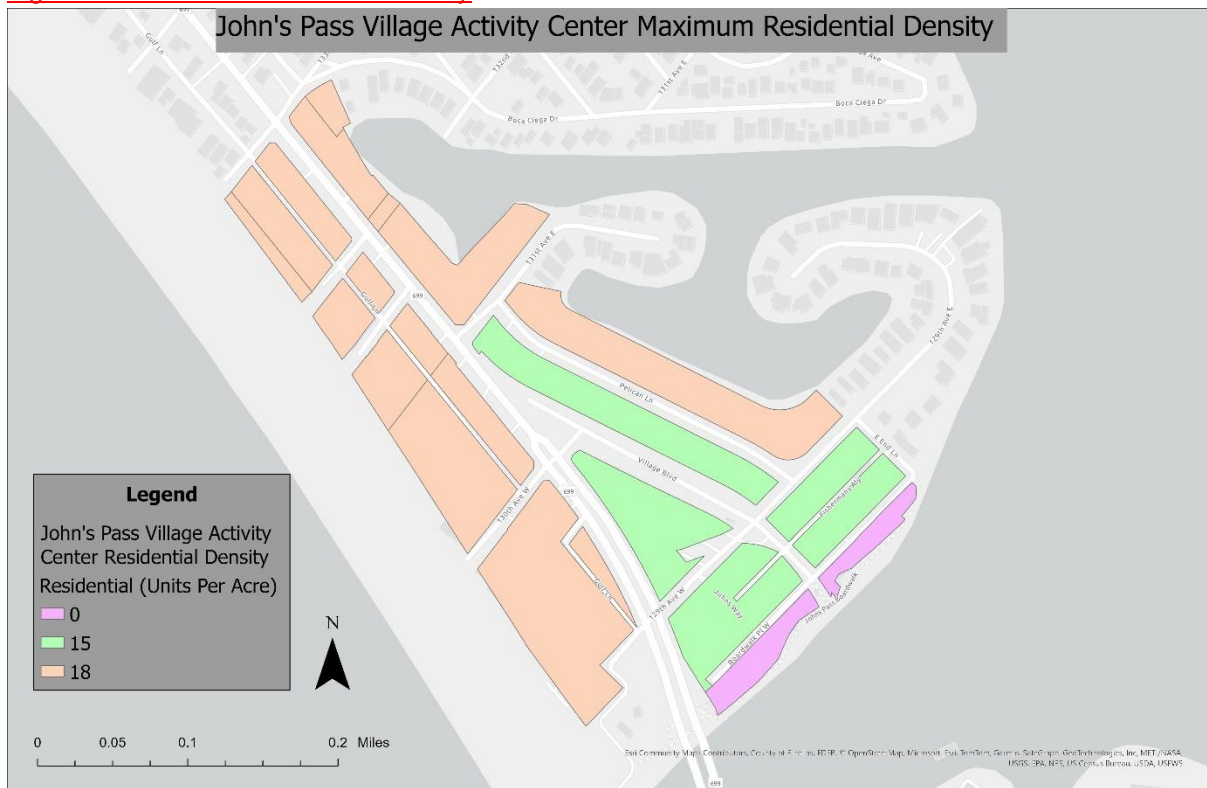
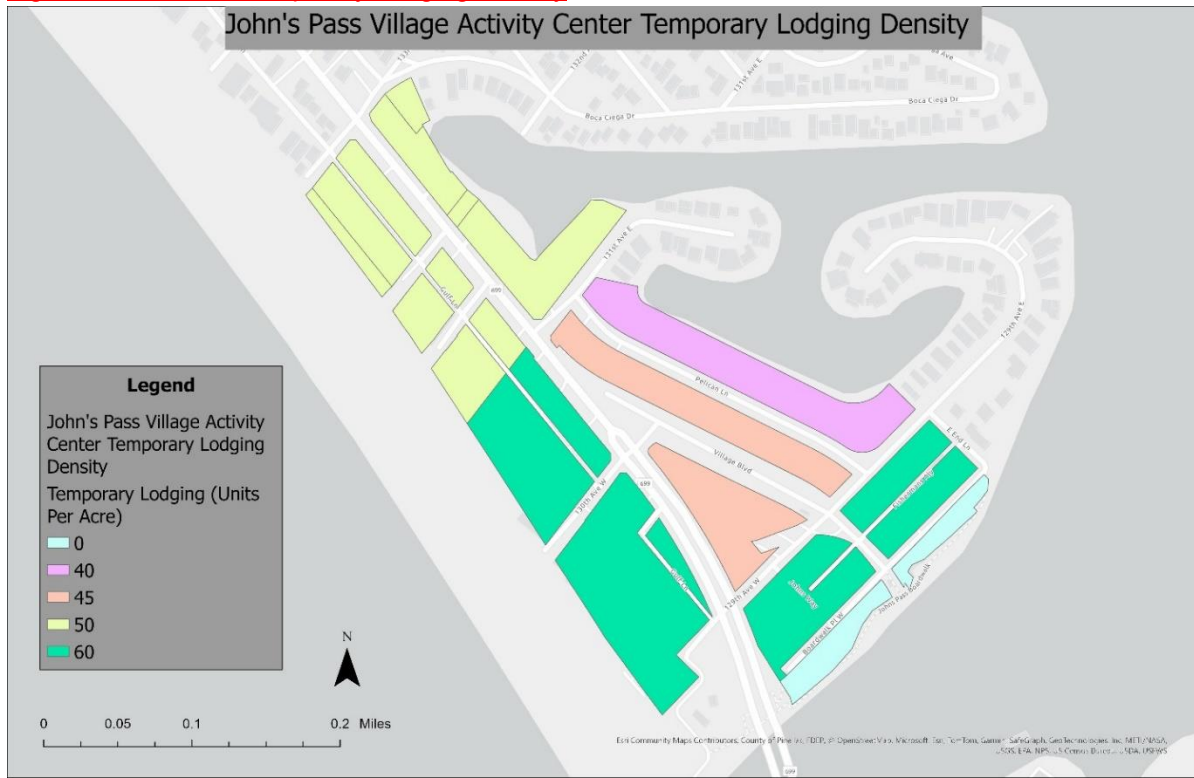


Figure 4. Maximum Temporary Lodging Density



Section D-110. – Maximum floor area ratio.

Floor area ratio (FAR) is all-inclusive of residential, temporary lodging, and commercial uses in the John's Pass Village Activity Center. If using the alternative temporary lodging use standards see Section D-112.

- 1) Boardwalk: 1.5 FAR
- 2) Commercial Core: 2.0 FAR
- 3) John's Pass Resort: 2.0 FAR
- 4) Low Intensity Mixed Use: 1.5 FAR
- 5) Traditional Village: 2.0 FAR
- 6) Transitional: 1.5 FAR

Figure 5. John's Pass Village Activity Center Floor Area Ratio (FAR) Map

- a. Any new mechanical units, including heating, ventilation and air conditioning equipment (HVAC) and exhaust and supply fans, shall be located in a visually inconspicuous area of a building, such as shielded on the roof, and not visible or shielded from public right-of-way.
 - b. Structured parking facades must blend into the built environment with a visual appearance from the public right-of-way as an occupied building.
 - c. Electric, gas service, public utility meters, satellite antennas, and associated services that are visible from the public right-of-way shall be located in the most inconspicuous location on a building, if the services must be located in a prominent visual location, screening with an enclosure may be required or painted to match the predominant facade color.
 - d. Window and door shutters must be appropriate for the size of window or door.
 - e. Awnings shall be below 14 feet in height, not less than 8 feet above the sidewalk. Internally lit or plastic awnings are not permitted. All awnings must comply with city codes.
 - f. All solid waste and recycling containers are required to be screened from the right-of-way and adjacent properties.
- 2) Design Guidelines:
- a. Materials guidelines:
 - i. Wood siding may have an unfinished or painted appearance.
 - ii. Synthetic siding should have a clapboard appearance.
 - iii. Brick and stone should remain unpainted.
 - iv. Stucco should cover over any exterior CMU construction.
 - v. Roofs that are not flat should be standing seam metal.
 - b. Outdoor cafés are encouraged to create a more pedestrian friendly environment.
 - c. Exterior lighting should enhance the old Floridian fishing village aesthetic such as caged and hooded metal light fixtures.
 - d. Storefront designs should incorporate large storefront windows typical of a main street and blank walls and small windows are discouraged.
 - e. Paint colors should enhance the old Floridian fishing village aesthetic, such as coastal colors and earthy tones.
 - f. Gabled roofs with dormers are encouraged.

Section 2. For purposes of codification of any existing section of the Madeira Beach Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 3. Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

Section 4. In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

Section 5. The Codifier shall codify the substantive amendments to the Land Development Code of the City of Madeira Beach contained in Sections 1 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 6. Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS _____ day of _____, 2024.

Anne-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____