

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 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

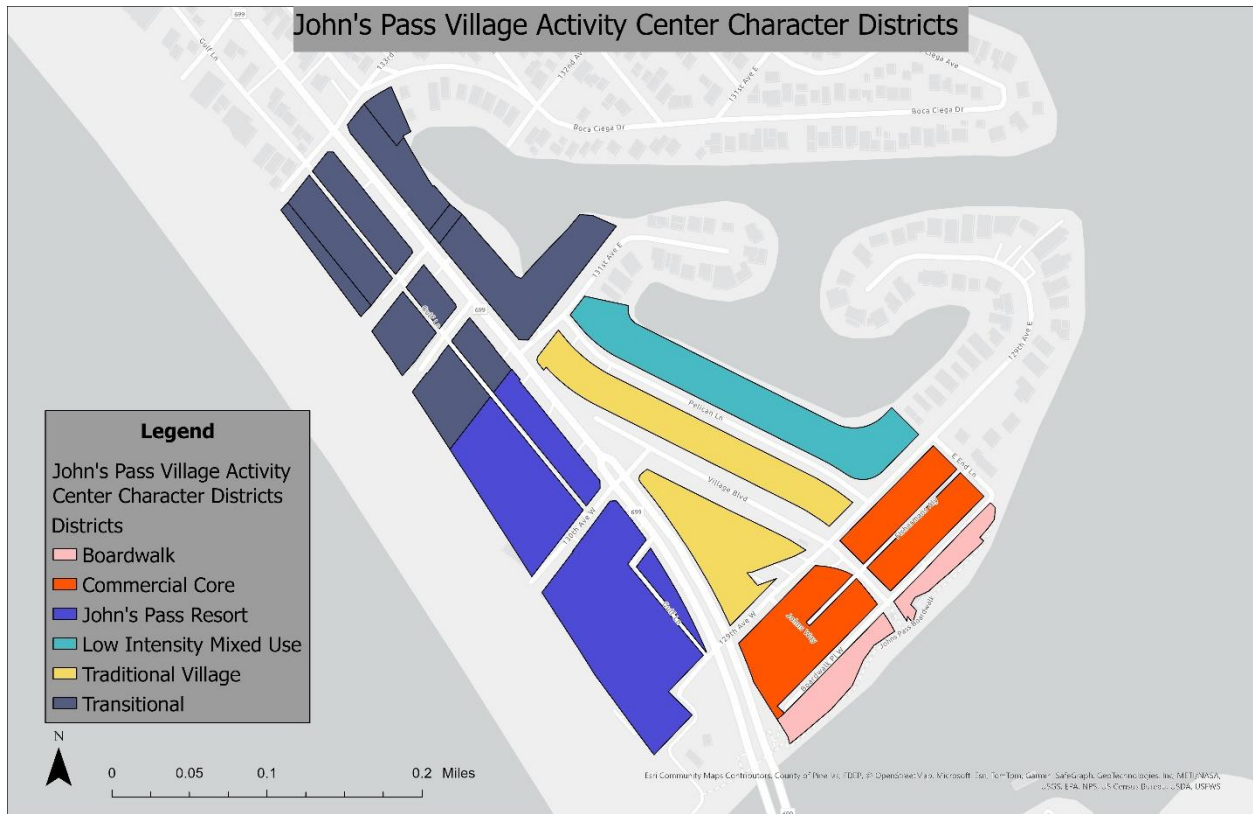
Section D-101. – Definition; Purpose and Intent.

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-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. Personal service, office, and office support, excluding drive-through windows.
 - b. Retail commercial, business service, and commercial, excluding drive-through windows.
 - c. Restaurants, excluding drive-through windows.
 - d. Commercial recreation.
 - e. Commercial fishing activities and working waterfront.
 - f. Charter and party boat operations.
- 2) Commercial Core:
 - a. Residential and vacation rental located above first floor commercial use.
 - b. Temporary lodging located above first floor commercial use.
 - c. Personal service, office, and office support, excluding drive-through windows.
 - d. Retail commercial, business service, and commercial, excluding drive-through windows.
 - e. Restaurants, excluding drive-through windows.
 - f. 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. Residential and vacation rental located above first floor commercial use.
 - b. Temporary lodging located above first floor commercial use.
 - c. Personal service, office, and office support, excluding drive-through windows.
 - d. Retail commercial, business service, and commercial, excluding drive-through windows.
 - e. Restaurants, excluding drive-through windows.
 - f. Commercial recreation.
- 6) Transitional:
 - a. Residential and vacation rental.
 - b. Temporary lodging.
 - c. Publicly owned or operated parks and recreation areas.
 - d. Institutional.
 - e. Retail commercial, personal service, business service, and restaurants only on the east side of Gulf Boulevard.

Section D-104. – Accessory uses.

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

- 1) Boardwalk:
 - a. Off-street parking.
 - b. Nonresidential signs.
 - c. Essential services.
 - d. Other customary accessory uses ancillary to the principal uses.
- 2) Commercial Core:
 - a. Swimming pools or cabanas used as bath houses.
 - b. Essential services.
 - c. Nonresidential signs.
 - d. Off-street parking and loading.
- 3) John's Pass Resort:
 - a. Restaurants, excluding drive-through windows only allowed up to 20 percent of the total building floor area ratio.
 - b. Retail commercial and business service, excluding drive-through windows only allowed up to 20 percent of the total building floor area ratio.
 - c. Swimming pools or cabanas used as bath houses.
 - d. Home occupation.
 - e. Private garages and carports.
- 4) Low Intensity Mixed Use:
 - a. Swimming pools or cabanas used as bath houses.
 - b. Home occupation.
 - c. Private garages and carports.
- 5) Traditional Village:
 - a. Swimming pools or cabanas used as bath houses.
 - b. Essential services.

- c. Nonresidential signs.
- d. Off-street parking and loading.
- 6) Transitional:
 - a. East side of Gulf Boulevard
 - i. Restaurants, excluding drive-through windows.
 - ii. Retail commercial and business service, excluding drive-through windows.
 - iii. Off-street parking and loading/unloading.
 - iv. Boat slips associated with a permitted business use, not for rental or commercial marine activities
 - v. Other accessory uses customarily permitted.
 - b. West side of Gulf Boulevard
 - i. Swimming pools or cabanas used as bath houses.
 - ii. Home occupation.
 - iii. Private garages and carports, only allowed on the west side of Gulf Boulevard.
 - iv. Other accessory uses customarily permitted.
 - 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 as a principal use.
 - 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 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 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 use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit.
 - d. Outdoor storage areas, provided that the outdoor storage use is an accessory use, does not exceed 20 percent of the area of the building that is principal use on the site, and can only be on the east side of Gulf Boulevard.

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.
- 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.
- 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. 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.
 - b. Side yard:
 - i. Lots equal to or less than 60 feet wide: 0 feet.
 - ii. Lots greater than 60 feet wide: 5-foot setback on one side.
 - c. Rear yard or waterfront yard: no setback, however access to the "tie-backs" supporting seawalls must be provided for maintenance.
 - d. For multiple story buildings, a ten-foot minimum step back behind the front facade of the building shall be required for stories above the second story for portions of a building facing or bordering a public right-of-way.
- 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 setback with either a structured arcade or covered walkway allowed in the setback or awning over the 10-foot setback. The second floor and above may have a structured porch within the setback.
 - iii. Awnings may protrude into the public right-of-way a maximum of four feet, with the liability and maintenance on the property owner.
 - b. Side yard:
 - i. Lots less than 100 feet wide: none
 - ii. Lots 100 feet wide or greater: 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.
 - c. Rear yard: 20 feet.
 - d. For multiple story buildings, a ten-foot minimum step back behind the primary facade of the building shall be required for stories above the second floor for portions of a building facing or bordering a public right-of-way.
- 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. The rear setback for lots less than 100 feet long is 18 feet.
 - ii. The rear setback for lots more than 100 feet long is 25 feet.
 - c. Waterfront rear yard: For lots on the Gulf of Mexico, the setback shall be landward of the county coastal control line.
 - d. Side yard:
 - i. Single-family, duplex, and triplex:
 - 1) Lots less than 50 feet in width, the minimum side yard setback is five 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.
 - ii. Multifamily, temporary lodging, and retail commercial:
 - 1) The minimum side yard setback is ten feet for lots less than 120 feet wide.

- 2) For lots between 120 to 240 feet wide, the minimum side yard setback is 15 feet.
 - 3) For lots wider than 240 feet, the minimum side yard setback is 20 feet.
 - e. For multiple floor buildings, a ten-foot minimum step back behind the primary facade of the building shall be required for floors above the third floor for portions of a building facing or bordering a public right-of-way.
- 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.
 - d. For multiple story buildings, a ten-foot minimum step back behind the primary facade of the building shall be required for floors above the third floor for portions of a building facing or bordering a public right-of-way.
- 5) Traditional Village:
 - a. Front yard: 0 feet minimum to 10 feet maximum.
 - 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. For multiple story buildings, a ten-foot minimum step back behind the primary facade of the building shall be required for stories above the second story for portions of a building facing or bordering a public right-of-way. Open access and use may be within this setback.
 - e. Awnings may protrude in the public right-of-way a maximum of 4 feet.
- 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 county coastal control line (CCCL).
 - c. Side yard:
 - iii. Single-family, duplex, and triplex:
 - 1) Lots less than 50 feet in width, the minimum side yard setback is five 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 ten 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. For multiple story buildings, a ten-foot minimum step back behind the primary facade of the building shall be required for floors above the third floor for portions of a building facing or bordering a public right-of-way.

Section D-108. – 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-110.

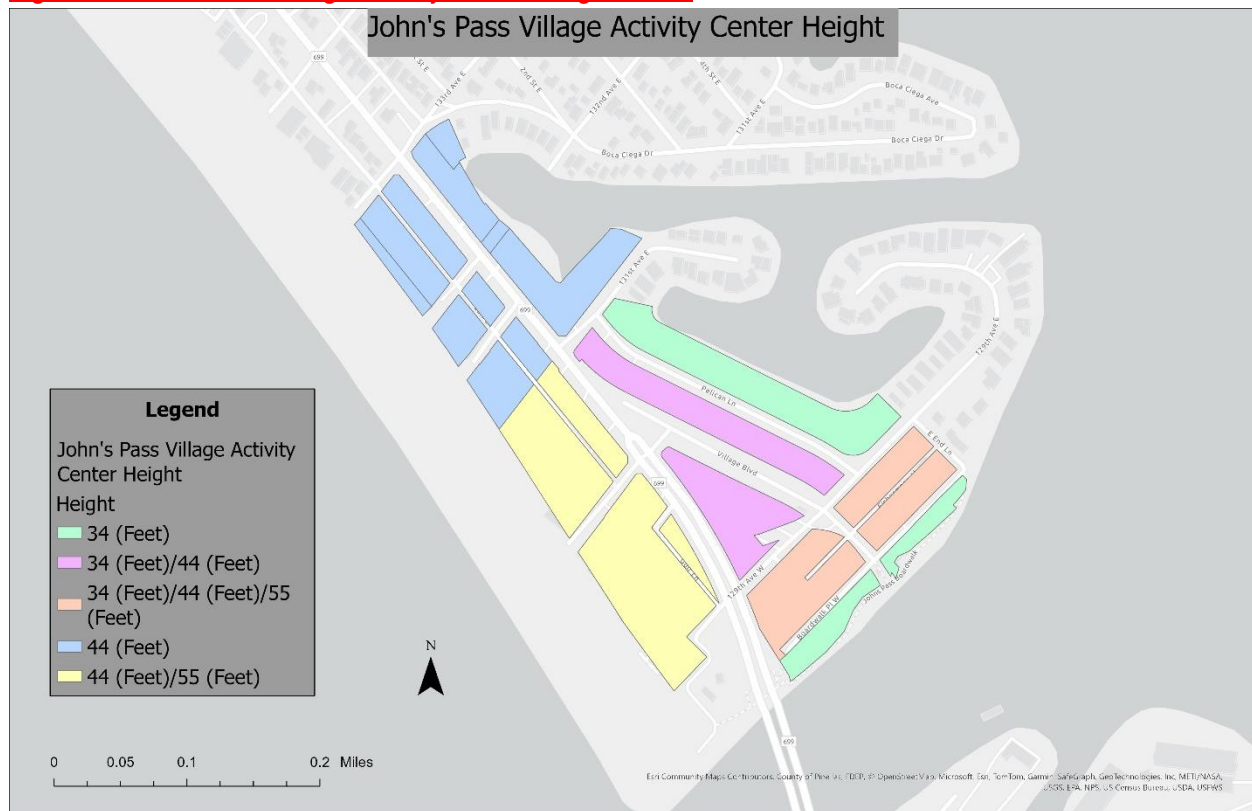
- 1) Boardwalk:
 - a. Residential and vacation rental: 0 units per acre.
 - b. Temporary lodging: 0 units per acre.
- 2) Commercial Core:
 - a. Residential and vacation rental: 15 units per acre.
 - b. Temporary lodging: 60 units per acre.
 - c. Alternative temporary lodging use standards:
 - i. Lot area is less than one acre: 75 units per acre.
 - ii. Lot area is more than one acre: 87 units per acre.
- 3) John's Pass Resort:
 - a. Residential and vacation rental: 18 units per acre.
 - b. Temporary lodging: 60 units per acre.
 - c. Alternative temporary lodging use standards: 75 units per acre.
- 4) Low Intensity Mixed Use:
 - a. Residential and vacation rental: 18 units per acre.
 - b. Temporary lodging: 40 units per acre.
 - c. Alternative temporary lodging use standards: 60 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.
 - c. Alternative temporary lodging use standards: 75 units per acre.

Section D-109. – 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:

- 7) Boardwalk: 34 feet
- 8) 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.
- 9) 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.
- 10) Low Intensity Mixed Use: 34 feet.
- 11) Traditional Village:
 - a. Lots equal to or less than ½ acre: 34 feet.
 - b. Lots greater than ½ acre: 44 feet.
- 12) Transitional: 44 feet

Figure 4. John's Pass Village Activity Center Height Limits

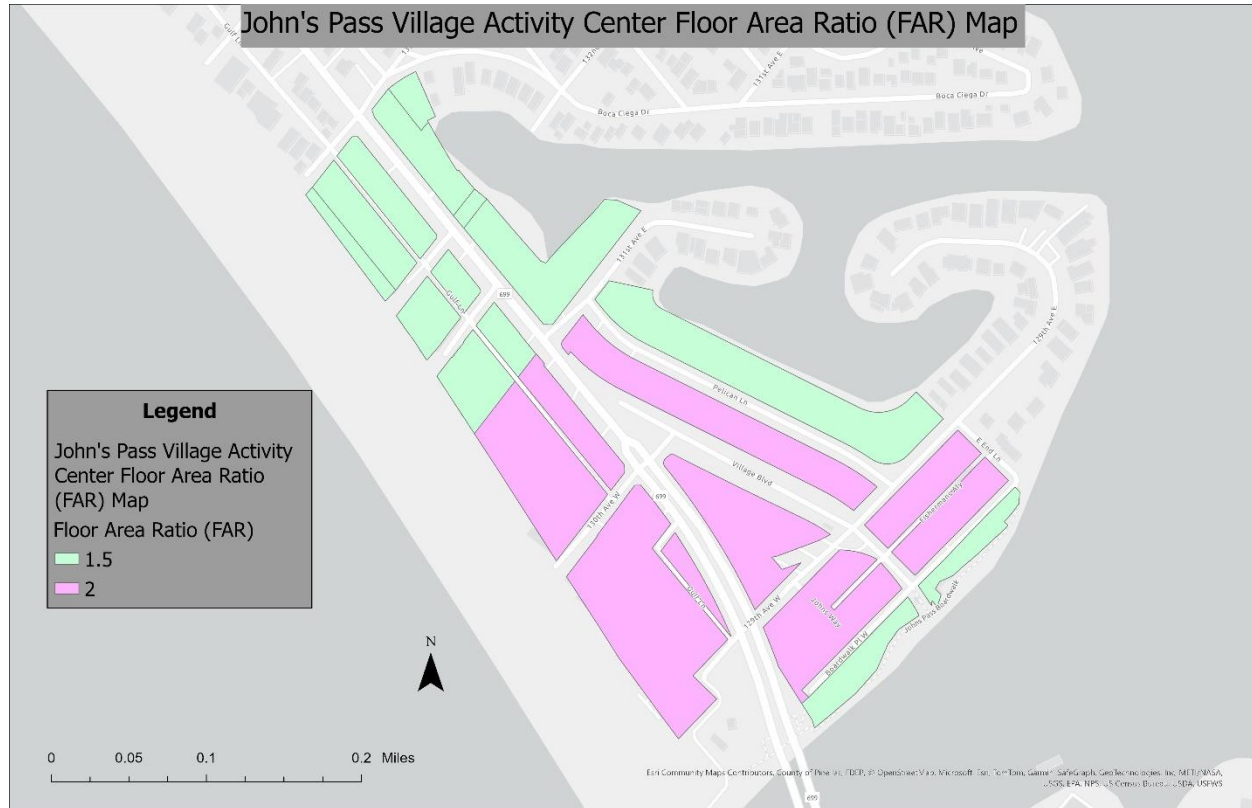


Section D-110. – Maximum floor area ratio.

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.

- 1) Boardwalk: not available.
- 2) Commercial Core:

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



- 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 façade color.
 - d. Window and door shutters must be appropriate for the size of window or door.
 - e. Awnings may overhang the sidewalks in Traditional Village and Commercial Core districts (awnings shall be below 14 feet in height, not less than eight feet above the sidewalk and project a maximum of four feet into the public right-of-way and cannot project into the curb). Internally lit or plastic awnings are not permitted. All awnings shall comply with city codes.
 - f. ~~Dumpster~~ All solid waste and recycling containers are required to be screened from the right-of-way and adjacent properties. ~~enclosures shall be located in a visually inconspicuous area of a building and shielded from public right-of-way.~~
- 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. Second floor and above porches may protrude in the front setback and 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: _____