

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.~~

~~(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 _____ 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: _____