



PLANNING COMMISSION MEETING AGENDA

Monday, February 03, 2025 at 6:00 PM
Commission Chambers, 300 Municipal Drive,
Madeira Beach, FL 33708

This Meeting will be televised on Spectrum Channel 640 and YouTube Streamed on the City's Website.

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT

Public participation is encouraged. If you are addressing the Planning Commission, step to the podium and state your name and address for the record. Please limit your comments to three (3) minutes and do not include any topic that is on the agenda.

Public comment on agenda items will be allowed when they come up.

For any quasi-judicial hearings that might be on the agenda, an affected person may become a party to this proceeding and can be 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 Community Development Director, not less than five days prior to the hearing.

4. Approval of Minutes

[A.](#) September 2024 Minutes

5. NEW BUSINESS

[A.](#) Approval of 2025 Planning Commission Schedule

[B.](#) Ordinance 2025-04 Planned Development

[C.](#) Ordinance 2025-05 Temporary Shelters on Residential Properties

[D.](#) Ordinance 2025-06 CIP in the Comprehensive Plan

[E.](#) Ordinance 2025-07 Adult Use Restriction

6. OLD BUSINESS

7. ADMINISTRATIVE/STAFF PRESENTATION

A. Master Plan Update

B. C-1 and C-2 Zoning District References in the Code

8. PLANNING COMMISSION DISCUSSION

9. NEXT MEETING

Next meeting is scheduled for Monday, March 3, 2025 at 6:00 p.m.

10. INFORMATIONAL MATERIALS

11. ADJOURNMENT

One or more Elected or Appointed Officials may be in attendance.

Any person who decides to appeal any decision of the Planning Commission with respect to any matter considered at this meeting 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 minutes to be transcribed verbatim; 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 Jenny Rowan, Community Development Director at 727-391-9951, ext. 244 or email a written request to jrowan@madeirabeachfl.gov.

**THE CITY OF MADEIRA BEACH, FLORIDA
LOCAL PLANNING AGENCY / PLANNING COMMISSION**
Madeira Beach City Hall, Patricia Shontz Commission Chambers
300 Municipal Drive, Madeira Beach, FL 33708
www.madeirabeachfl.gov | 727.391.9951
September 9, 2024 - MINUTES

1. CALL TO ORDER

Chairman Wyckoff called the meeting to order at 6:00 PM

2. ROLL CALL

Members in Attendance:

Chairman Wyckoff
Commissioner Dillon
Commissioner Meagher
Commissioner Cloud
Commissioner Noble
Commissioner Connolly

Members Absent:

Commissioner LaRue

Staff Representatives:

Marci Forbes, City Engineer
Andrew Morris, Long Range Planner
Nancy Myer, City Attorney
Lisa Scheuermann, Board Secretary

3. PUBLIC COMMENTS

Chairman Wyckoff stated that there were no members of the public in the chambers so the public comments announcement can be skipped.

4. APPROVAL OF MINUTES

Minutes from the August meeting were approved unanimously.

5. NEW BUSINESS

A. Ordinance 2024-18 Planned Development

Andrew Morris Presented. He explained this ordinance cleans up some sections of the current code and brings them to be more consistent with Forward Pinellas.

Commissioner Dillon asked if the proposed revision has been reviewed and approved by the county. Mr. Morris stated that it had been.

Discussion followed.

Language regarding sidewalk width was discussed and added to the ordinance.

Chairman Wyckoff called for a motion.

Commissioner Dillon made a motion to approved Ordinance 2024-18-PD with language to amend sidewalk widths in section 110-393 (4).

There was no further discussion, and the Ordinance passed unanimously.

6. OLD BUSINESS

There was no old business.

7. PLANNING COMMISSION DISCUSSION

Madeira Beach Master Plan Update.

Andrew Morris presented the update.

8. NEXT MEETING

The next meeting is scheduled for Monday October 7, 2024, at 6:00 PM.

9. ADJOURNMENT

Chaiman Wyckoff adjourned the meeting at 6:32 PM.

Respectfully submitted:

Michael Wyckoff, Chairman

Date

Lisa Scheuermann, Board Secretary

Date

Planning Commission Regular Meetings 2025

Hearing Date	Zoning/Site Plan Application Deadline	Mail/Post Agenda	Distribute Agenda Packets
<i>First Monday of the month at 6:00 p.m.</i>	<i>Min. of 30 days prior to meeting</i>	<i>Min. 10 days prior to meeting</i>	<i>Min. 1 week before meeting</i>
1/6/2025	12/7/2024	12/27/2024	12/30/2024
2/3/2025	1/3/2025	1/24/2025	1/27/2025
3/3/2025	1/31/2025	2/21/2025	2/24/2025
4/7/2025	3/7/2025	3/28/2025	3/31/2025
5/5/2025	4/4/2025	4/25/2025	4/28/2025
6/2/2025	5/2/2025	5/23/2025	5/26/2025
7/7/2025	6/6/2025	6/27/2025	6/30/2025
8/4/2025	7/3/2025	7/25/2025	7/28/2025
9/8/2025	8/1/2025	8/29/2025	9/1/2025
10/6/2025	9/5/2025	9/26/2025	9/29/2025
11/3/2025	10/3/2025	10/24/2025	10/27/2025
12/1/2025	10/31/2025	11/21/2025	11/24/2025



Memorandum

Meeting Details: February 3, 2025 – Planning Commission

Prepared For: Planning Commission

From: Community Development Department

Subject: Ordinance 2025-04: Planned Development

Background: Chapter 110 Zoning, Article V. Districts, Division 10 PD, Planned Development in the Madeira Beach Code of Ordinances has some inconsistencies that need to be resolved.

Discussion: Ordinance 2025-04: Planned Development amends the Planned Development (PD) division in the Madeira Beach Code of Ordinances to fix inconsistencies, reference the Forward Pinellas Countywide Rules, and update the standards in that division to current practices.

Ordinance 2025-04 is like Ordinance 2024-18. The Planning Commission recommended approval of Ordinance 2024-18 Planned Development in September (2024). Hurricane Helene and Milton Ordinance 2025-04 has some changes from the version provided to the commission in September. These changes are highlighted in yellow on the attached Ordinance 2025-04 draft. These changes include the following:

- Grammatical changes throughout the ordinance
- Include the project is at its initial review and will gain further detail throughout the process (site plan, building plan)
- Addition of step-backs with setbacks in flexibility
- PDs in the Traditional Village, Commercial Core, Boardwalk and Low Intensity Mixed Use Character Districts in John's Pass Village Activity Center cannot exceed the height limitations provided in the development standards
- Additional information for the PD narrative
- Adding the City Clerk and Community Development Department to required mailers for the neighborhood meeting
- Sidewalk width to ten feet wide and the BOC can reduce the width if there are limitations

- Clarification on changes to the development plan that does not need BOC approval
- Clarification and examples of a minor modification to the development plan that does need BOC approval

Recommendation(s):

Staff recommends approval of Ordinance 2025-04: Planned Development.

Fiscal Impact or Other:

N/A

Attachments:

Ordinance 2025-04 Planned Development

Ordinance 2025-04 Business Impact Statement

ORDINANCE 2025-04

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, ARTICLE V. DISTRICTS, DIVISION 10, PD., PLANNED DEVELOPMENT, OF THE CITY'S LAND DEVELOPMENT CODE PROVIDING FURTHER INFORMATION ON INTENT AND PURPOSE; INCLUDING DIMENSIONAL REGULATIONS; SPECIFYING REQUIREMENTS FOR THE APPLICATION FOR PD ZONING; CLARIFYING THE REVIEW CRITERIA FROM THE LOCAL PLANNING AGENCY; CLARIFYING THE REVIEW CRITERIA FROM THE BOARD OF COMMISSIONERS; INCLUDING STANDARD OPERATING ADJUSTMENTS IN THE CHANGES OF DEVELOPMENT PLAN; AND INCLUDING OPTIONS FOR TIME EXTNSIONS; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Madeira Beach's Planned Development zoning district regulations have not been reviewed thoroughly and updated with standard review criteria in a number of years; and

WHEREAS, City staff has reviewed the current Planned Development zoning district regulations; and **WHEREAS**, City staff has determined that the relationship between the Madeira Beach Comprehensive Plan and Land Development Regulations in the Planned Development zoning district regulations were not clearly stated in Division 10; and

WHEREAS, the allowed uses and dimensional regulations in the Planned Development zoning district regulations were not clearly stated in Division 10; and

WHEREAS, the review criteria for the Local Planning Agency (Planning Commission) and Board of Commissioners was not clear and certain design elements would not be necessary at this stage in development; and

WHEREAS, City staff has recommended that the Planned Development zoning district regulations be revised to address the matters referenced in the recitals above; and

WHEREAS, the Planning Commission has considered the recommended changes referenced above 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 Chapter 110 (Zoning) Article V. (Districts) Division 10 (PD – Planned Development) of the Land Development Code of the City of Madeira Beach is hereby amended to read as follows:

DIVISION 10. PD, PLANNED DEVELOPMENT (PD) DISTRICTS

Sec. 110-386. ~~Intent and purpose of planned development (PD) district. Purpose and Intent~~

~~It is the intent of the~~ The PD district ~~is intended~~ to accommodate integrated and well-designed developments in accordance with ~~approved~~ development plans ~~containing detail adequate to ensure that have been approved in~~ compliance with this division. The PD district is intended to offer design flexibility and to encourage imaginative, functional, high-quality land planning development for those uses consistent with the applicable future land use plan category and compatible with adjacent and nearby lands and activities. ~~At the PD rezoning phase, the development plan is preliminary and the first step in the development process. Throughout the permitting process the project will gain further details.~~

In keeping with the stated intent of the comprehensive plan and ~~in furtherance of the historic and desired low intensity~~ character of the community, a PD development must meet the intent and criteria (including but not limited to density, intensity, and impervious surface ratio) of the future land use plan categories in the Madeira Beach Comprehensive Plan and plan categories in the Countywide Plan.:

- ~~(1) Meet the minimum design criteria required for the underlying zoning;~~
- ~~(2) At a maximum, be designed to reflect the average intensity, height, and massing of the development pattern on surrounding property of similar zoning and use.~~

~~The application must demonstrate that the proposed PD zoning district meets the clearly stated intent of the comprehensive plan and a clearly defined public purpose. Additional stories, above the limitations of the underlying conventional or PD zoning district at the time the application for PD is officially sufficient, may be considered in light of voluntary provision of civic or community enhancements, e.g., ground floor retail, expanded setback, enhanced landscaping, and other design enhancements furthering the policies and strategies of the comprehensive plan.~~

PD zoning is permitted in the following future land use plan categories of the Madeira Beach Comprehensive Plan: Planned Redevelopment Mixed-Use (PR-MU), Activity Center (AC), Commercial General (CG), Residential/Office/Retail (R/O/R), and Resort Facilities Medium (RFM). In particular, the The PD district is required for development proposed in the resort facilities high land use plan category of the comprehensive plan and for any project requesting the additive density/intensity provided for in the commercial core and the enumerated portions of the causeway sub-districts, in the Madeira Beach Itown Ccenter Sspecial Aarea Pplan.

Sec. 110-387. ~~Uses permitted~~ Permitted uses and dimensional regulations.

~~The type(s) of land uses permitted must be consistent in all respects with the comprehensive plan and such uses must be located and arranged to ensure compatibility amongst themselves, with adjacent land uses, and with public facilities, services and utilities. No specific list of uses permitted is established for the PD zoning district. Land proposed for development under the PD zoning district may contain a mixture of temporary lodging, residential, commercial, recreational and other uses consistent with the future land use map designation on the site. In furtherance of comprehensive plan policies and in the interest of neighborhood compatibility, commercial uses in PD developments located in residential districts are limited to a maximum total of 20 percent of the non-parking stories.~~

~~Flexibility in setbacks and step-backs may be allowed provided there is adequate space for site improvements and emergency access; that there is no adverse impact on surrounding properties and there is adequate distance between structures and public or private streets. Flexibility in building height may be allowed provided the development is compatible with the surrounding neighborhood. Increased flexibility in setbacks, step-backs and height from the zoning district prior to the rezoning to PD may also be considered if the design includes voluntary provisions for civic or community enhancements, e.g., ground floor retail, expanded setback, enhanced landscaping, sustainable building practices (LEED), and other design enhancements furthering the policies and strategies of the comprehensive plan.~~

~~PD developments located in the Traditional Village, Commercial Core, Boardwalk, and Low Intensity Mixed Use Character Districts of the John's Pass Village Activity Center cannot exceed the height limits prescribed in Appendix D - John's Pass Village Activity Center Development Standards.~~

Sec. 110-388. Application for PD zoning.

- (a) ~~(a)~~ Applications for PD zoning require a preliminary development plan, ~~with graphic illustrations,~~ establishing the basis for the proposed planned development. ~~All application fees must be paid prior to city staff reviewing the PD preliminary development plan. , and all application fees for the established review process.~~
- (b) ~~A development agreement is required when rezoning any property to PD and must go to the Local Planning Agency (Planning Commission) at the same public hearing as the rezoning, before the Board of Commissioners as a discussion item at the first public hearing as the rezoning, and before the Board of Commissioners at the second reading and public hearing as the rezoning. See Chapter 86, Administration, Article IV. Development Agreements for more information on development agreements.~~
- (c) ~~If the project proposes to use the alternative temporary lodging use standards, the development agreement must also follow all required standards in the Forward Pinellas Countywide Rules. In addition, the proposed intensities and densities cannot exceed the allowable maximums as described in the comprehensive plan.~~
- (bd) The ~~preliminary~~ PD preliminary development plan ~~proposal~~ must include all information deemed appropriate, necessary, and relevant by the city to conduct the staff review and, at minimum, must include the following:
 - (1) ~~A narrative of the PD preliminary development plan (PD report) is required a preliminary development plan. and must include the following information:~~
 - a. ~~How the proposal meets the requirements of the comprehensive plan, land development regulations, and any special area plan standards of the City; and~~
 - b. ~~How the proposal meets the requirements of the Countywide Rules; and~~
 - c. ~~Why the project is requesting flexibility of the land development regulations of the zoning district prior to rezoning to PD; and~~

d. The impact on neighboring properties in use and development pattern (e.g. setbacks, building heights).

~~(2) Three hard copies of the signed and sealed preliminary development plan and a digital submission all of which must provide the following:—proposals and one electronic copy; and~~

~~(2) A development report and preliminary development plan including all the following information:~~

- a. Legal description, zoning district(s) prior to PD rezoning, future land use (Madeira Beach comprehensive plan) and underlying conventional zoning district plan category (Countywide Plan).
- b. Existing use(s) and proposed use(s).
- c. Site area in square feet and acres.
- d. ~~Lot lines~~ Signed and sealed survey.
- e. Setbacks for zoning district prior to PD rezoning ~~Current required~~ and proposed setbacks.
- f. North arrow and scale: engineering scale no smaller than one inch equals 50 feet.
- g. Site data table with current standards (for zoning district(s) prior to PD rezoning) and proposed development standards ~~Proposed development criteria (current standard and proposed standard)~~ including at a minimum:
 1. Gross floor area and heated floor area of existing and proposed (in square feet);
 2. Building coverage (in square feet);
 3. Open ~~(green)~~ space (in square feet);
 4. Impervious surface area (in square feet) and impervious surface ratio;
 5. Density and intensity (including ratios for mixed use);
 6. Quantity and type of parking spaces and parking requirements ~~Parking spaces (scaled to location on plan and number of type, e.g., accessible, standard, etc.);~~
 7. ~~Building height(s) measured from the design flood elevation and~~ the total number of stories, include the maximum allowable height from the zoning district prior to PD rezoning, and number of stories allowed and existing on adjacent properties;
 8. Preservation area (s) (in total square feet);
 9. ~~Land alteration plan;~~
- ~~h. 10.~~ h. 10. Buffering standards, e.g., design standards to buffer neighboring properties from commercial activities, construction impacts, vehicular traffic, etc.;
- ~~i. 11.~~ i. 11. Solid waste disposal container(s) location and access;
- ~~12.~~ 12. ~~Lighting design standards;~~
- ~~13.~~ 13. ~~Signage standards;~~
- ~~j. 14.~~ j. 14. Tree survey, indicating the species and size of all existing trees, four inches or greater caliper measured at breast height;
- ~~k. 15.~~ k. 15. Landscape design standards and plans that must, at a minimum meet requirements in Chapter 106, Article II of this Code.
 - ~~(i)~~ (i) Comply with chapter 106, article II of this Code and all native and xeriscape plant materials;
 - ~~(ii)~~ (ii) Indicate location, quantity, size, species, and standards for all trees and shrubs; and
 - ~~(iii)~~ (iii) Meet or exceed minimum irrigation standards required by this Code;

- ~~l.16.~~ Building envelope and general ~~access, egress, and~~ ingress locations;
- ~~m.17.~~ Conceptual stormwater drainage plan ~~with calculations~~ based on maximum proposed development coverage adequate to meet the minimum standards of SWFWMD and this Code, ~~to~~ ensure no additional off-site impacts, and ~~to~~ resolve existing drainage problems deemed necessary by the city;
- ~~n.18.~~ ~~Permit from FDEP with concept plan indicating~~ ~~if a dune system impact is anticipated, the concept plan must address~~ proposed changes, reconstruction, and ~~replanting if dune system impact is anticipated;~~ and
- ~~o.19.~~ Details of any design, ~~performance criteria,~~ or ~~performance project commitments criteria assured agreed to~~ at the ~~required~~ neighborhood meeting.
- ~~hp.~~ Mobility and access plan indicating:
1. Proposed curb cuts and off-site traffic access management ~~plan and standards;~~
 2. ~~Preliminary~~ Location and function ~~plan and standards~~ for required sidewalk, bicycle, and other multimodal improvements;
 3. ~~Preliminary On~~on-site circulation; and,
 4. If impacting a collector or arterial road or required by FDOT, a transportation impact study prepared by a registered Florida engineer ~~for submittal and review by city staff and other governing agencies and documented preliminarily approved of FDOT.~~
- ~~q.i.~~ ~~All architectural~~ design standards and guidelines in the comprehensive plan, special area plan or zoning district prior to rezoning PD must be met at a minimum. ~~Structural design criteria meeting city overlay district requirements.~~ Additional design specifications can be required as a condition of approval during the public hearing process.
- ~~j.~~ ~~PD development plan detailing the manner in which the proposal furthers community goals and meets or exceeds existing comprehensive plan, land development code, and special district requirements and standards.~~
- ~~rk.~~ Record of notice of, and transcribed and video record of the required neighborhood meeting.

Sec. 110-389. ~~Procedure for approval of PD zoning. Submission Requirements and Review Process.~~

~~Submission requirements and process.~~ The city will ~~receive intake~~ the application and ~~initial application fees~~ and distribute ~~accordingly to applicable city staff for review. the application among city staff~~ Staff will first determine if the application is complete for full review, if not, staff will provide the applicant with a compiled list of comments to be addressed. The application must be complete as outlined here in this code such that staff can make a recommendation of either approval, approval with conditions, or denial. Once city staff determines the application is complete and a recommendation has been decided upon; the application, neighborhood meeting, and staff recommendation will be scheduled for public hearing before the planning commission serving as the local planning agency (LPA). ~~for review and comments. The city will compile the staff reviews and provide the applicant with comments, objections, and recommendations for applicant response and application amendment necessary to determine complete sufficiency to facilitate a full review and produce staff findings and a recommendation of approval, approval with conditions, or denial. Once the city determines the application is sufficient, the application, neighborhood meeting record, and staff recommendation will be scheduled for public hearing review and recommendation before the planning commission as the local planning agency (LPA).~~ The formal legal notice of the LPA public hearing must be posted as least 15 days prior to the public hearing date. The LPA will issue findings to the board of commissioners that will include a recommendation of approval, approval with conditions, or denial.

Sec. 110-390. Reimbursement of expenses.

The applicant shall provide for reimbursement of all expenses incurred by the city, deemed necessary by the city manager or his/her designee, to review and process a planned development (PD) district.

Expenses may include, but are not limited to any technical, engineering, planning, landscaping, surveying, legal or architectural services, and advertising.

Within 30 days of the date of receipt of any invoice for such services, the applicant shall reimburse the city for such costs. Failure by the applicant to make such reimbursement when due shall delay the recording of the approved development order, until paid.

Sec. 110-391. Review by local planning agency.

The local planning agency (LPA) will review the ~~proposed~~ PD zoning district application ~~and PD preliminary development plan~~ to ensure that the following criteria are met. The LPA must recommend denial if the application fails to meet the following criteria. If the application meets the following criteria, the LPA may recommend approval, approval with conditions, or denial. ~~The following criteria will guide district assignments and changes in district assignments, whether initiated by the city or by a property owner.~~

- (1) ~~Consistency with the comprehensive plan. All zoning district assignments~~ ~~The PD report and preliminary development plan~~ must be consistent with the comprehensive plan, including, but not limited to the future land use map and future land use element goals, objectives, and policies. ~~The zoning district(s) assigned must be consistent with the land use category of the future land use map.~~
- (2) ~~Land use compatibility. The zoning districts assigned~~ ~~The PD report and preliminary development plan~~ must promote the project's compatibility with adjacent land uses.
- (3) ~~Adequate public facilities. The zoning districts assigned~~ ~~The PD report and preliminary development plan~~ must ~~be consistent with~~ ~~take in consideration~~ the public facilities and services available to reasonably assure the city that the demand for services necessitated by the intensity of uses allowed will not exceed the adopted levels of services for such public facilities and services. ~~Consistency will be verified during the construction permitting phase.~~
- (4) ~~Public interest. Zoning districts assigned~~ ~~The PD report and preliminary development plan~~ must not conflict with the public interest and must promote the public health, safety and welfare.
- (5) ~~Consistency with land development regulations. Zoning districts assigned~~ ~~The PD report and preliminary development plan~~ must be consistent with the intent and purpose of this Code, specifically the criteria contained in section 110-388 and the general criteria required of the board of commissioner's review provided in section 110-393 of this Code.

Sec. 110-392. Neighborhood information meeting.

The applicant must hold a neighborhood information meeting with property owners within 300 feet of the proposed development prior to the LPA ~~or board of commissioners~~ considering the application. The neighborhood information meeting must be held at a location and time reasonably convenient to the surrounding property owners to maximize attendance, subject to the following requirements:

- (1) *Notification.* Two weeks prior to the neighborhood information meeting date, the applicant must mail notices of the meeting date, place, and time to all property owners inside a radius of 300 feet from the boundaries of the proposed development parcel, to the board of commissioners, ~~the city clerk, the community development department,~~ and must post this information prominently on the property. The applicant must inform the city manager or designee of the proposed meeting date, place, and time prior to sending out the notices. The city manager or designee may require a change of date, place, or time due to schedule conflicts or in order to accommodate advertising requirements for upcoming public

hearing consideration. The applicant must provide documentation of the mailed notice to the city manager or designee for verification. The city manager or designee may reasonably require additional properties be issued a notice and otherwise post notice of the neighborhood information meeting.

- (2) *Applicant's presentation.* At the neighborhood information meeting, the applicant must explain the proposed ~~preliminary PD preliminary~~ development plan, and proposed use of the subject property, and ~~make a provide copies copy~~ of the ~~proposed preliminary PD preliminary~~ development plan ~~available for review by~~ meeting attendees. The applicant may also discuss the project's development objectives, design philosophy, and proposed time schedule for completion.
- (3) *Question and answer period.* Upon completion of the presentation, a reasonable time must be reserved for a question and answer period. Questions should be limited to the proposal as presented, not to the question of whether the site should be developed or redeveloped. The applicant must identify how potential conflicts will be mitigated.
- (4) *Record.* The applicant must provide the city both a written and video record of the neighborhood information meeting, including any ~~representations commitments~~ made by the applicant to the attendees. ~~The applicant must include any applicant representations as required project provisions in the application.~~

Failure to conduct and properly record ~~a the~~ neighborhood information meeting, ~~as outlined above, provided above~~ renders the PD zoning application incomplete and prevents submission and ~~further~~ review.

Sec. 110-393. Review by board of commissioners.

~~In their analysis of the rezoning application and the proposed development plan submitted pursuant to this division, and prior to official action the board of commissioners shall consider the recommendation of the local planning agency and ensure the rezoning application is in conformance with the criteria listed in section 110-390.~~

~~The board of commissioners shall consider the recommendation of the local planning agency while analyzing the PD zoning application and preliminary development plan. The board of commissioners shall review the PD preliminary development plan in conformance with the criteria listed in section 110-388 and the following general conditions:~~

~~The board of commissioners shall review the proposed development plan for compliance with the provisions of article II, site plans and the following general conditions:~~

- (1) Land uses within the development shall be appropriate in their proposed location, in their relationships to each other, and in their relationships with uses and activities on adjacent and nearby properties.
- (2) The development shall comply with ~~applicable city plans and planning policies, the comprehensive plan~~ and shall have ~~a beneficial effect both upon the area of the city in which it is proposed to be established and upon the city as a whole positive effect on the surrounding area and city as a whole.~~
- (3) Stipulations of approval of a planned development ~~plan~~ may include requirements to construct improvements, dedicate ~~needed~~ property and easements, or contribute money to improvements to public facilities such as roadways, ~~new~~ medians, sanitary sewer and water facilities, drainage ~~systems facilities~~, street lighting, landscaping, signage, parks and recreational facilities, walkways and sidewalks, burying of utility lines along abutting rights-of-way or ~~adopted planned~~ streetscape improvements.
- (4) A minimum of a ~~ten five-foot wide~~ sidewalk shall be provided along any street right-of-way or on private property by easement dedication ~~to the city~~ if the right-of-way is of insufficient width. ~~The board of commissioners can reduce the minimum sidewalk width if there are engineering or environmental limitations making a ten-foot wide sidewalk not feasible.~~
- (5) The total land area within the development and the area devoted to each functional portion of the development shall be adequate to serve its intended purpose.

- (6) Streets, utilities, drainage ~~systems facilities, landscaping,~~ recreation areas, building heights, size ~~and scale and yards,~~ and vehicular parking and loading facilities shall be appropriate for the particular use involved, and shall equal or exceed the level of design and construction quality required of similar land development elsewhere in the city.
- (7) Visual character and community amenities shall be equal or better in quality than that required by ~~standard a similar development designed with the~~ zoning district ~~standards prior to rezoning to PD. s for similar development.~~
- (8) Open space shall be adequate for the type of development ~~being proposed and the population density of the proposed development.~~
- ~~(9) Outdoor storage of merchandise or materials shall be prohibited.~~
- ~~(109)~~ Areas proposed for common ownership shall be subject to a reliable and continuing maintenance guarantee.
- ~~(11) All existing nonconforming signs or sign structures shall be removed.~~
- ~~(1210)~~ In the case of developments, which are to be constructed in several phases, the proposed phases shall be shown on the overall development plan. The proposed construction phases shall individually comply with the standards set forth in this section in order that, if for any reason construction ceases prior to completion of the entire planned development, the resulting partially complete project will adequately serve its purchasers and occupants and will not cause a general public problem. Each phase should be able to be completed entirely such that each phase may be independently provided a Certificate of Occupancy.

Lastly, the board of commissioners must review the ~~plans, drawings, and schematics preliminary for the proposed development plan~~ development plan in detail. Such drawings shall define the physical character of the project, including all building and architectural treatments. The board of commissioners' review will ensure conformance with the following design standards:

- (1) Treatment of the sides and rear of all buildings within the planned development shall be compatible in amenity and appearance to treatment given to street frontages of the same buildings.
- (2) All buildings in the layout and design shall be an integral part of the development and have convenient pedestrian access to and from adjacent uses.
- (3) Individual buildings shall be related to each other in design, mass, materials, placement and connections to provide a visually and physically integrated development.
- (4) Landscape treatments for walkways, plazas, arcades, roads, and service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area. The landscape plan submittal shall include the anticipated appearance of the trees and landscape materials after five years of growth to visually provide their size and proportion relative to the proposed buildings, view corridors, curb appeal, pedestrian corridors, etc.
- (5) The project's scale, and the size, color and proportion of building elements, components and materials are appropriate and harmonious with surrounding neighborhood characteristics structures.
- (6) All mechanical equipment, electrical equipment, roof top equipment, refuse areas associated with this project shall not be visible from the public right-of-way be screened.
- (7) Appropriate building materials are being used. The use or employment of any of the following is generally considered inappropriate and will not be permitted unless appropriately integrated into a project meeting all other criteria, including aesthetic criteria, of this article:
 - a. Corrugated metal siding;
 - b. Prefabricated metal buildings or their components;

- c. Primary colors or black; and
 - d. False windows or doors, unless used on a parking structure or level to blend into the built environment; ~~and~~
 - e. Unmodified formula and trademark buildings and structures.
- (8) The project's location and design adequately protects or enhances unique site characteristics such as those related to scenic views, natural vistas, waterways or similar features.
- (9) The project appropriately integrates landscape elements into the site plan and building design. Plantings shall be of a size to give the appearance that the project is settled into a mature landscape. The landscape submittal shall include a description of each tree and plant proposed on site by type and details relative to maximum height/size and color at maturity.
- ~~(10) Signage and other building appurtenances are integral components of the building, appropriately scaled, and consistent in character with the building's overall design.~~
- ~~(11) The project incorporates defensible space concepts of crime prevention through environmental design. A lighting plan shall be provided to review safety considerations for pedestrians and motorists, as well as, environmental impacts.~~

Sec. 110-394. Methods of documenting all approvals and conditions.

All plans, schematics, and conditions of a planned development approval will become part of a development order for the project. The development order shall state with specificity the development plan approved by the board of commissioners. The executed development order shall be recorded in the public records of Pinellas County prior to issuance of any building permit for the project.

Sec. 110-395. Effect of PD zoning.

Upon the rezoning of land to a PD district, the approved development plan, along with such requirements, safeguards, modifications or stipulations as may have been included by the board of commissioners in its rezoning action shall be substantially complied with relative to the issuance of all building permits, zoning clearances and certificates of occupancy by the city.

Deviation from the approved development plan or failure to comply with any requirement, safeguard, modification or stipulation imposed by the city at the time of rezoning land to the PD district shall constitute a violation of the Land Development Code, chapter 82.

Sec. 110-396. Changes in development plan.

Standard operating adjustments that do not have to go before the board of commissioners for review includes fences, additional parking, pools, landscaping, signage, and accessory structures that meet the requirements of the zoning district prior to the rezoning of PD. It is the intent of the PD rezoning phase that the project be conceptual in nature, therefore interior layouts and egress and ingress may change from the concept plan without any public hearing process as long as the project remains within the approved setbacks.

Minor modifications to an approved development order may be approved by the board of commissioners. A minor modification includes changes such as curb cuts, sidewalks, bicycle paths, uses that create an increase in parking requirements (e.g. office to restaurant) or trip generation rate, and complete alterations of architectural style (e.g. old Floridian to brutalist). A minor modification ~~is one which~~ does not increase the density or intensity of the development to occur upon the property; does not result in a reduction or change of previously approved setbacks, open space or public improvements; does not increase the height of the development to occur upon the property; or does not substantially alter the location of any improvements approved for the site. The approved PD zoning conditions, or approved Development Agreement may allow for a percentage of allowances in reduction of

height, intensity, and density and/or increase in setbacks and is not considered a minor modification and does not require further review or consideration by the board of commissioners.

~~There shall be no other modifications of any approved development order permitted by the board of commissioners, without a public hearing.~~ Any applicant desiring such other modifications to an approved development order or approved development plan must commence the planned development approval process anew. Any such applicant must pay the applicable fee and submit the application for a modification to the development order. Such application shall be processed in the same manner as the board of commissioners considered the original development plan, including a public hearing. An amended development order issued pursuant to section 110-394 shall reflect any changed or modified approvals and be recorded in the public records of Pinellas County.

Sec. 110-397. Time limitations.

- (a) Upon failure to complete plans, drawings, and schematics for the proposed development plan within six months of the neighborhood information meeting; the application shall be null and void. No further review or processing of that application shall occur and there shall be no refund of the application fee. The city manager may administratively grant an extension of up to three months upon determination that a good faith effort to submit plans has been made.
- (b) Upon failure to complete plans, drawings, and schematics for the proposed development plan within six months of receiving the technical review comments of the city staff and reviewing agencies; the application shall be null and void. No further review or processing of that application shall occur and there shall be no refund of the application fee or any site plan review fee. The city manager may administratively grant an extension of up to three months upon determination that a good faith effort to submit plans has been made.
- (c) Upon the effective date of an ordinance authorizing a PD district, construction shall commence within ~~12~~ 24 months.
- (d) Upon application filed prior to or on the date of commencement set forth in (c), the city manager may grant a one-year extension of the commencement date upon a determination that a good faith effort to commence construction prior to the commencement date has been made. The city manager may administratively grant up to three one-year extensions. Thereafter, the board of commissioners by resolution may grant a one-year extension of the commencement date upon a determination that a good faith effort to commence construction prior to the commencement date has been made.
- (e) Upon failure to commence construction within the specified time or failure to comply with Section 104.5 of the Florida Building Code:
 - (1) The ordinance rezoning this site to PD shall be automatically deemed repealed;
 - (2) The zoning for the site shall revert to the zoning classification that existed on the site prior to approval thereof; and
 - (3) No further development shall occur on site and no building permit or development order shall be issued thereafter under the terms of the PD district.
- ~~(f) After the commencement date described in subsection (a), no building permit or development order for a new or expanded structure shall be issued under the terms of the PD district without the board of commissioner's approval. Authorization of the PD district shall not create a right to such issuance.~~
- ~~(g)~~ "Construction" for purposes of this section, shall mean obtaining a building permit for a structure or structures authorized in the PD district and initiating substantial site and structural improvements, not including land clearing, land filling and soil compaction.

~~All time limitations set forth in this section shall be applicable to all PD applications filed with the city, as of September 26, 2006.~~

Secs. 110-398—110-400. 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.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS _____ day of _____, 2025.

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: _____

Business Impact Estimate

Proposed ordinance's title/reference:
Ordinance 2025-04: Planned Development

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 2025-04: Planned Development amends the Planned Development (PD) division in the Madeira Beach Code of Ordinances to fix inconsistencies, reference the Forward Pinellas Countywide Rules, and update the standards in that division to current practices.

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):

Chapter 110 Zoning, Article V. Districts, Division 10 PD, Planned Development in the Madeira Beach Code of Ordinances has some inconsistencies that need to be resolved. Ordinance 2025-04 fixes these inconsistencies.

**Memorandum****Meeting Details:** February 3, 2025 – Planning Commission**Prepared For:** Planning Commission**From:** Community Development Department**Subject:** Ordinance 2025-05: Temporary shelters on residential property

Background: Florida Statute 166.0335 prohibits municipalities from prohibiting one temporary shelter on residential property after the Governor issues a declaration of state of emergency.

Discussion: Madeira Beach Land Development Regulations does not allow occupied recreational vehicles (Section 94-103) and does not provide any allowances after a state of emergency. Florida Statute 166.0335 prohibits municipalities from prohibiting the placement of one temporary shelter on residential properties after a natural emergency during which a permanent residential structure was damaged and rendered uninhabitable. The Statute includes standards for the temporary shelter such as time limitations, connection to water and electricity, and that the shelter does not present a threat to health and human safety. The National Flood Insurance Program also has requirements in the floodplain for structures such as recreational vehicles, one of which being the vehicle must be fully licensed and ready for highway use.

Recommendation(s):

Staff recommends approval of Ordinance 2025-05 Temporary Shelters on Residential Properties.

Fiscal Impact or Other:

N/A

Attachments:

Ordinance 2025-05 Temporary Shelters on Residential Properties

FS 166.0335 Temporary Shelter Provision

Ordinance 2025-05 Business Impact Statement

ORDINANCE 2025-05

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 94 FLOODPLAIN MANAGEMENT, DIVISION 10. FLOOD RESISTANT DEVELOPMENT, ARTICLE I. BUILDINGS AND STRUCTURES, SECTION 94-103. MANUFACTURED HOMES AND RECREATIONAL VEHICLES, OF THE CITY'S LAND DEVELOPMENT CODE PROVIDING FOR THE USE OF RECREATIONAL VEHICLES AS TEMPORARY SHELTERS ON RESIDENTIAL PROPERTIES FOLLOWING A NATURAL EMERGENCY; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Madeira Beach's Land Development regulations do not allow for occupied recreational vehicles; and

WHEREAS, Florida Statute 166.0335 prohibits municipalities from prohibiting the placement of one temporary shelter on residential properties after a natural emergency during which a permanent residential structure was damaged and rendered uninhabitable; and

WHEREAS, Florida Statute 166.0335 includes standards for the temporary shelter which includes time limitations, connection to water and electricity, and that the shelter does not present a threat to health and human safety; and

WHEREAS, Florida Statute 166.0335 requires the resident to live in the temporary structure; and

WHEREAS, the National Flood Insurance Program (NFIP) requires minimum standards for occupied recreational vehicles; and

WHEREAS, City staff has recommended certain revisions to the Land Development Code to provide for the use of temporary shelters after a natural emergency during which a permanent residential structure was damaged and rendered uninhabitable; and

WHEREAS, the Planning Commission has considered the recommended changes referenced above 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 Chapter 94 (Floodplain Management) Division 10. (Flood Resistant Development) Article I (Buildings and Structures) Section 94-103 (Manufactured homes and recreational vehicles) of the Land Development Code of the City of Madeira Beach is hereby amended to read as follows:

Sec. 94-103. Manufactured homes and recreational vehicles.

In accordance with ~~the chapter~~ Chapter 110, Zoning, permitted uses and special exceptions do not include manufactured homes or occupied recreational vehicles unless used for a temporary shelter on residential property following a declaration of state of emergency issued by the Governor for a natural emergency during which a permanent residential structure was damaged and rendered uninhabitable.

Recreational vehicles used for temporary shelter on residential property after a natural emergency must be fully licensed and ready for highway use, connected to water and electric utilities, does not present a threat to health and human safety, and cannot be on site for more 36 months after the date of the declaration or until a certificate of occupancy is issued on the permanent residential structure on the property, whichever occurs first. The resident must live in the recreational vehicle and make a good faith effort to rebuild or renovate the damaged permanent residential structure including, but not limited to applying for a building permit, submitting a plan or design to the City or obtaining a construction loan.

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.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH,
FLORIDA, THIS _____ day of _____, 2025.**

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: _____

West's Florida Statutes Annotated
Title XII. Municipalities (Chapters 165-185)
Chapter 166. Municipalities (Refs & Annos)
Part I. General Provisions

West's F.S.A. § 166.0335

166.0335. Temporary shelter prohibition

Effective: July 1, 2023

[Currentness](#)

(1) For the purposes of this section, the term “temporary shelter” includes, but is not limited to, a recreational vehicle, trailer, or similar structure placed on a residential property.

(2) Notwithstanding any other law, ordinance, or regulation to the contrary, following the declaration of a state of emergency issued by the Governor for a natural emergency as defined in [s. 252.34\(8\)](#) during which a permanent residential structure was damaged and rendered uninhabitable, a municipality may not prohibit the placement of one temporary shelter on the residential property for up to 36 months after the date of the declaration or until a certificate of occupancy is issued on the permanent residential structure on the property, whichever occurs first, if all of the following circumstances apply:

(a) The resident makes a good faith effort to rebuild or renovate the damaged permanent residential structure, including, but not limited to, applying for a building permit, submitting a plan or design to the municipality, or obtaining a construction loan.

(b) The temporary shelter is connected to water and electric utilities and does not present a threat to health and human safety.

(c) The resident lives in the temporary structure.

Credits

Added by [Laws 2023, c. 2023-304, § 2, eff. July 1, 2023](#).

West's F. S. A. § 166.0335, FL ST § 166.0335

Current with laws, joint and concurrent resolutions and memorials in effect from the 2024 second regular session. The statutes include changes from the Florida Revisor of Statutes.

End of Document

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Business Impact Estimate

Proposed ordinance's title/reference:
Ordinance 2025-05: Temporary Shelters on Residential Property

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 2025-05 is in response to FS 166.0335, which prohibits local jurisdictions from prohibiting one temporary shelter on residential properties after a natural emergency during which a permanent residential structure was rendered uninhabitable.

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. This ordinance only applies to residential properties.

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. This ordinance only applies to residential properties.

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

Florida Statute 166.0335



Memorandum

Meeting Details: February 3, 2025 - Planning Commission Meeting
Prepared For: Planning Commission
Staff Contact: Community Development Department
Subject: Ordinance 2025-06 Amendment to Capital Improvement Element of Comprehensive Plan

Background

Each fiscal year, the city is required by Florida Statutes and by its own comprehensive plan to amend its 5-year Capital Improvements Program (CIP) and update the Capital Improvements Element of the Comprehensive Plan.

Discussion

The Planning Commission acting as the Local Planning Agency (LPA) is required to review and make recommendations regarding the CIP and then have a public hearing to update the Capital Improvements Element of the Comprehensive Plan. The portions of the CIP that are to be reviewed are those facility improvements of \$100,000 or more that affect the levels of service standards adopted in the Comprehensive Plan.

Fiscal Impact

The total fiscal impact of the Capital Improvements Program is \$44,924,500: \$20,075,500 for FY 2025, \$15,125,000 for FY 2026, \$7,820,000 for FY 2027, \$744,000 for FY 2028, \$1,160,000 for FY 2029, and \$0 for FY 2030.

Recommendation(s)

Staff recommends the approval of Ordinance 2025-06.

Attachments/Corresponding Documents

- Ordinance 2025-06
- Ordinance 2025-06 Business Impact Statement

ORDINANCE 2025-06

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO UPDATE THE CAPITAL IMPROVEMENT PROGRAM (CIP) SCHEDULE OF CAPITAL IMPROVEMENTS FOR FISCAL YEARS 2025 THROUGH 2030; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City of Madeira Beach Planning Commission conducted a public hearing and accepted public input regarding the update to the Capital Improvement Program (CIP) Schedule of Capital Improvements for the fiscal years 2025 through 2030 in the Capital Improvements Element of Comprehensive Plan of the City of Madeira Beach and provided its recommendation to the Board of Commissioners; and

WHEREAS, the City of Madeira Beach Board of Commissioners has considered the Planning Commission’s recommendations and received input from the public at two public hearings.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA THAT;

Section 1. That the Capital Improvement Program (CIP) Schedule of Capital Improvements of the Capital Improvements Element of the City of Madeira Beach Comprehensive Plan is hereby amended and shall read as follows:

Item 5D.

<u>Account Description</u>	<u>Project Title</u>	<u>Description</u>	<u>Fiscal Year 2025</u>	<u>Fiscal Year 2026</u>	<u>Fiscal Year 2027</u>	<u>Fiscal Year 2028</u>	<u>Fiscal Year 2029</u>	<u>Fiscal Year 2030</u>
Capital Improvements	City Hall Veranda & Stair Replacement	Replace tiles along the stairs and the second-floor veranda of City Hall. The current tile is not all slip resistant, and grout is coming out on the stairs.	<u>150,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Equipment	Chamber Upgrades	Upgrade the equipment on the AV rack in the chamber room.	<u>20,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Equipment	Replace 2016 Duralift mounted bucket	Replace Duralift mounted bucket on truck #19	<u>-</u>	<u>45,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Equipment	Replace #44 Caterpillar Backhoe	Replace 2018 Caterpillar Backhoe	<u>-</u>	<u>-</u>	<u>-</u>	<u>85,000</u>	<u>-</u>	<u>-</u>

Item 5D.

<u>Account Description</u>	<u>Project Title</u>	<u>Description</u>	<u>Fiscal Year 2025</u>	<u>Fiscal Year 2026</u>	<u>Fiscal Year 2027</u>	<u>Fiscal Year 2028</u>	<u>Fiscal Year 2029</u>	<u>Fiscal Year 2030</u>
Capital Improvements	<u>Interior Remodel/improvement for storage</u>	<u>The fire station needs air-conditioned storage space for uniforms, public education & community risk reduction items as well as other station related items unable to be stored in an outside environment.</u>	<u>10,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Improvements	<u>Painting of station; interior & exterior</u>	<u>Painting of the interior and exterior of fire station once repairs are made after pending litigation</u>	<u>65,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Equipment	<u>Appliances - Kitchen & Laundry Replacement</u>	<u>Replace the kitchen and laundry appliances in the fire station</u>	<u>18,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Equipment	<u>Replacement of MDTs</u>	<u>Replacement of MDTs per replacement policy</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>34,000</u>	<u>-</u>	<u>-</u>

Item 5D.

<u>Account Description</u>	<u>Project Title</u>	<u>Description</u>	<u>Fiscal Year 2025</u>	<u>Fiscal Year 2026</u>	<u>Fiscal Year 2027</u>	<u>Fiscal Year 2028</u>	<u>Fiscal Year 2029</u>	<u>Fiscal Year 2030</u>
Capital Equipment	<u>MDTs - Replacement</u>	<u>Pinellas County is mandating that all departments obtain MDTs that must meet specifications outlined by the County. 1 Admin Vehicle MB400 and 3 Apparatus</u>	<u>24,500</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Equipment	<u>Bunker Gear Replacement</u>	<u>Replacement of 14 sets of outdated bunker gear per NFPA</u>	<u>-</u>	<u>-</u>	<u>50,000</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Equipment	<u>SCBA Replacement</u>	<u>Replacement of SCBA equipment - replacement recommended by NFPA Standards; Department applied for AFG Grant</u>	<u>310,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Improvements	<u>Recreation Center Fire Suppression System</u>	<u>Fire suppression system for Recreation building.</u>	<u>150,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

Item 5D.

<u>Account Description</u>	<u>Project Title</u>	<u>Description</u>	<u>Fiscal Year 2025</u>	<u>Fiscal Year 2026</u>	<u>Fiscal Year 2027</u>	<u>Fiscal Year 2028</u>	<u>Fiscal Year 2029</u>	<u>Fiscal Year 2030</u>
Capital Improvements	<u>Field Maintenance Vehicle</u>	<u>New field maintenance vehicle/rake/leveler.</u>	<u>45,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Improvements	<u>Public Works & Building Services Facility</u>	<u>Building for Public Works employees & vehicles and Building Services operations</u>	<u>1,000,000</u>	<u>1,000,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Equipment	<u>Replacement of T125</u>	<u>Replacement of T125 (2017) per City replacement policy</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>1,100,000</u>	<u>-</u>
Capital Equipment	<u>Deputy Chief Vehicle</u>	<u>New position of Deputy Chief; vehicle will serve as a command center during emergency calls. Includes outfitting of vehicle and MDT</u>	<u>69,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

Item 5D.

<u>Account Description</u>	<u>Project Title</u>	<u>Description</u>	<u>Fiscal Year 2025</u>	<u>Fiscal Year 2026</u>	<u>Fiscal Year 2027</u>	<u>Fiscal Year 2028</u>	<u>Fiscal Year 2029</u>	<u>Fiscal Year 2030</u>
Capital Equipment	<u>Replacement of MB100 Vehicle</u>	<u>Replace current 2017 Ford Explorer through Florida Sheriffs Cooperative Purchasing Program. Utilizing the LOST Fund including outfitting & MDT.</u>	<u>69,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Improvements	<u>Shade Awnings and Dugout Replacement</u>	<u>Replace dugouts and add shade awnings to Recreation Fields.</u>	<u>200,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Improvements	<u>Concession Stand</u>	<u>Engineering and Construction of Concession Stand Replacement. Upgrade of restroom facilities, concession kitchen, storage, and office space.</u>	<u>500,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Improvements	<u>Basketball Court Enclosure</u>	<u>Building to enclose existing basketball court.</u>	<u>-</u>	<u>500,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

<u>Account Description</u>	<u>Project Title</u>	<u>Description</u>	<u>Fiscal Year 2025</u>	<u>Fiscal Year 2026</u>	<u>Fiscal Year 2027</u>	<u>Fiscal Year 2028</u>	<u>Fiscal Year 2029</u>	<u>Fiscal Year 2030</u>
Capital Equipment	Recreation Truck	Truck to be utilized by the Recreation Department for range of department needs included maintenance, special events, and other activities.	<u>50,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Equipment	Passenger Van Replacement	Vehicle Replacement for #97 - Ford Van	<u>-</u>	<u>60,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Improvements	Roadway Resurfacing Village Blvd, Boardwalk Pl, & Surface Lot	Mill and resurface Village Blvd, Boardwalk Place, and the surface parking lot.	<u>1,000,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Improvements	Mill and Resurface parking lot at Archibald	Mill and Resurface the parking lot and thermo stripe	<u>500,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Improvements	Archibald Restroom rebuild.	Demo and Rebuild Archibald Restrooms	<u>1,500,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

Account Description	Project Title	Description	Fiscal Year 2025	Fiscal Year 2026	Fiscal Year 2027	Fiscal Year 2028	Fiscal Year 2029	Fiscal Year 2030
Capital Improvements	<u>Beach Groin Renourishment Project</u>	<u>50% Match Grant with FDEP to renourish the 22-23 exposed beach groins.</u>	<u>1,500,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Equipment	<u>#40 Replacement F350 dump truck</u>	<u>Replace #40 a 2009 F350 dump truck</u>	<u>-</u>	<u>150,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Equipment	<u>Replace #36 Chevy 1500 with a utility bed</u>	<u>Replace #36 a Chevy 1500 with a utility bed</u>	<u>-</u>	<u>60,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Equipment	<u>Replace #109 John Deere Gator 825i</u>	<u>Replace 2016 John Deere Gator 825i</u>	<u>25,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Equipment	<u>Replace #112 Chevy 1500 with liftgate</u>	<u>Replace 2018 Chevy 1500 with liftgate</u>	<u>-</u>	<u>60,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Buildings	<u>Satellite Office</u>	<u>Multi-purpose satellite office associated with construction of public works facility for enforcement of Florida Building Code</u>	<u>500,000</u>	<u>500,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Improvements	<u>Metal Roof for boatlift</u>	<u>Metal roof over boatlifts to protect boat(s)</u>	<u>75,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

Item 5D.

<u>Account Description</u>	<u>Project Title</u>	<u>Description</u>	<u>Fiscal Year 2025</u>	<u>Fiscal Year 2026</u>	<u>Fiscal Year 2027</u>	<u>Fiscal Year 2028</u>	<u>Fiscal Year 2029</u>	<u>Fiscal Year 2030</u>
Capital Improvements	<u>Additional Building Department Vehicle Parking</u>	<u>Additional parking spaces for building department vehicles at City Centre</u>	<u>75,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Improvements	<u>Reconfigure Building Department Permit Desk</u>	<u>Redesign permit desk to create more office space</u>	<u>25,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Equipment	<u>Replace #26 Kenworth T880</u>	<u>Replace #26 a 2020 Kenworth T880 with 32 Yd Heil Packer</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>350,000</u>	<u>-</u>	<u>-</u>
Capital Equipment	<u>Replace #29 Kenworth T880</u>	<u>Replace #29 2019 Kenworth T880 with 32 yd Heil Packer</u>	<u>-</u>	<u>-</u>	<u>325,000</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Equipment	<u>Replace #3 F250</u>	<u>Replace 2019 F250 with Easy Dump</u>	<u>-</u>	<u>75,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Equipment	<u>Replace #68 F250</u>	<u>Replace 2019 F250 with Easy Dump</u>	<u>-</u>	<u>75,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Equipment	<u>Replace #24 Chevy Silverado 1500</u>	<u>Replace a 2019 Chevy Silverado 1500 with a liftgate</u>	<u>-</u>	<u>-</u>	<u>60,000</u>	<u>-</u>	<u>-</u>	<u>-</u>

Item 5D.

Item 5D.

<u>Account Description</u>	<u>Project Title</u>	<u>Description</u>	<u>Fiscal Year 2025</u>	<u>Fiscal Year 2026</u>	<u>Fiscal Year 2027</u>	<u>Fiscal Year 2028</u>	<u>Fiscal Year 2029</u>	<u>Fiscal Year 2030</u>
Capital Equipment	Replace #5 Chevy Silverado	Replace a 2019 Chevy Silverado 1500 with a liftgate	-	-	60,000	-	-	-
Capital Equipment	Replace #18 Peterbuilt Claw truck	Replace #18 2023 Peterbuilt Claw truck	-	-	275,000	-	-	-
Capital Equipment	Replace #21 Broyhill Load & Pack	Replace #21 2020 Broyhill Load & Pack	-	-	-	275,000	-	-
Drainage & Roadway Improvement	Area 6a - 155th Ave, 154th Ave, 153rd Ave, 1st St E, 2nd St E, Harbor Dr and Municipal Dr	Mill and resurface, fix curbing and upgrade stormwater inlets and outfalls as needed	4,000,000	-	-	-	-	-
Drainage & Roadway Improvement	Area 5 - 131st Ave E & 129th Ave.	Mill & Resurface, Curb Repair, and Stormwater drainage improvements	495,000	-	-	-	-	-
Drainage & Roadway Improvement	Area 3 - East Parsley, West Parsley, Margueirte Dr, A Street, B Street, and Lynn Way	Mill & Resurface, Curb Repair, and Stormwater drainage improvements	500,000	-	-	-	-	-

Item 5D.

<u>Account Description</u>	<u>Project Title</u>	<u>Description</u>	<u>Fiscal Year 2025</u>	<u>Fiscal Year 2026</u>	<u>Fiscal Year 2027</u>	<u>Fiscal Year 2028</u>	<u>Fiscal Year 2029</u>	<u>Fiscal Year 2030</u>
<u>Drainage & Roadway Improvement</u>	Area 9 - Bay Point, Pruitt, Sunset Cove, Virginia, S Bayshore, & Marlyn Way	Bay Point, Pruitt, Sunset Cove, Virginia, S Bayshore, & Marlyn Way Mill Resurface, Storm Repair/replacement and Curb	<u>200,000</u>	<u>7,000,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>Drainage & Roadway Improvement</u>	Area 4 - E Madeira Ave, N Bayshore to 145th, 1st Ave E, 148th Ave, 147th Ave, 146th Ave, 145th Ave.	E Madeira Ave, N Bayshore to 145th, 1st Ave E, 148th Ave, 147th Ave, 146th Ave, 145th Ave. Mill & Resurface, Curb Repair, and Stormwater drainage improvements.	<u>-</u>	<u>200,000</u>	<u>7,000,000</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>Drainage & Roadway Improvement</u>	Area 7 - American Legion Dr.	American Legion Dr. Mill & Resurface, Curb Repair, and Stormwater drainage improvements	<u>1,500,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>Capital Equipment</u>	Replace #70 F250	Replace 2021 F250 with Utility Body	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>60,000</u>	<u>-</u>

Item 5D.

<u>Account Description</u>	<u>Project Title</u>	<u>Description</u>	<u>Fiscal Year 2025</u>	<u>Fiscal Year 2026</u>	<u>Fiscal Year 2027</u>	<u>Fiscal Year 2028</u>	<u>Fiscal Year 2029</u>	<u>Fiscal Year 2030</u>
Capital Equipment	Replace #77 Elgin Whirlwind Street Sweeper	Replace 2018 Elgin Whirlwind Street Sweeper	-	350,000	-	-	-	-
Capital Equipment	Replace #111 - 2016 Chevy Silverado 2500	Replace a 2016 Chevy Silverado 2500 - With a similar truck for use during flooding.	60,000	-	-	-	-	-
Capital Equipment	Replace #110 - 2016 Chevy Silverado 2500	Replace a 2016 Chevy Silverado 2500 - With a similar truck for use during flooding.	60,000	-	-	-	-	-
Capital Improvements	Marina Seawall Replacement	The replacement of 360' of seawall, from the boat ramp to the fuel dock. This project was approved in FY 2024 and may not be completed by the end of FY 2024.	200,000	-	-	-	-	-

Item 5D.

<u>Account Description</u>	<u>Project Title</u>	<u>Description</u>	<u>Fiscal Year 2025</u>	<u>Fiscal Year 2026</u>	<u>Fiscal Year 2027</u>	<u>Fiscal Year 2028</u>	<u>Fiscal Year 2029</u>	<u>Fiscal Year 2030</u>
Capital Equipment	<u>Additional Fuel Dispenser</u>	<u>Add another dual pump/hose Gasoline dispenser to help increase revenue and customer service.</u>	<u>30,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Improvements	<u>Parking Garage</u>	<u>Multimodal transportation facility at John's Pass Village</u>	<u>5,000,000</u>	<u>5,000,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Equipment	<u>ParkSmart's smart sensors</u>	<u>ParkSmart's smart sensors monitor individual parking spaces and relay occupancy. ALPR cameras may also be added; another Kubota is available for events and patrol.</u>	<u>150,000</u>	<u>50,000</u>	<u>50,000</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total:			<u>20,075,500</u>	<u>15,125,000</u>	<u>7,820,000</u>	<u>744,000</u>	<u>1,160,000</u>	<u>=</u>

Project Title	Item Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Military Honor Court	Construction of the Military Honor Court	250,000-						
Replace #44	Replace 2018 Caterpillar Backhoe					85,000-		
Replace #19	Replace 2004 Ford F550	75,000-						
Replace 2016 Duralift mounted bucket	Replace Duralift mounted buck on truck #19			45,000-				
Painting of Fire Station	Painting of Fire Station	50,000-						
Replacement of SCBA	Replacement of Self-Contained Breathing Apparatus		250,000-					
Replacement of Bunker Gear -- Lucas	Replacement of Bunker Gear per NFPA -- Lucas						5,000-	
Replacement of Portable Radios	Replacement of portable radios and updating the communications equipment per replacement plan	53,000-						

Project Title	Item Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Replacement of Portable Radios- Emergency Communications	Replacement schedule- Portable Radios- for Emergency Communication s-	---	---	---	---	---	---	55,000-
Replacement of Kitchen Appliances-	Replacement of Kitchen Appliances-	---	---	12,000-	---	---	---	---
Replacement of Mobile Data Terminals-	Replacement of MDTs with refurbished 3 yr warranty- Panasonic Toughbooks-	---	11,000-	---	---	---	---	---
Replacement of Bunker Gear per NFPA- Ubiles-	Replacement of Bunker Gear per NFPA- Ubiles-	---	---	---	4,500-	---	---	---
Replacement of Bunker Gear- Whitfield-	Replacement of Bunker Gear per NFPA- Whitefield-	---	---	---	---	---	---	5,000-
Replacement of Bunker Gear- Wasilewski-	Replacement of Bunker Gear per NFPA- Wasilewski-	---	---	---	---	---	---	5,000-
Replacement of Bunker Gear- Roberts	Replacement of Bunker Gear per NFPA- Roberts-	---	---	4,500-	---	---	---	---

Project Title	Item Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Replacement of Bunker Gear – Childers	Replacement of Bunker Gear per NFPA – Childers	—	4,500	—	—	—	—	—
Replacement of MDTs	Replacement schedule of Mobile Data Terminals	—	—	—	—	12,000	—	—
Replacement of all 2017 sets of bunker gear per NFPA	Per NFPA 10-yr old bunker gear must be replaced – primary or secondary	—	—	—	50,000	—	—	—
Replacement Appliances – Laundry	Replacement of 10-yr old appliances in the fire station (laundry)	8,500	—	—	—	—	—	—
Brick Pavers under shade awnings	Paver area under two shade awnings in Ball Field Area.	25,000	—	—	—	—	—	—

Project Title	Item Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Engineering for Concession/Basketball Court Facility	Engineering for Concession/Basketball Court Facility on existing tennis court location. Increased size of restrooms and enclosure of courts to expand programming offerings.	100,000						
Public Works & Building Services Facility	Building for Public Works employees & vehicles and Building Services operations.	1,500,000						
Johns Pass Park Parking lot Improvements	Mill, Resurface, Stripe, and Improve Johns Pass Parking lot area.	450,000						
Quick Response Vehicle	Quick Response Vehicle (LOST Fund)	100,000						
Replacement of T125	Replacement schedule of 2017 Rosenbauer Truck 25						1,100,000	

Project Title	Item Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Replacement of 2014 Polaris Ranger	Replacement of 2014 Polaris Ranger	25,000-		—	—	—		—
Replacement of 2017 Explorer	Replacement of Fire Chief's vehicle per City's vehicle replacement plan- LOST Fund	—	55,000-	—	—	—		—
Concession Stand	Engineering and Construction of Concession Stand Replacement. Upgrade of restroom facilities, concession kitchen, storage, and office space.	—	500,000-	—	—	—		—
Recreation Center Solar	Solar on roof of Recreation Center—BP Funds	100,000-		—	—	—		—
Dog Park	Dog park upgrade. Synthetic turf and other improved features.	200,000-		—	—	—		—

Project Title	Item Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Shade Awnings and Dugout Replacement	Replace dugouts and add shade awnings to Recreation Fields.	200,000-						
Basketball Court Enclosure	Building to enclose existing basketball court.		500,000-					
Concrete around Field 2	Concrete on both sides of Field 2 to replace existing shell which is currently in place. Improves seating access and minimizes maintenance to the area.	30,000-						
City Centre Complex Sidewalk	Replacement of Sidewalk along Rex Place	25,000-						
Recreation Truck	Vehicle Replacement for #20—Chevy Silverado		40,000-					
Passenger Van Replacement	Vehicle Replacement for #97—Ford Van			40,000-				

Project Title	Item Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Bus Replacement for Social Club	Replacement of E450 Bus with larger, handicap-accessible bus for Senior Program.	150,000						
Roadway Resurfacing Village Blvd, Boardwalk Pl, & Surface Lot	Mill and resurface Village Blvd, Boardwalk Place, and the surface parking lot.		1,000,000					
Archibald Restroom rebuild.	Demo and Rebuild Archibald Restrooms	1,000,000						
Parking lot light repair	Repair the current light system for the parking lot							
Beach Groin Renourishment Project	50% Match Grant with FDEP to renourish the 22-23 exposed beach groins.	3,500,000						
Park Improvements	Enhance pocket parks in Boca Ciega neighborhood	150,000						

Project Title	Item Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Mill and Resurface parking lot at Archibald	Mill and Resurface the parking lot and thermo stripe	—	450,000	—	—	—	—	—
Patriot Park Fishing Piers rebuild	Rebuild 2 fishing piers located at Patriot Park	125,000	—	—	—	—	—	—
Replace #36	Replace #36 a Chevy 1500 with a utility bed	—	—	60,000	—	—	—	—
#40 Replacement	Replace #40 a 2009 F350 dump truck	—	—	150,000	—	—	—	—
Purchase new F250 Utility Truck	Purchase new F250 utility truck for Grounds Maint. Employee.	60,000	—	—	—	—	—	—
Replace #112	Replace 2018 Chevy 1500 with liftgate	—	—	60,000	—	—	—	—
Replace #109	Replace 2016 John Deere Gator 825i	—	—	25,000	—	—	—	—
Landscape equipment	Landscape equipment needed to maintain city parks.	—	—	—	—	—	—	—

Project Title	Item Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Satellite office	Satellite office for Building Department in conjunction with new Public Works facility	700,000-						
New 150hp motor for Building Department boat	New motor for Building Department boat	20,000-						
New Ford Lightning Truck	New Building Department Vehicle	65,000-						
Boat Power Poles	Anchor system for building department boat	6,000-						
Replace #21 Broyhill Load & Pack	Replace #21 Broyhill Load & Pack					275,000-		
Replace #29	Replace #29 2019 Kenworth T880 with 32-yd Heil Packer				325,000-			
Replace #68	Replace 2019 F250 with Easy Dump			75,000-				
Replace #33	Replace # 33 a 2016 Peterbilt Garbage truck.	325,000-						

Project Title	Item Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Replace #26	Replace #26 a 2020 Kenworth T880 with 32-Yd Heil Packer	—	—	—	—	350,000	—	—
Truck Lift Improvement -- 96-gallon cans	Truck Lift Improvement -- 96-gallon cans. Three trucks 2-lifts each for total of 6 units.	—	—	—	—	—	—	—
Replace #18	Replace #18- 2023 Peterbuilt-Claw truck	—	—	—	275,000	—	—	—
Replace #3	Replace 2019-F250 with Easy-Dump	—	—	75,000	—	—	—	—
Dual Bin Cleaner Trailer Mounted	Dual Bin Trailer mounted cleaner to clean 64G & 96G containers	80,000	—	—	—	—	—	—
Replace #5	Replace a 2019-Chevy Silverado 1500 with a liftgate	—	—	—	60,000	—	—	—
Replace #24	Replace a 2019-Chevy Silverado 1500 with a liftgate	—	—	—	60,000	—	—	—

Project Title	Item Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Area 5 - 131st Ave E & 129th Ave.	Mill & Resurface, Curb Repair, and Stormwater drainage improvements	— 2,005,000-	— 495,000-	—	—	—	—	—
Area 4-	E Madeira Ave, N Bayshore to 145th, 1st Ave E, 148th Ave, 147th Ave, 146th Ave, 145th Ave. Mill & Resurface, Curb Repair, and Stormwater drainage improvements.	—	—	200,000-	7,000,000-	—	—	—
Area 6a - 155th Ave, 154th Ave, 153rd Ave, 1st St E, 2nd St E, Harbor Dr and Municipal Dr	Mill and resurface, fix curbing and upgrade stormwater inlets and outfalls as needed	— 500,000-	— 4,000,000-	—	—	—	—	—

Project Title	Item Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Area 9	Bay Point, Pruitt, Sunset Cove, Virginia, S Bayshore, & Marlyn Way Mill Resurface, Storm Repair/replacement and Curb	—	200,000	7,000,000	—	—	—	—
Area 7	American Legion Dr. Mill & Resurface, Curb Repair, and Stormwater drainage improvements	—	1,500,000	—	—	—	—	—
Area 3 - East Parsley, West Parsley, Marguerite Dr, A Street, B Street, and Lynn Way	Mill & Resurface, Curb Repair, and Stormwater drainage improvements	4,000,000	500,000	—	—	—	—	—
Gulf Lane and Beach Access Drainage and Roadway Improvement Project	Mill & Resurface, Curb Repair, and Stormwater drainage improvements	1,800,000	—	—	—	—	—	—
Replace #70	Replace 2021-F250 with Utility Body	—	—	—	—	—	60,000	—

Project Title	Item Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Replace #111-- 2016 Chevy Silverado 2500	Replace a 2016 Chevy Silverado 2500 --With a similar truck for use during flooding	----- --	----- 60,000-	----- --	----- --	----- --	----- --	----- --
Generator- replacement for- 141st Stormwater Station-	The current generator was installed in 2007 and is near the end of its life. Staff would like to run natural gas to cut down on maintenance and fuel costs. Duke proposed an estimate of \$29,000 to run the gas line from Gulf Blvd. Generator Cost estimate at \$60,0000	----- 90,000-	-----	----- --	----- --	----- --	-----	----- --
Replace #77	Replace 2018- Elgin Whirlwind Street Sweeper	----- --	-----	----- 350,000-	----- --	----- --	-----	----- --

Project Title	Item Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Replace #110 -- 2016 Chevy Silverado 2500	Replace a 2016 Chevy Silverado 2500 -- With a similar truck for use during flooding	---	60,000-	---	---	---	---	---
Transient Docks	Year 1 -- Engineering & Design Year 2 -- Construction	200,000-	1,000,000-	---	---	---	---	---
Enclose Old Boat Pamp	Connect seawalls along old boat ramp. Remove trees and install a matching vinyl fence. This area will be filled and have a proper EPA approved boat wash down facility. The old washdown facility will be converted into ear parking.	---	50,000-	---	---	---	---	---

Project Title	Item Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Resurfacing Marina Parking Area	Recoat and resurface asphalt parking area around Marina.	—		—	400,000-	—		—
Seawall Project	Replace 360' of sea wall from the fuel dock to the boat ramp. Cost of 6' high seawall is at \$450.00 per foot.	200,000-		—	—	—		—
Digital Information Sign	Install a high quality informational digital sign in front of the Marina adjacent to 150th avenue. The sign will be used to broadcast public information about Madeira Beach and the Marina.	60,000-		—	—	—		—

Project Title	Item Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
ParkSmart's in/on-ground smart sensors	ParkSmart's innovative in/on-ground smart sensors monitor individual parking spaces and relay occupancy.	—	50,000-	50,000-	—	—		—
Parking Garage	Engineering services for parking garage and construction of the garage	— 3,000,000-	— 3,000,000-	—	—	—		—
A parking meter/kiosk	A parking meter/kiosk system can significantly benefit the parking department.	—		—	15,000-	15,000-		—

Project Title	Item Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
New Parking Vehicle	Having an additional vehicle for the parking department would be incredibly helpful in many ways. First and foremost, it would allow for increased efficiency and productivity.	35,000						
Total:		\$21,262,500	\$13,725,500	\$8,146,500	\$8,189,500	\$737,000	\$1,165,000	\$65,000

Section 2. All ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. 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 4. Pursuant to Section 163.3184(3), Florida Statutes, the effective date of this plan amendment, if the amendment is not timely challenged, is 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment is effective on the date the state land planning agency, or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution will be sent to the state land planning agency.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS _____ day of _____, 2025.

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: _____

Business Impact Estimate

Proposed ordinance's title/reference: ORDINANCE 2025-06: AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO UPDATE THE CAPITAL IMPROVEMENT PROGRAM (CIP) SCHEDULE OF CAPITAL IMPROVEMENTS FOR FISCAL YEARS 2025 THROUGH 2030; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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):

Each fiscal year, the City is required by Florida Statutes and by its own comprehensive plan to amend its 5-year Capital Improvements Program (CIP) and update the Capital Improvements Element of the Comprehensive 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.**

The fiscal impact of the Capital Improvement Program (CIP) for the City of Madeira Beach is \$20,075,500 for FY 2025, \$15,125,000 for FY 2026, \$7,820,000 for FY 2027, \$744,000 for FY 2028, \$1,160,000 for FY 2029, \$0 for FY 2030. It is not foreseen there would be direct economic impacts on private businesses by the proposed ordinance.

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

There is no foreseen impact on businesses with the proposed ordinance. The fiscal impact of the Capital Improvement Program (CIP) would be on the City of Madeira Beach.

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

This ordinance assures that the Madeira Beach Comprehensive Plan is consistent with Florida Statutes.



Memorandum

Meeting Details: February 3, 2025 - Planning Commission Meeting
Prepared For: Planning Commission
Staff Contact: Community Development Department
Subject: Ordinance 2025-07 Adult Use Restriction

Background

Florida Legislature recently created Florida Statute 787.30 which sets a minimum age for employment at adult use establishments at 21 years of age effective January 1, 2025.

Discussion

In order to comply with State Law and in an effort to reduce human trafficking locally, the City Attorney has reviewed the current provisions of Division 13 (Adult Entertainment Uses) of the Code of Ordinances for the City of Madeira Beach and recommends creating a new Section to include a provision for the minimum age for those working in adult entertainment establishments and further to prohibit persons under 18 years of age from entering, remaining at or purchasing goods or services from such establishments.

Fiscal Impact

N/A

Recommendation(s)

Staff recommends the approval of Ordinance 2025-07 Adult Use Restriction.

Attachments/Corresponding Documents

- Ordinance 2025-07 Adult Use Restriction
- Ordinance 2025-07 Business Impact Statement

ORDINANCE 2025-07

AN ORDINANCE OF THE CITY OF MADEIRA BEACH FLORIDA, CREATING SECTION 110-841 OF SUBDIVISION I (IN GENERAL) OF DIVISION 13 (ADULT ENTERTAINMENT USES) OF ARTICLE VI (SUPPLEMENTARY DISTRICT REGULATIONS) OF CHAPTER 110 (ZONING) OF THE CODE OF ORDINANCES TO PROHIBIT PERSONS UNDER THE AGE OF 18 YEARS OF AGE TO ENTER, REMAIN IN OR PURCHASE GOODS OR SERVICES AT AN ADULT ENTERTAINMENT ESTABLISHMENT; TO PROHIBIT PERSONS UNDER THE OF 21 YEARS OF AGE TO BE AN EMPLOYEE OF AN ADULT ENTERTAINMENT ESTABLISHMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Madeira Beach previously adopted adult use provisions in its Code of Ordinances to establish reasonable and uniform regulations that will protect the health, safety and general welfare of the people of the City of Madeira Beach; and

WHEREAS, several courts have found that there is a demonstrated link between regulations which raise the minimum age for workers in adult use establishments and curbing the secondary effects of human trafficking; and

WHEREAS, the Florida Legislature recently created Florida Statute 787.30 which sets a minimum age for employment at adult use establishments at 21 years of age effective January 1, 2025; and

WHEREAS, in order to comply with State Law and in an effort to reduce human trafficking locally, the City Attorney has reviewed the current provisions of Division 13 (Adult Entertainment Uses) of the Code of Ordinances for the City of Madeira Beach and recommends creating a new Section to include a provision for the minimum age for those working in adult entertainment establishments and further to prohibit persons under 18 years of age from entering, remaining at or purchasing goods or services from such establishments; and

WHEREAS, the recommended amendment to the Land Development Code was presented to and reviewed by the Planning Commission at a public hearing; and

WHEREAS, the Planning Commission has recommended approval of the proposed amendment; and

WHEREAS, the recommendations of the Planning Commission and the City Attorney have been found meritorious by the Board of Commissioners; and

WHEREAS, the Board of Commissioners has received input from the public at two public hearings.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:

Section 1. That Section 110-841 (Minors Prohibited) of Subdivision I (In General) of Division 13 (Adult Entertainment Uses) of Article VI (Supplementary District Regulations) of Chapter 110 (Zoning) of the Code of Ordinances of the City of Madeira Beach is hereby created and shall read as follows:

Sec. 110-841 – Minors Prohibited.

It shall be a violation of this division for an operator of an adult entertainment establishment, regardless of whether it is licensed under this division, to knowingly, or with reason to know, permit, suffer or allow:

- (1) Admittance to the adult entertainment establishment of a person under 18 years of age;
- (2) A person under 18 years of age to remain at the adult entertainment establishment;
- (3) A person under 18 years of age to purchase goods or services at the adult entertainment establishment; or

- (4) A person to work at the adult entertainment establishment as an employee who is under 21 years of age.

Section 2. That this Ordinance shall become effective immediately upon its passage and adoption.

Section 3. 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 4. Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

Section 5. 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 6. The Codifier shall codify the substantive amendments to the Code of Ordinances 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 7. 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 _____, 2025.**

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: _____

Business Impact Estimate

Proposed ordinance's title/reference:

ORDINANCE 2025-07

AN ORDINANCE OF THE CITY OF MADEIRA BEACH FLORIDA, CREATING SECTION 110-841 OF SUBDIVISION I (IN GENERAL) OF DIVISION 13 (ADULT ENTERTAINMENT USES) OF ARTICLE VI (SUPPLEMENTARY DISTRICT REGULATIONS) OF CHAPTER 110 (ZONING) OF THE CODE OF ORDINANCES TO PROHIBIT PERSONS UNDER THE AGE OF 18 YEARS OF AGE TO ENTER, REMAIN IN OR PURCHASE GOODS OR SERVICES AT AN ADULT ENTERTAINMENT ESTABLISHMENT; TO PROHIBIT PERSONS UNDER THE OF 21 YEARS OF AGE TO BE AN EMPLOYEE OF AN ADULT ENTERTAINMENT ESTABLISHMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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.

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- 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. Development orders and development permits as those terms are defined in Section 163.3164, Florida Statutes, and development agreements as authorized by the Florida Local Government Development Agreement Act under Sections 163.3220-163.3243, Florida Statutes;

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

- b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party;
- c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- e. 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. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

Florida Legislature recently created Florida Statute 787.30 which sets a minimum age for employment at adult use establishments at 21 years of age effective January 1, 2025. A new section in the Code of Ordinances will be created to required the minimum age for those working in adult entertainment establishments and further to prohibit persons under 18 years of age from entering, remaining at or purchasing goods or services from such establishments.

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.

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

None at the moment, if an adult use establishment opened in Madeira Beach it would have to adhere to this regulation.

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

In order to comply with State Law and in an effort to reduce human trafficking locally, the City Attorney has reviewed the current provisions of Division 13 (Adult Entertainment Us-es) of the Code of Ordinances for the City of Madeira Beach and recommends creating a new Section.

PART II - CODE OF ORDINANCES
Chapter 110 - ZONING
ARTICLE VI. - SUPPLEMENTARY DISTRICT REGULATIONS
DIVISION 6. ALCOHOLIC BEVERAGES

DIVISION 6. ALCOHOLIC BEVERAGES¹

Sec. 110-526. Definitions.

The following words, terms and phrases when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage means the same as defined in Florida Statutes § 561.01 (2001).

Beer means the same as defined in Florida Statutes § 563.01 (2001).

Establishment means a building or other structure within which business is conducted on a regular basis.

Liquor means the same as defined in Florida Statutes § 565.01 (2001).

Sale of alcoholic beverages means both sale for the purpose of on the premises consumption and package sales unless the context clearly indicates otherwise.

Wine means the same as defined in Florida Statutes § 564.01 (2001).

(Code 1983, § 20-1202; Ord. No. 972, § 3, 9-24-02)

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

Sec. 110-527. Classifications.

- (a) *Package store, beer and wine.* A package store, beer and wine, is an establishment where beer and wine are sold in sealed containers only for consumption off the premises.
- (b) *Retail store, beer and wine.* A retail store, beer and wine, is an establishment where beer and wine are sold in sealed containers only for consumption off the premises and more than 50 percent of the establishment's gross sales are attributable to the sale of nonalcoholic items.
- (c) *Package store, beer, wine and liquor.* A package store, beer, wine and liquor, is an establishment where beer, wine and liquor are sold in sealed containers only for consumption off the premises.
- (d) *Restaurants.* A restaurant is an establishment where beer, or beer and wine, or beer, wine and liquor are sold for consumption on the premises, or for consumption on the premises and package sales, in connection with a restaurant business wherein the combined gross sales of the business operation are more than 60 percent attributable to the sale of food and nonalcoholic items.
- (e) *Bar.* A bar is an establishment where beer, or beer and wine, or beer, wine and liquor are sold for consumption on the premises, or for consumption on the premises and package sales.
- (f) *Club.* A club is an establishment which is a chartered club where beer, wine and liquor are sold or offered to members for consumption on the premises only and such beer, wine and liquor cannot be sold over the counter to nonclub members.

¹Cross reference(s)—Conformity of alcoholic beverage regulations with zoning code, § 6-5.

- (g) *Charter boats.* A charter boat is a vessel primarily engaged in the business of taking passengers for hire where beer, or beer and wine, or beer, wine and liquor are sold for consumption while the vessel is engaged in the transportation of passengers and more than 50 percent of the business income is derived from the sale of nonalcoholic items or the transportation of passengers.

(Code 1983, § 20-1203; Ord. No. 972, § 3, 9-24-02)

Sec. 110-528. Prohibition.

No premises shall be used, nor a use or occupancy permit issued for the sale of alcoholic beverages, for package sales, or for on the premises consumption, unless approved by the board of commissioners pursuant to the provisions of the land development regulations. All applications under the land development regulations shall be considered at a regular meeting of the board of commissioners.

(Code 1983, § 20-1201; Ord. No. 972, § 3, 9-24-02)

Sec. 110-529. Conformity with city zoning code.

- (a) No application for permission to use premises for the sale of alcoholic beverages shall be granted unless the property which is subject to the application is within a zoning district under the city zoning code which permits such uses.
- (b) No application for permission to use vessels for the sale of alcoholic beverages shall be granted unless the property to which the boat is docked and from which it boards and unloads passengers is within a zoning district under the city zoning code which permits such use.

(Code 1983, § 20-1204; Ord. No. 972, § 3, 9-24-02)

Sec. 110-530. Alcoholic beverage districts, restrictions and distance requirements.

- (a) *R-1 and R-2 districts.* No premises shall be used, nor shall a use and occupancy permit be issued for the sale of alcoholic beverages in any district zoned R-1 or R-2 within the city.
- (b) *R-3 districts.* Only restaurant establishments as defined in section 110-527 shall be allowed in any district zoned R-3 within the city.
- (c) *C-1, C-2, C-3, and C-4 districts.*
- (1) *Classifications permitted.* Package stores (beer and wine, retail stores (beer and wine), package stores (beer, wine and liquor), restaurants, bars and clubs shall be permitted in any district zoned C-1, C-2, C-3 or C-4 within the city.
 - (2) *Distance requirements.* Except as otherwise provided, no establishment classified as a package store (beer and wine), package store (beer, wine and liquor), club or a bar shall be located within 300 feet of property occupied by an established church, synagogue, temple or place of religious worship, public or private school operated for the instruction of minors, or youth recreation (community) center. The distance provisions shall not apply to restaurants. Further the distance provision shall not apply to bars or clubs within a hotel of 50 rooms or more.
 - (3) *Measurement of distance.* The distance set forth in subsection (2) of this section shall be a straight line distance from the property line occupied by the enumerated uses in subsection (2) of this section and the property line to be occupied by the establishment applying for permission to sell alcoholic beverages.

(Code 1983, § 20-1205; Ord. No. 972, § 3, 9-24-02)

Sec. 110-531. Application for zoning of lot for sale of alcoholic beverages.

Whenever any owner, lessee or tenant desires to have any lot, plot or tract of land zoned for the sale of alcoholic beverages, such person shall complete and file their application form with the city manager or his designate, which application shall contain the following:

- (1) The name and address of the applicant, and the owner's written approval if property ownership is other than the applicant. The name and address of the owner of the alcoholic beverage license, if any.
- (2) The legal description or survey of property describing the portion of the lot, plot or tract of land to be utilized for the sale of alcoholic beverages.
- (3) A site plan shall be submitted with the application which shall show the proposed building location, size and height, off-street parking facilities and ingress and egress from adjoining streets. The applicant shall also submit a frontal (street side) elevation or an architectural rendering or recent photograph of the main structure.
- (4) A signed certificate and drawing prepared by a state registered engineer or land surveyor depicting the location of an established church, synagogue, temple or place of religious worship, public or private school operated for the instruction of minors, and youth recreation (community) centers within 500 feet. The drawing shall carry the following certification:

"This is to certify that all the measurements are in compliance with the provisions of this Code and are true and accurate portrayals of all actual distances."

This requirement shall also apply only to package stores (beer and wine), package stores (beer, wine and liquor), clubs, and bars.
- (5) The alcoholic beverage classification desired for the lot, plot or tract shall be one of the classifications set forth in section 110-527.
- (6) Payment of the non-refundable application fee listed in the fees and collection procedure manual.
- (7) At the time of application, the applicant shall address in writing the five factors enumerated in section 110-532.

(Code 1983, § 20-1206; Ord. No. 972, § 3, 9-24-02; Ord. No. 2023-10 , § 1, 6-14-23)