

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.

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 has recommended changes to the C-1 Tourist Commercial District by renaming the district, 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 rezone the John's Pass Village Activity Center area C-1; and

WHEREAS, the C-2, John's Pass Marine Commercial zoning district will no longer be used and should be deleted; 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 change 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 sections 110-286 through 110-295 of Division 6 of Article 5 of Chapter 110 of the Land Development Code of the City of Madeira Beach are hereby deleted.

~~C-2, JOHN'S PASS MARINE COMMERCIAL RESERVED~~

~~Sec. 110-286. Definition; purpose and intent.~~

~~The purpose of the C-2, John's Pass marine commercial district is to recognize the unique commercial, marine, tourist and historic value of this area. The C-2, John's Pass marine commercial district correlates with the commercial general (CG) future land use category of the City of Madeira Beach Comprehensive Plan and the Retail and Services (R&S) plan category of the Countywide Plan. 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, § 6, 12-9-08; Ord. No. 2022-09, § 1, 5-11-22; Ord. No. 2023-28, § 1, 12-13-23)~~

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

~~Sec. 110-287. Principal permitted uses.~~

~~The permitted uses in the C-2, John's Pass marine commercial district are as follows:~~

- ~~(1) Commercial recreation, and personal service/office support use.~~
- ~~(2) Commercial fishing activities.~~
- ~~(3) Charter and party boat operations.~~
- ~~(4) Restaurants and retail commercial, excluding drive-in windows.~~
- ~~(5) Working waterfront.~~

~~(Code 1983, § 20-404; Ord. No. 2023-28, § 1, 12-13-23)~~

~~Sec. 110-288. Accessory uses.~~

~~The accessory uses in the C-2, John's Pass marine commercial district are as follows:~~

- ~~(1) Off-street parking.~~
- ~~(2) Nonresidential signs.~~
- ~~(3) Essential services.~~
- ~~(4) Other customary accessory uses ancillary to the principal uses.~~

~~(Code 1983, § 20-404)~~

~~Sec. 110-289. Special exception uses.~~

~~There are no special exception uses permitted in the C-2, John's Pass marine commercial district.~~

~~(Code 1983, § 20-404)~~

~~Sec. 110-290. Building site area requirements.~~

~~The minimum building site area requirements in the C-2, John's Pass marine commercial district are as follows:~~

- ~~(1) Lot size: All uses within this district is 2,000 square feet.~~
- ~~(2) Lot width: 40 feet.~~
- ~~(3) Lot depth: 50 feet.~~

~~(Code 1983, § 20-404; Ord. No. 2023-28, § 1, 12-13-23)~~

~~Sec. 110-291. Setback requirements.~~

~~The following minimum setbacks shall apply in the C-2, John's Pass marine commercial district:~~

- ~~(1) Front yard: 20 feet, measured from right of way to the structure.~~
- ~~(2) Rear yard or waterfront yard: None, however access to the "tie-backs" supporting seawalls shall be provided for maintenance.~~
- ~~(3) Side yard: five feet on one side.~~

~~(Code 1983, § 20-404; Ord. No. 2022-09, § 2, 5-11-22)~~

~~Sec. 110-292. Maximum building height.~~

~~For all uses in the C-2, John's Pass marine commercial district the maximum building height shall be 34 feet.~~

~~(Code 1983, § 20-404; Ord. No. 2021-23, § 1, 11-10-21; Ord. No. 2022-09, § 3, 5-11-22)~~

~~Sec. 110-293. Maximum lot coverage.~~

~~The maximum lot coverage in the C-2, John's Pass marine commercial district is as follows:~~

~~Nonresidential/commercial uses: Floor area ratio (FAR) 0.55.~~

~~(Code 1983, § 20-404; Ord. No. 1138, § 6, 12-9-08)~~

~~Sec. 110-294. Impervious surface ratio (ISR).~~

~~The impervious surface ratio (ISR) in the C-2, John's Pass marine commercial district for all uses is 0.85.~~

~~(Code 1983, § 20-404; Ord. No. 2022-09, § 4, 5-11-22)~~

~~Sec. 110-295. Special requirements.~~

~~(a) Due to the unique character of the C-2, John's Pass marine commercial district, a nautical theme should be emphasized within all renovations or new construction.~~

~~(b) Mechanical units must be located on the roof and not visible or shielded from public right-of-way.~~

~~(c) Walls constructed or renovated on the property lines must comply with the current Florida Building Codes including occupancy ratings and current fire codes.~~

~~(Code 1983, § 20-404; Ord. No. 2022-09, § 5, 5-11-22; Ord. No. 2023-28, § 1, 12-13-23)~~

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: _____