

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

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

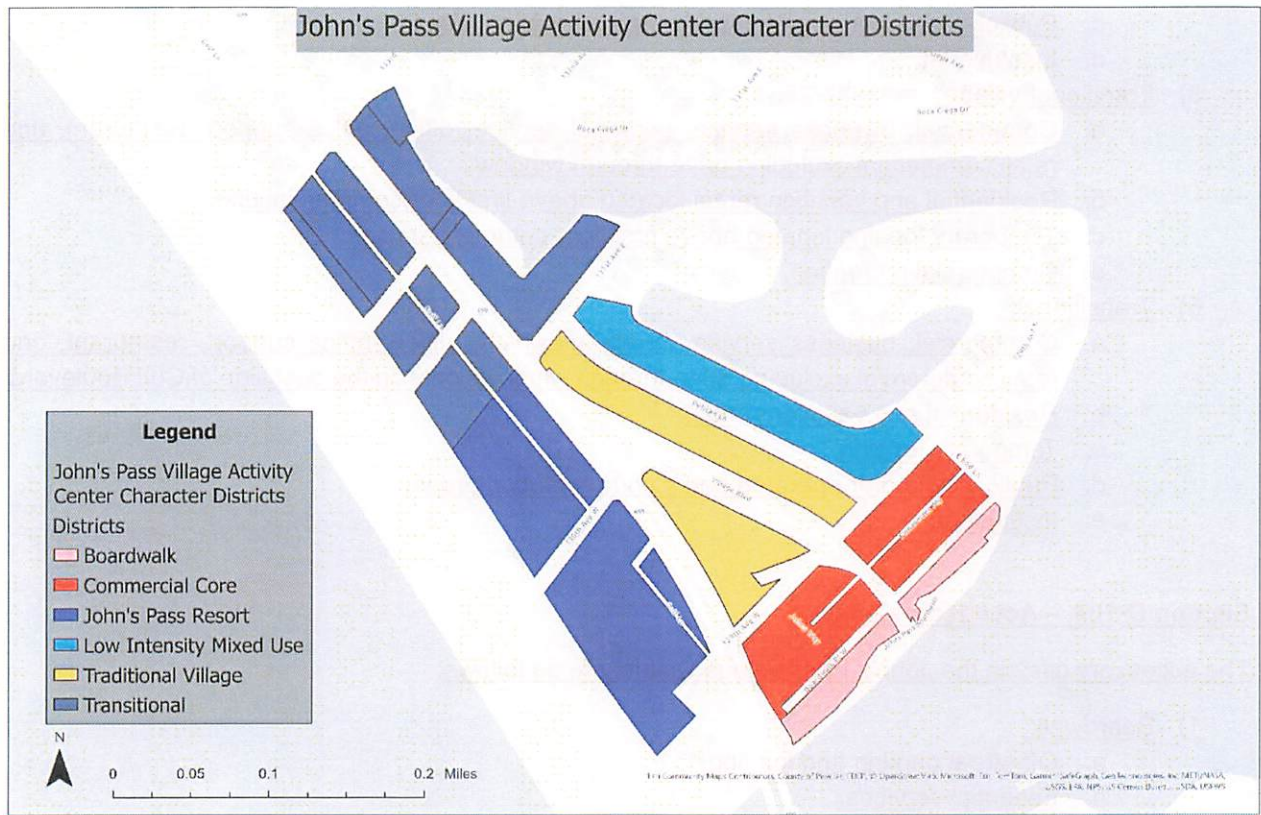
The John's Pass Village Activity Center Development Standards establishes the regulations and means to preserve and rebuild the existing character, uses, and density and intensity of John's Pass Village. The John's Pass Village Activity Center Development Standards are a comprehensive attempt to memorialize 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 elevated 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 elevated 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. Home occupation.
 - d. Other customary accessory uses ancillary to the permitted uses.
 - e. 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.
- 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.
 - c. Open elevated terrace uses.
 - d. 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, balcony and elevated 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, retail commercial and business service excluding drive-through windows only up to 20 percent of the total building floor area ratio.
- b. Commercial recreation.
- c. Open rooftop, balcony and elevated 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, balcony and elevated 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): 10 feet.
 - i. Awnings may protrude into the setback 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 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 10-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, and 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 each side.
 - 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 each side.
 - 2) Lots between 120 to 240 feet wide: 15 feet on each side.

- 3) Lots wider than 240 feet: 20 feet on each side.
 - 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 on each side.
 - 2) Lots 51 feet or greater in width, the minimum total side yard setback is 15 feet with a minimum of 7 feet on each side.
 - iv. Multifamily, temporary lodging, and retail commercial:
 - 1) Lots equal to or less than 120 feet wide: 10 feet on each side.
 - 2) Lots wider than 120 feet but equal to or less than 240 feet: 15 feet on each side.
 - 3) Lots wider than 240 feet: 20 feet on each side.
 - 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, not to exceed 2 stories over ground floor parking or commercial.
- 2) Commercial Core:
 - a. Lots equal to or less than ¼ acre in size: 34 feet, not to exceed 2 stories over ground floor commercial.
 - b. Lots between ¼ to ½ acre in size: 44 feet, not to exceed 3 stories over ground floor commercial.
 - c. Lots equal to or larger than ½ acre in size: 55 feet, not to exceed 4 stories over ground floor commercial.
- 3) John's Pass Resort:
 - a. Lots equal to or less than ½ acre in size: 44 feet, not to exceed 4 stories over ground floor parking or commercial.
 - b. Lots greater than ½ acre in size: 55 feet, not to exceed 5 stories over ground floor parking.
- 4) Low Intensity Mixed Use: 34 feet, not to exceed 3 stories over ground floor parking or commercial.
- 5) Traditional Village:
 - a. Lots equal to or less than ½ acre: 34 feet, not to exceed 2 stories over ground floor commercial.
 - b. Lots greater than ½ acre: 44 feet, not to exceed 3 stories over ground floor commercial.
- 6) Transitional: 44 feet.
 - a. West side of Gulf Boulevard: not to exceed 4 stories over ground floor parking.
 - b. East side of Gulf Boulevard: not to exceed 4 stories over parking or commercial.

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.

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6) Transitional:

- a. Residential and vacation rental: 18 units per acre.
- b. Temporary lodging: 50 units per acre.

Figure 3. Maximum Residential Density

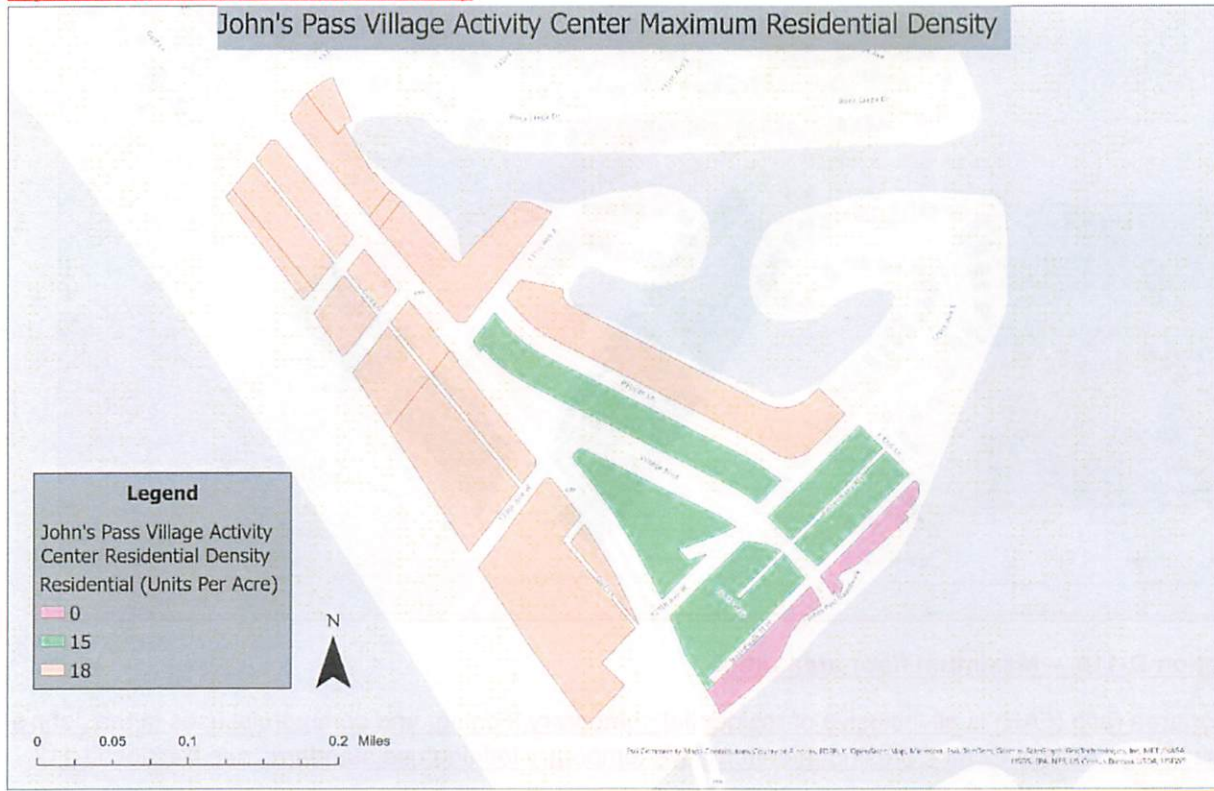
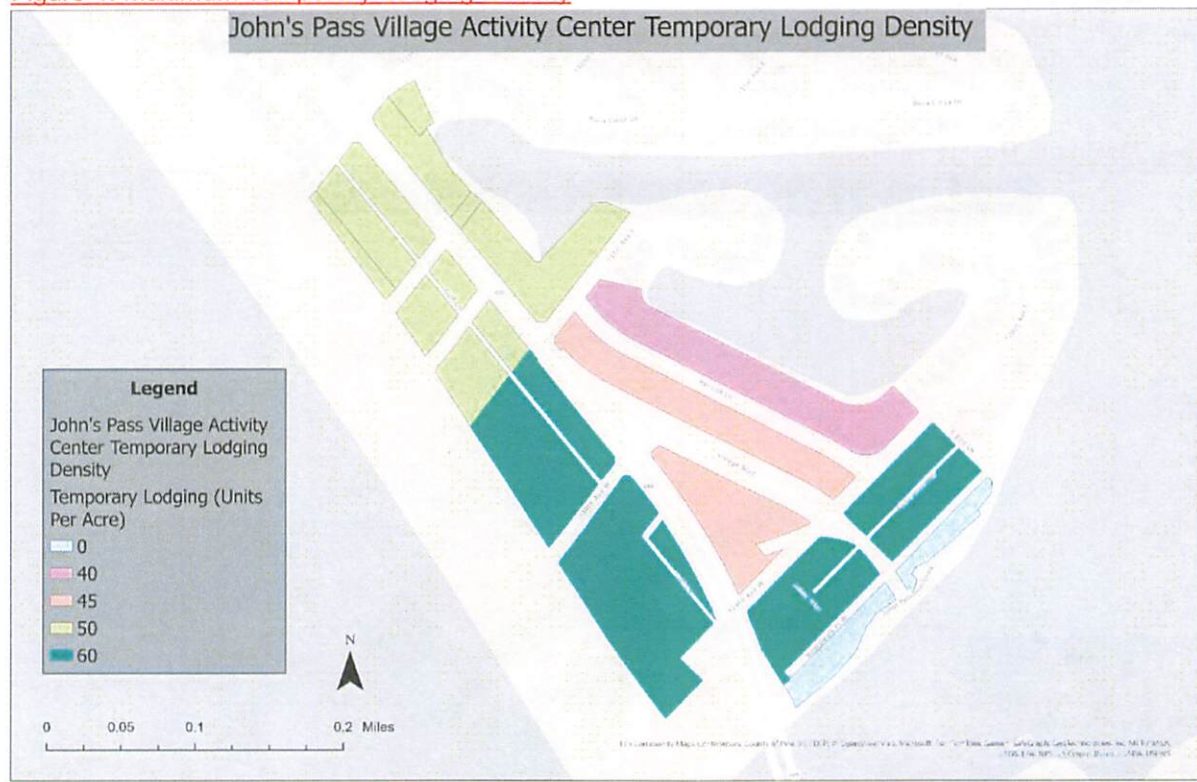


Figure 4. Maximum Temporary Lodging Density

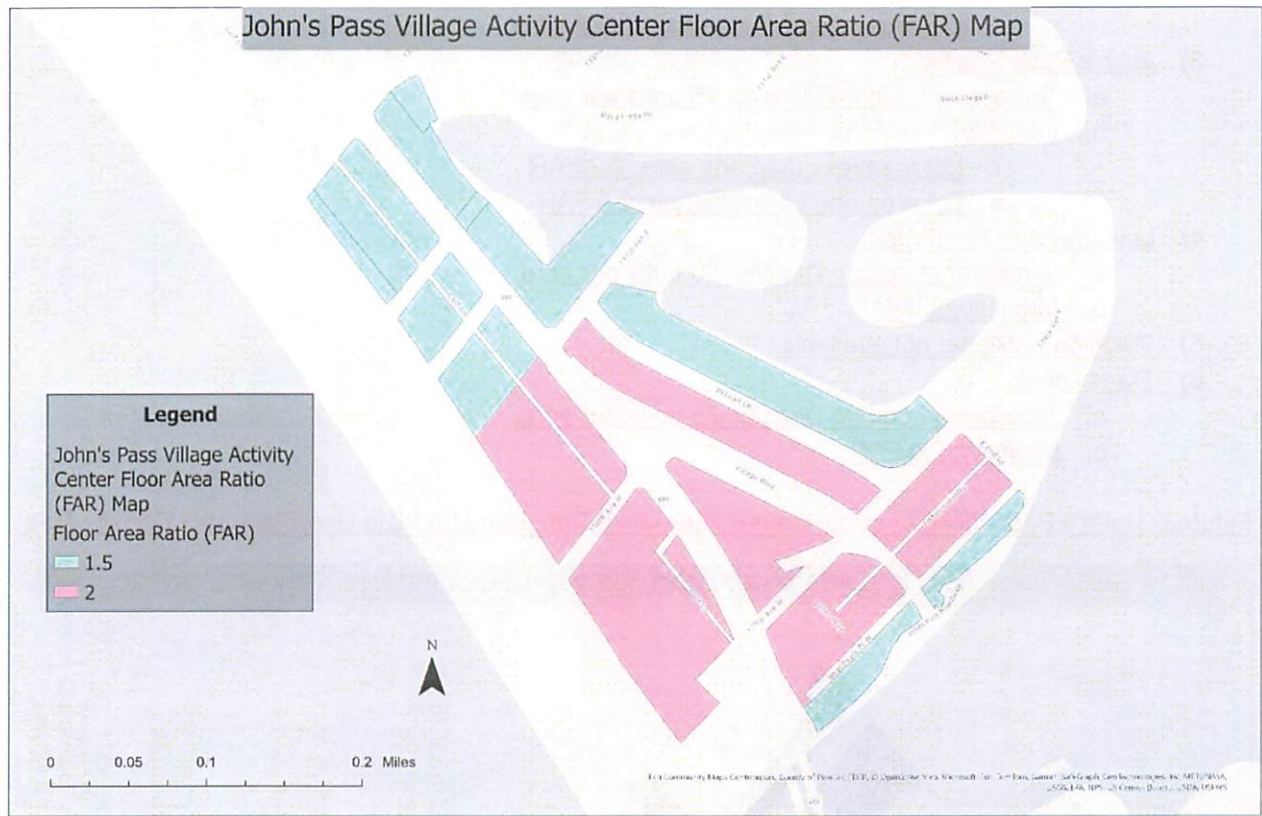


Section D-110. – Maximum floor area ratio.

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



Section D-111. – Impervious surface ratio (ISR).

- 1) Boardwalk: 0.85
- 2) Commercial Core: 0.85
- 3) John's Pass Resort: 0.85
- 4) Low Intensity Mixed Use: 0.85
- 5) Traditional Village: 0.85
- 6) Transitional: 0.85

Section D-112. – Alternative Temporary Lodging Use Standards.

The following maximum densities are measured in units per acre and must also fall within the floor area ratio maximums allowed. A development agreement is required by the City's land development regulations and Forward Pinellas' Countywide Rules to use the Alternative Temporary Lodging Use Standards. The development agreement must follow all the requirements in Forward Pinellas' Countywide Rules to use the Alternative Temporary Lodging Use Standard. Developments that use the Alternative Temporary Lodging Use Standards in the John's Pass Village Activity Center area shall conform to the design standards and guidelines in D-113 of this appendix.

- 1) Boardwalk: not available.
- 2) Commercial Core:
 - a. Temporary Lodging Density:
 - i. Lot area less than one acre: 75 units per acre.
 - ii. Lot area one acre or larger: 87 units per acre.
 - b. Intensity:
 - i. Lot area less than one acre: 2.2 FAR

- ii. Lot area one acre or larger: 3.0 FAR
- 3) John's Pass Resort:
 - a. Temporary Lodging Density: 75 units per acre.
 - b. Intensity:
 - i. Lot area less than one acre: 2.2 FAR
 - ii. Lot area one acre or larger: 2.5 FAR
- 4) Low Intensity Mixed Use:
 - a. Temporary Lodging Density: 60 units per acre.
 - b. Intensity: 2.0 FAR
- 5) Traditional Village: not available.
- 6) Transitional:
 - a. Temporary Lodging Density: 75 units per acre.
 - b. Intensity: 2.0 FAR

Figure 6. John's Pass Village Activity Center Alternative Temporary Lodging Use Standards Density Map

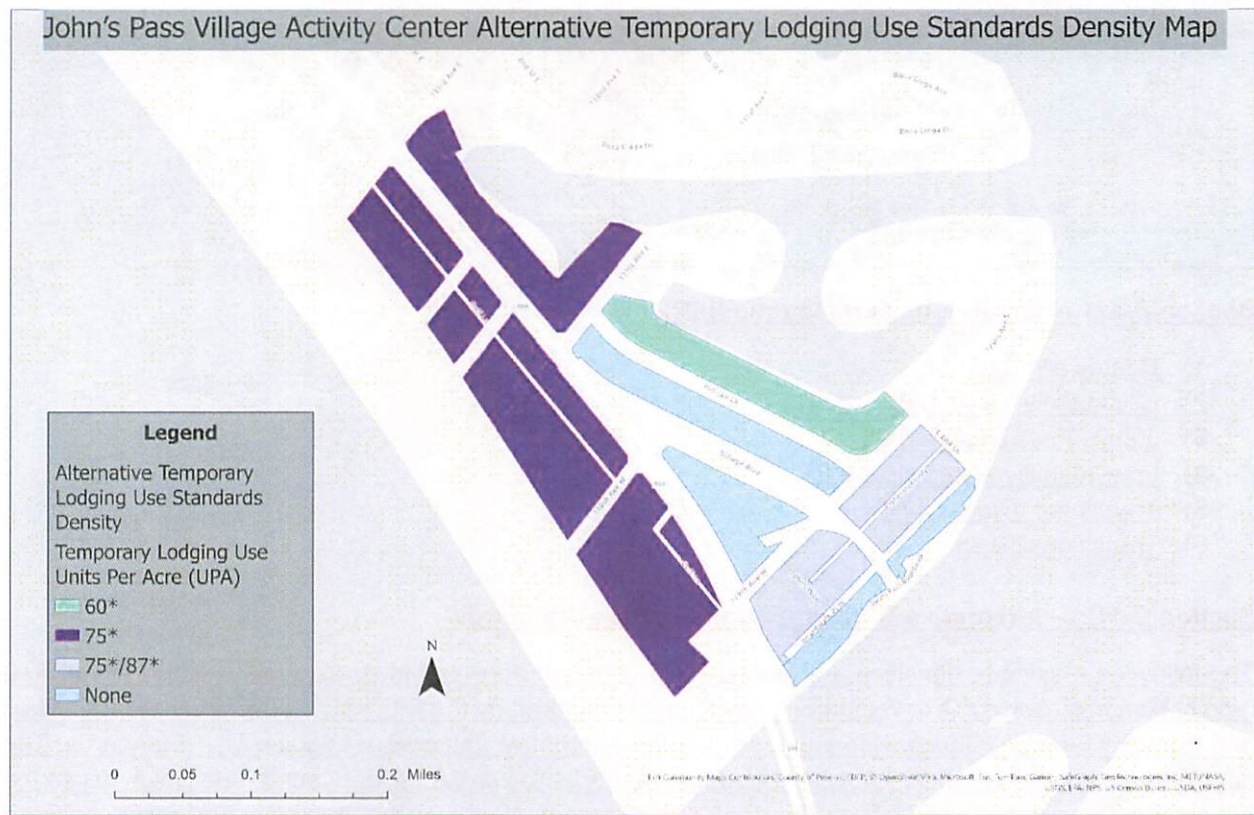
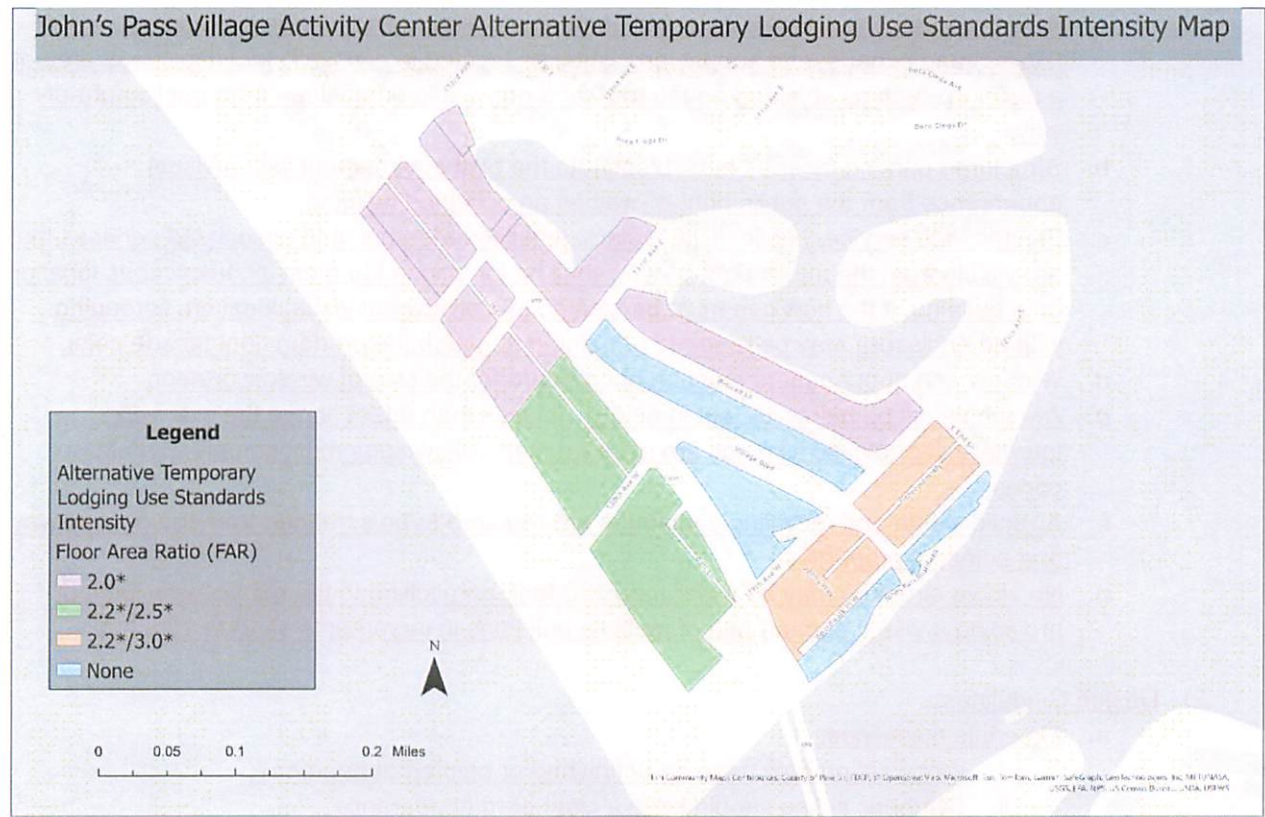


Figure 7. John's Pass Village Activity Center Alternative Temporary Lodging Use Standards Intensity Map



Section D-113. – Design Standards and Guidelines.

The following design standards and guidelines are only applicable to the Boardwalk, Commercial Core, and Traditional Village districts. Single family and duplex buildings are exempt from the following standards and guidelines. Standards are required while guidelines are recommended. If using the alternative temporary lodging use standards or rezoning to Planned Development with the future land use of Activity Center, the project shall conform to the entirety of Section D-113 including design standards and guidelines.

Building Facades. New and remodeled facades should conform to the general historical old Floridian fishing village architectural style of John's Pass Village. Decorative elements such as cornices, dormers and belt courses should be used to give scale and interest to the facades, to help define the building elements (base, middle, and top), and to create three-dimensional richness to the facades.

Facade rhythms. The building facades should incorporate multiple rhythms or cadences (rather than a single repetitive rhythm) that is reflective of the pattern found in the area. This is accomplished with a rich variety of surface treatments such as architectural features, large storefront windows and door frames, projecting bay window displays, canopies above the door, awnings, etc. Individual storefront facades should be narrow and change often to add richness to the sidewalk, street, and neighborhood. The preferred width of the storefront is approximately 40 feet and should have a maximum width of 100 feet.

Corner treatment. In cases where buildings are on a corner special treatment is encouraged for the buildings at these locations. This includes such things as rounded or cut corners, articulated corner entrances, accented display windows, special corner roof features, etc.

1) Design Standards:

- 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.
- g. No single structure may be wider than 120 feet, parallelling to the right-of-way without providing a visual appearance of multiple buildings in increments of 40 to 100 feet.

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 11th day of September, 2024.



Anne Marie Brooks

Anne-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask

Thomas J. Trask, City Attorney

PASSED ON FIRST READING:

August 14, 2024

PUBLISHED:

August 28, 2024

PASSED ON SECOND READING:

September 11, 2024

Business Impact Estimate

Proposed ordinance's title/reference: Ordinance 2024-09: Appendix D John's Pass Village Activity Center Development Standards

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

¹ See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): *Ordinance 2024-09 Appendix D, the new JPV Activity Center Development Standards, creates a new appendix in the Code of Ordinances that outlines all development standards in the Activity Center land use category. The development standards differ from character district to character district encompassing the standards from the JPV Special Area Plan.*

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Madeira Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

No foreseen direct economic impact of the proposed ordinance.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

No foreseen impact on businesses with the proposed ordinance.

4. Additional information the governing body deems useful (if any):

This ordinance assures that the Madeira Beach Land Development Regulations are consistent with the John's Pass Village Activity Center Plan.

Tampa Bay Times
Published Daily

STATE OF FLORIDA

COUNTY OF Pinellas, Hillsborough, Pasco,
 Hernando Citrus

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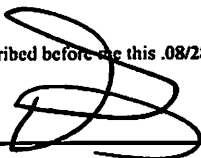
Before the undersigned authority personally appeared Jean Mitotes who on oath says that he/she is Legal Advertising Representative of the Tampa Bay Times a daily newspaper printed in St. Petersburg, in Pinellas County, Florida: that the attached copy of advertisement, being a Legal Notice in the matter RE: **ORDINANCE 2024-09, 2024-10, 2024-11, 2024-12** was published in said newspaper by print in the issues of: 8/28/24 or by publication on the newspaper's website, if authorized, on

Affiant further says the said Tampa Bay Times is a newspaper published in Pinellas, Hillsborough, Pasco, Hernando Citrus County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas, Hillsborough, Pasco, Hernando Citrus County, Florida each day and has been entered as a second class mail matter at the post office in said Pinellas, Hillsborough, Pasco, Hernando Citrus County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement. and affiant further says that he/she neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Signature Affiant

Sworn to and subscribed before me this 08/28/2024



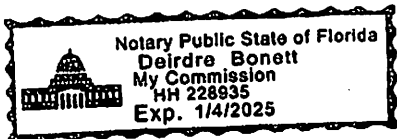
Signature of Notary Public

Personally known

X

or produced identification

Type of identification produced



NOTICE OF PUBLIC HEARING OF CITY OF MADEIRA BEACH BOARD OF COMMISSIONERS (BOC) ON PROPOSED AMENDMENTS TO THE CITY'S LAND DEVELOPMENT REGULATIONS AND TO REZONE C-1 JOHN'S PASS VILLAGE ACTIVITY CENTER, C-2 JOHN'S PASS MARINE COMMERCIAL, C-3 RETAIL COMMERCIAL, C-4 MARINE COMMERCIAL, PD PLANNED DEVELOPMENT AND R-3 MEDIUM DENSITY MULTIFAMILY ZONING DISTRICTS AS SET FORTH IN THE MAP SHOWN BELOW TO C-1 JOHN'S PASS VILLAGE ACTIVITY CENTER

In accordance with the City of Madeira Beach Code of Ordinances Sec. 2-6, Sec. 2-78, Sec. 7.3 of the City Charter, and Florida Statutes Sections 166.041, 163.3167, and 163.3174:

NOTICE IS HEREBY GIVEN that the Board of Commissioners (BOC) of the City of Madeira Beach, will conduct a public hearing on Wednesday, September 11, 2024, at 6:00 p.m. in the Patricia Shontz Commission Chambers, Madeira Beach City Center, 300 Municipal Drive, Madeira Beach, Florida 33708, for the review of proposed Ordinance 2024-09 (Creating Appendix D to establish the John's Pass Village Activity Center Development Standards), Ordinance 2024-10 (Amending C-1 to refer to Appendix D), Ordinance 2024-11 (Rezoning the John's Pass Village Activity Center area to C-1), and Ordinance 2024-12 (Deleting the C-2 zoning district).

The titles of the ordinances are:

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.

ORDINANCE 2024-10

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, ARTICLE V. DISTRICTS, DIVISION 5. C-1, TOURIST COMMERCIAL OF THE CITY'S LAND DEVELOPMENT CODE TO RENAME IT AS C-1 JOHN'S PASS VILLAGE ACTIVITY CENTER; PROVIDING FURTHER INFORMATION ON PURPOSE AND INTENT OF THE JOHN'S PASS VILLAGE ACTIVITY CENTER DISTRICT; REPLACING THE DEVELOPMENT STANDARDS SET FORTH IN SECTIONS 110-257 THROUGH 110-265 WITH THE DEVELOPMENT STANDARDS SET FORTH IN APPENDIX D (JOHN'S PASS VILLAGE ACTIVITY CENTER DEVELOPMENT STANDARDS); PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2024-11

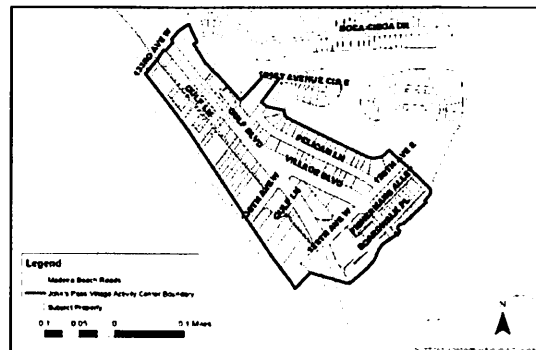
AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REZONING REAL PROPERTY FROM C-1 JOHN'S PASS VILLAGE ACTIVITY CENTER, C-2 JOHN'S PASS MARINE COMMERCIAL, C-3 RETAIL COMMERCIAL, C-4 MARINE COMMERCIAL, PD PLANNED DEVELOPMENT, AND R-3 MEDIUM DENSITY MULTIFAMILY RESIDENTIAL ZONING DISTRICTS TO C-1 JOHN'S PASS VILLAGE ACTIVITY CENTER FOR THE AREA AS SET FORTH IN THE ACCOMPANYING LEGAL DESCRIPTION IN EXHIBIT A ATTACHED HERETO AND HEREBY MADE A PART OF THIS ORDINANCE; PROVIDING FOR FUTURE REVITALIZATION AND DEVELOPMENT

WITHIN THE ACTIVITY CENTER CATEGORY TO BE CONSISTENT WITH AND PURSUANT TO THE PROCEDURES, GUIDELINES AND STANDARDS OF THE JOHN'S PASS VILLAGE ACTIVITY CENTER PLAN AS ADOPTED BY ORDINANCE 2023-01; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

ORDINANCE 2024-12

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, DELETING DIVISION 6. JOHN'S PASS MARINE COMMERCIAL, SECTIONS 110-286 THROUGH 110-295 OF CHAPTER 110 ZONING, ARTICLE V. DISTRICTS OF THE CITY'S LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A geographic location map of the real property affected by the adoption of these ordinances is shown below.



Public Notice: Sec. 2-6. - Notice of quasi-judicial hearings.(b) Mailed and published notice for quasi-judicial proceedings shall also advise that any affected person may become a party to such proceeding entitled to present evidence at the hearing including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing a notice of intent to be a party with the city clerk not less than five days prior to the hearing. Ordinance 2024-09, Ordinance 2024-10, Ordinance 2024-11, and Ordinance 2024-12 are available for inspection in the Community Development Office, Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida 33708, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday or online at <https://madeirabeachfl.gov/johns-pass-activity-center-plan/>. If you would like more information regarding the Ordinances, please contact the Community Development Department, at 727-391-9951, ext. 244 or planning@madeirabeachfl.gov. Both meetings will be aired on Public Access TV Spectrum Channel 640 and through the City's website.

Note: One or more Elected or Appointed Officials may be in attendance. Any person who decides to appeal any decision of the Board of Commissioners with respect to any matter considered at these meetings will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the City to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation to participate in this meeting should call 727-391-9951 Ext. 244 or planning@madeirabeachfl.gov.