

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.

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, the purpose and intent of the proposed revisions to the C-1 Tourist Commercial District is to rename the district, encourage mixed use, pedestrian oriented development, promote context-sensitive forms, patterns and intensities of development to preserve and enhance the unique features of the John's Pass Village area; and

WHEREAS, to accomplish the stated intent City staff has recommended changes to the C-1 Tourist Commercial District by renaming the district and replace 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); 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 recommend 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 Chapter 110 Article V. Division 5 of the Land Development Code of the City of Madeira Beach is hereby amended to read as follows:

DIVISION 5. C-1, ~~TOURIST COMMERCIAL~~ JOHN'S PASS VILLAGE ACTIVITY CENTER

Sec. 110-256. Definition; purpose and intent.

The purpose and intent of the John's Pass Village Activity Center District is to encourage mixed-use, pedestrian-oriented development, promote context-sensitive forms, patterns, and intensities of development to preserve and enhance the unique features of the John's Pass Village area. John's Pass Village development standards are to encourage compatible design and enhance the built environment consistent with the vision, guiding principles, goals, objectives and policies set in the John's Pass Village Special Area Plan. The old Floridian fishing village aesthetic within the tourist centric area (Boardwalk, Traditional Village, and Commercial Core Character Districts) of the district should be maintained and at the forefront of all design. The C-1, John's Pass Village Activity Center Zoning District correlates with the Activity Center (AC) future land use category of the City of Madeira Beach Comprehensive plan and Activity Center (AC) plan category in the Countywide Plan.

~~The C-1, tourist-commercial district provides for various tourist and commercial facilities of medium intensity which conveniently supply the needs of the neighborhood as well as the city. The C-1, tourist-commercial district correlates with the commercial general (CG) future land use category of the City of Madeira Beach Comprehensive Plan and Retail and Services (R&S) plan category in the Countywide Plan. Services are rendered and commodities are sold which are needed daily and purchased at frequent intervals. The purpose of this district is to recognize the unique commercial, marine, tourist and historic value of this area. It is the intent of the comprehensive land use plan to retain the nautical theme and important character of the waterfront area and of John's Pass Village.~~

(Code 1983, § 20-404; Ord. No. 1138, § 5, 12-9-08; Ord. No. 2022-08 , § 1, 7-13-22; Ord. No. 2023-27 , § 1, 12-13-23)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 110-257. Permitted uses and development standards.

Permitted uses and development standards are established and set forth in Appendix D, John's Pass Village Zoning District Standards, of the Madeira Beach Code of Ordinances. All development pursuant to this Division 5 shall be governed by the zoning and development standards contained therein.

~~The permitted uses in the C-1, tourist-commercial district are as follows:~~

- ~~(1)—Residential and vacation rental located above first floor commercial use.~~
- ~~(2)—Personal service, office, and office support, excluding drive-through windows.~~

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- ~~(3) Retail commercial, business service, and commercial, excluding drive-through windows;~~
 - ~~(4) Restaurants, excluding drive-through windows;~~
 - ~~(5) Temporary lodging located above first floor commercial use.~~

~~(Code 1983, § 20-404; Ord. No. 2022-08 , § 2, 7-13-22; Ord. No. 2023-27 , § 1, 12-13-23)~~

~~Sec. 110-258. Accessory uses.~~

~~The accessory uses in the C-1, tourist commercial district are as follows:~~

- ~~(1) Swimming pools or cabanas used as bath houses.~~
- ~~(2) Essential services.~~
- ~~(3) Nonresidential signs.~~
- ~~(4) Off-street parking and loading.~~

~~(Code 1983, § 20-404)~~

~~Sec. 110-259. Special exception uses.~~

~~Upon application for a special exception to the special magistrate and favorable action thereon, the following uses may be permitted in the C-1, tourist commercial district:~~

- ~~(1) Institutional as a religious use such as churches, synagogues or other houses of worship.~~
- ~~(2) Private social, recreational or fraternal clubs and organizations.~~
- ~~(3) Publicly owned or operated parks or recreation areas.~~
- ~~(4) Commercial recreation.~~
- ~~(5) Auditoriums.~~
- ~~(6) Stand-alone parking lots and parking garages as a principal use.~~

~~(Code 1983, § 20-404; Ord. No. 2017-03 , § 5, 3-7-17; Ord. No. 2019-18 , § 1, 9-10-19; Ord. No. 2023-27 , § 1, 12-13-23)~~

~~Sec. 110-260. Building site area requirements.~~

~~The minimum building site area requirements in the C-1, tourist commercial district are as follows:~~

- ~~(1) Lot size:
 - ~~a. Commercial uses: 4,000 square feet.~~
 - ~~b. Residential dwelling units and vacation rental units: 3,000 square feet per unit.~~~~
- ~~(2) Lot width: All permitted uses 40 feet.~~
- ~~(3) Lot depth: All permitted uses 80 feet.~~

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- (4) ~~Maximum: The density is a maximum of 15 residential dwelling units, 15 vacation rental units, or 40 temporary lodging units per acre. Alternative temporary lodging use standards are allowed as detailed in subsection 110-265(g).~~

~~(Code 1983, § 20-404; Ord. No. 1138, § 5, 12-9-08; Ord. No. 2023-27, § 1, 12-13-23)~~

~~Sec. 110-261. Setback requirements.~~

~~The following minimum setbacks shall apply in the C-1, tourist commercial district:~~

- (1) ~~Front yard: None. (See the special requirement in subsection 110-265(b).)~~
- (2) ~~Rear yard: 25 feet.~~
- (3) ~~Side yard: All permitted uses ten feet one side only. (See the special requirements in section 110-265.)~~

~~(Code 1983, § 20-404; Ord. No. 2023-27, § 1, 12-13-23)~~

~~Sec. 110-262. Maximum building height.~~

~~For all uses in the C-1, tourist commercial district the maximum building height shall be 34 feet.~~

~~(Code 1983, § 20-404; Ord. No. 2021-23, § 1, 11-10-21; Ord. No. 2022-08, § 3, 7-13-22)~~

~~Sec. 110-263. Maximum lot coverage.~~

~~The maximum lot coverage in the C-1, tourist commercial district is as follows:~~

- (1) ~~Commercial uses: Floor area ratio (FAR) 0.55.~~
- (2) ~~Public-owned parks and recreation facilities: Floor area ratio (FAR) 0.25.~~

~~(Code 1983, § 20-404; Ord. No. 1138, § 5, 12-9-08; Ord. No. 2022-08, § 4, 7-13-22; Ord. No. 2023-27, § 1, 12-13-23)~~

~~Sec. 110-264. Impervious surface ratio (ISR).~~

~~The impervious surface ratio (ISR) in the C-1, tourist commercial district for all uses is 0.85.~~

~~(Code 1983, § 20-404; Ord. No. 2022-08, § 5, 7-13-22)~~

~~Sec. 110-265. Special requirements.~~

- (a) ~~The C-1, tourist commercial district does not permit the storage of commercial vehicles.~~
- (b) ~~All properties located within the C-1, tourist commercial district abutting Gulf Boulevard will be required to provide a setback on Gulf Boulevard of 25 feet.~~
- (c) ~~No single commercial structure in the C-1, tourist commercial district may be wider than 120 feet, paralleling to the right-of-way without providing a visual appearance of multiple buildings in increments of 40 feet.~~

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- (d) ~~Mixed uses in a single development shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.~~
- (e) ~~Mechanical units shall be on the roof and not visible or shielded from public right-of-way.~~
- (f) ~~Walls constructed or renovated on the property lines must comply with the current Florida Building Codes including occupancy ratings and current fire codes.~~
- (g) ~~In the CG future land use category, alternative temporary lodging use standards allows 60 temporary lodging units per acre and a FAR of 1.2. A Development Agreement is required by the City's land development regulations and Forward Pinellas' Countywide Rules to use the alternative temporary lodging use standard. The development agreement must follow all required standards in Forward Pinellas Countywide Rules to use the alternative temporary lodging use standards.~~
- (h) ~~Institutional, other than public educational facilities shall not exceed a maximum area of five acres.~~
- ~~(Code 1983, § 20-404; Ord. No. 1138, § 5, 12-9-08; Ord. No. 2022-08, § 6, 7-13-22; Ord. No. 2023-27, § 1, 12-13-23)~~

Secs. 110-~~266~~ 258—110-285. Reserved.

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 Section 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, provided however it shall not be effective until such time as Ordinance

2024-09 (Adoption of Appendix D) becomes effective. In the event that Ordinance 2024-09 is not approved and adopted by the Board of Commissioners then this Ordinance shall be of no further force and effect.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF
MADEIRA BEACH, FLORIDA, THIS 11th day of September, 2024.



A handwritten signature in blue ink, reading "Anne-Marie Brooks", is written over a horizontal line.

Anne-Marie Brooks, Mayor

ATTEST:

A handwritten signature in blue ink, reading "Clara VanBlargan", is written over a horizontal line.

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

A handwritten signature in blue ink, reading "Thomas J. Trask", is written over a horizontal line.

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 2024-10: C-1 refer to Appendix D
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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 2024-10 amends C-1 Tourist Commercial Zoning District to refer to the new Appendix D (Ordinance 2024-09) that outlines all the development standards in the John's Pass Village Activity Center Area. The amendment to the LDRs removes all the previous standards in the Zoning District and renames the district from Tourist Commercial to John's Pass Village Activity Center Zoning District.*

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 not 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.

John

Signature Affiant

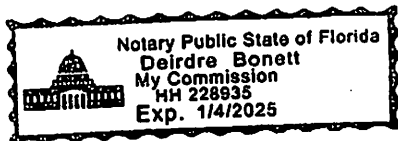
Sworn to and subscribed before me this .08/28/2024

ibed before the this .08/2

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

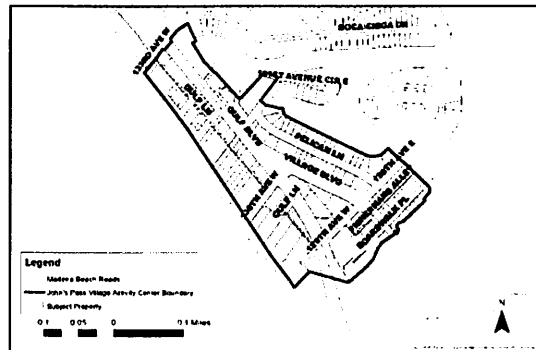
AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REZONING REAL PROPERTY FROM C-1 JOHN'S PASS VILLAGE ACTIVITY CENTER, C-2 JOHN'S PASS MARINE COMMERCIAL, C-3 RETAIL COMMERCIAL, C-4 MARINE COMMERCIAL, PD PLANNED DEVELOPMENT, AND R-3 MEDIUM DENSITY MULTIFAMILY RESIDENTIAL ZONING DISTRICTS TO C-1 JOHN'S 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.