



**BOARD OF COMMISSIONERS
REGULAR MEETING AGENDA
Wednesday, August 14, 2024 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. INVOCATION AND PLEDGE OF ALLEGIANCE - City Attorney Thomas Trask**
- 3. ROLL CALL**
- 4. APPROVAL OF THE AGENDA**
- 5. PROCLAMATIONS - Mayor**
- 6. PRESENTATIONS (limited to 10 minutes each)**
- 7. PUBLIC COMMENT**

Public participation is encouraged. If you are addressing the Commission, step to the podium and state your name and address for the record, and the organization or group you represent. Please limit your comments to five (5) minutes and do not include any topic on the agenda. Public comment on agenda items will be allowed when they come up.

If you would like someone at the City to follow up on a comment or question made at the meeting, you may fill out a comment card with the contact information and give it to the City Manager. Comment cards are available at the back table in the Commission Chambers. Completing a comment card is not mandatory.

For any quasi-judicial public hearings that might be on the agenda, an affected person may become a party to a quasi-judicial 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.

- 8. APPROVAL OF THE MINUTES**

A. 2024-06-26, BOC Regular Workshop Meeting Minutes

- [B.](#) 2024-07-10, BOC Regular Meeting Minutes
- [C.](#) 2024-07-24, BOC Budget Workshop Meeting Minutes
- [D.](#) 2024-07-24, BOC Regular Workshop Meeting Minutes

9. CONSENT AGENDA

Any member of the Board of Commissioners can ask to pull a consent item for separate discussion and vote.

10. PUBLIC HEARINGS

- [A.](#) ABP 2024-04 Dick's Last Resort
- [B.](#) Ordinance 2024-08 Fences
- [C.](#) Ordinance 2024-09: Appendix D John's Pass Village Activity Center Development Standards
- [D.](#) Ordinance 2024-10: C-1 refer to Appendix D
- [E.](#) Ordinance 2024-11 Rezone John's Pass Village Activity Center area to C-1, John's Pass Village Activity Center Zoning District
- [F.](#) Ordinance 2024-12: Amending C-2 to reserve
- [G.](#) Ordinance 2024-13: C-3 to be consistent with MBTC SAP
- [H.](#) Ordinance 2024-14: C-4 to be consistent with MBTC SAP
- [I.](#) Ordinance 2024-15: R-3 to be consistent with MBTC SAP
- [J.](#) Ordinance 2024-16, Fees & Collection Procedures Manual FY 2024 Update #2 - 1st Reading & Public Hearing
- [K.](#) Ordinance 2024-17: Business Tax Receipt Fee Update

11. UNFINISHED BUSINESS

12. NEW BUSINESS

- [A.](#) Resolution 2024-04 - Adoption of Section 125 Cafeteria Plan
- [B.](#) Resolution 2024-05 - Holiday Halfathon Road Closure
- [C.](#) Appointments - Civil Service Commission
- [D.](#) Appointments - Planning Commission

13. CONTRACTS/AGREEMENTS

[A.](#) Contract Approval RFP 2024-06 City Facility Cleaning Services

14. AGENDA SETTING - August 28, 2024 BOC Regular Workshop Meeting

- A. PCPAO City of MB Right-of-Way (ROW) Map Information - Election Candidates Campaign Sign Placement
- B. Commission Districts
- C. Flood Insurance Update/Homestead Issue - Letter to State
- D. ITB# 24-07 Award of Bid for Awning over Parking/Storage area at Fire Station
- E. ITB# 24-08 Archibald Park Bathroom Project
- F. RFQ 24-09 Construction Manager At-Risk N Redington Fire Station
- G. Approval of 2024 EMS ALSFR Agreement & FY25 ALSFR Budget
- H. Seawall Repair/Replacement RFP 2024-03
- I. Alcohol, Noise, and Special Events

15. REPORTS/CORRESPONDENCE

- [A.](#) Board of Commissioners - 2024 BOC Meeting Schedule
- B. City Attorney
- [C.](#) City Clerk - August 2024 City Clerk's Report
- D. City Manager

16. ADJOURNMENT

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

Any person who decides to appeal any decision of the Board of Commissioners with respect to any matter considered at 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 the City Clerk at 727-391-9951, ext. 231 or 232 or email a written request to

cvanblargan@madeirabeachfl.gov.



MINUTES
BOARD OF COMMISSIONERS
REGULAR WORKSHOP MEETING
JUNE 26, 2024
6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular workshop meeting at 6:00 p.m. on June 26, 2024, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

MEMBERS PRESENT: Anne-Marie Brooks, Mayor
Ray Kerr, Commissioner District 2
Eddie McGeehen, Commissioner District 3

MEMBERS ABSENT: David Tagliarini, Commissioner District 1

CITY STAFF PRESENT: Robin Gomez, City Manager
Clara VanBlargan, City Clerk
Andrew Laflin, Finance Director/City Treasurer
Thomas Trask, City Attorney

1. CALL TO ORDER

Mayor Brooks called the meeting to order at 6:00 p.m.

2. ROLL CALL

City Clerk Clara VanBlargan called the roll. Commissioner Tagliarini was absent.

3. PUBLIC COMMENT

Mike Bucci, 445 137th Avenue Circle, commented about the increasing cost of homeowners insurance and asked if there was anything the Board could do to help.

4. BOARD OF COMMISSIONERS

A. Grant Writer Consultant (Various Types of grants)

Commissioner Kerr said writing a successful grant takes 150 – 200 hours. They should not rely on staff to try to get grants. He thought it should be voted on at a regular meeting.

Mayor Brooks opened to public comment. There were no public comments.

A person, no name provided, recalled the City hiring a consultant about 10-12 years ago who successfully brought grants to the City. They could be someone to talk to.

Public Works Director Megan Wepfer said it is included in the ongoing Consultant Engineering Services Agreement with Colliers.

Mayor Brooks said the Florida League of Cities offers a portal where grants can be searched. They also assist in grant writing. Representative Cheney spoke at the Big-C about the Department of Environmental Protection (DEP) and the opportunities for thousands of grants. She would assist the City in getting the grants written and provide a letter of recommendation. She would like to put it on a future agenda and asked if looking for grants for current projects was standard practice. Director Wepfer said yes.

The City Manager said they would discuss at a future workshop whether they can contract for specific grants.

5. CITY MANAGER

A. Snack Shack Concession Agreement – 2nd Amendment

The City Manager said they have an agreement with United Park Service for concession at Archibald Park since 2019. There is one last extension available through July 31, 2026. United Park Service agreed to increase the monthly rent by 5%. If the Amendment is approved, he would like to issue an RFQ at the end of the two years. It will be brought back at the July 10th meeting for approval.

Mayor Brooks opened to public comment. There were no public comments.

B. Discussion – Resignation letter from former Mayor James Rostek

The City Manager reviewed the item.

Mayor Brooks opened to public comment. There were no public comments.

Mayor Brooks said she did not have any comments on the resignation. She was comfortable with the City Manager's explanation. Commissioner Kerr thanked Mr. Rostek for his year of service and said he would like him to retract his accusations about corruption. Commissioner Kerr said he supported the City Manager 100%. Commissioner McGeehen agreed with Commissioner Kerr and was very disappointed. He thought the City Manager was doing a wonderful job.

The City Clerk announced that the Commissioner District 4 vacancy application was posted on the City's website and that copies were available on the table at the back of the room.

6. COMMUNITY DEVELOPMENT

A. MBTC Special Area Plan Amendments to C-3, C-4, R-3 Zoning Districts

Community Development Director Jenny Rowan gave a PowerPoint presentation on the Amendments to the Land Development Regulations in the C-3, C-4, and R-3 zoning districts in the Madeira Beach Town Center (MBTC). It will be presented and reviewed by the Planning Commission on July 1, 2024.

Mayor Brooks opened to public comment.

Tom Edwards, District 1 resident, said he is concerned about the special exception use for rooftop uses. He thought it should be coming to the Board of Commissioners for a decision rather than the Special Magistrate.

B. John's Pass Village Activity Center Zoning

Director Rowan reviewed the item. The last step is bringing it all into the zoning. Based on feedback from three public workshops, public input, the Planning Commission, and the Board, staff developed a rough draft of the Land Development Regulations for the John's Pass Village Activity Center. They would like additional suggestions that could be included in the Land Development Regulations for the John's Pass Village Activity Center Zoning District. The draft has gone to the Planning Commission and will go back to the Planning Commission. Forward Pinellas and Mr. Trask will review it in detail before they bring it to the actual public hearings and rezoning of the area.

Mayor Brooks opened to public comment.

Chuck Dillon, a resident, commented about the coastal construction control line. You can build to the line but not own the property. For tax purposes, they are potentially losing a lot of tax money.

C. Caddy's Public Beach ABP

City Attorney Tom Trask provided some history about the item. The alcoholic beverage permit that was issued to the Caddy's restaurant in 2021 is the topic of discussion. He hoped everyone had seen the video of that meeting. There were a lot of discussions about the conditions that were being imposed on the Caddy's owners and if they were, in turn, going to receive the alcoholic beverage permit. He explained that the Board approved Condition #9 that suggested by Linda Portal in a revised document distributed at the meeting. The alcoholic beverage permit with condition #9, reflected that no chairs or tables supplied or contracted for supply by the applicant will be placed on the public beach.

The City Attorney said the question then became what exactly the public beach was. He mentioned at the workshop meeting he had ordered a title search on the Caddy's property and the private beach area immediately west of the Caddy's property to determine who owned that parcel. Two independent title companies reviewed that issue and concluded that the Caddy's owners owned that parcel. The reason is that when it was originally platted in 1937, the plat provided that the lot was immediately adjacent to the Gulf of Mexico. Over time, the sand appeared and got deeper and deeper. It created a private beach parcel. The term that a real estate attorney calls it is accretion.

The question then was, if this sandy beach was created, who owns it? The two title underwriters determined that Caddy's restaurant owners owned it. The reason is that the only other entity with a legal right to that beach was the State of Florida. The FDEP had taken a position that it was not interested in that property. The ownership issue was resolved when they passed on it and did not assert a claim on it, so it is owned by Caddy's.

The City Attorney explained a survey he prepared with handwritten notes for clarity on what they were talking about. Because Caddy's owns both parcels, the public beach belongs to them. The public beach does not begin until the mean high-water line and goes westward. It would not violate the alcoholic beverage permit because it is private property. Caddy's has a legal right to use its beach and private property to place chairs on it. It does not mean that they can sell food and have the food migrate out to the beach area because the other conditions of the alcoholic beverage permit specifically address that. In the packet, condition #2 says that the restaurant and associated activity will be located on the existing impervious surface, within the approved site plan area, inside the coastal construction control line, and will not impact the surrounding dunes or beach. They are not allowed to serve people food or drinks on the private beach parcel because it does not fall within condition #2 placed upon them.

Mayor Brooks opened to public comment.

Bill Karns asked if he sat in one of the chairs on the beach, could he go up, get a burger and beer, and bring it back to the chair?

Chuck Dillon, 520 Lillian Drive, said according to the City Attorney's information, everybody owns the private beach, so they have no public beach. Madeira Beach is all privately owned. He read an email that the Board also received from a citizen, Mary Pendergast, sharing her opinions on the topic.

Tom Edwards, District 1 resident, said everyone should have received a copy of his email, which made the following points:

- Based on what the attorney said, you could put chairs out there if you have a private beach. As Mr. Karns mentioned, could someone buy food or beverage and then walk out and sit in one of the chairs? He did not think they had the right and should be addressed. Ms. Portal had been clear on condition #2. It is an associated activity on the existing impervious surface to buy food and drinks and carry them out to the beach, and it would not be allowed. The attorney representing Caddy's said it could be taken to their home but not to the beach. They agreed to the conditions. He interprets that as you cannot take self-service to the beach. If they are not allowing it through the parks, why are they allowing those people to do it?
- As Ms. Portal had mentioned, if they are taking existing chairs out there, they are increasing capacity, which could affect parking, traffic, and restroom capacity. They need a legal opinion on it.
- If Caddy's does move forward and move service out there and the Commission decides they cannot do it, they need to be told they are not living up to the standards that the City set and go after their alcohol permit, which they have a right to do.

Dan Kramer, 14010 Gulf Blvd., though there could be a situation that could be used for taxation. Shouldn't Caddy's be taxed for the additional square footage they are now using as part of their parcel? Section 1 of the alcoholic beverage condition talks about an audit that should be done every calendar year. It has to show at least 60% of the revenue from the restaurant/bar operation is derived from the sale of food. He asked if the audit was available for public knowledge for the calendar years 2021, 2022, and 2023. Have they been living up to section 1 of their proposal?

Linda Kramer, 14010 Guld Blvd., asked if Caddy's is already complying with the audit requirement. They have already contracted with a chair company, and the chairs are already out on the beach and they witnessed people taking food from Caddy's directly and taking it down to the beach. She asked who to call when they see that happening or anything else happening, such as loud noise and music. When they call the Sheriff nothing is done.

The City Manager asked that they call the Sheriff's non-emergency line if there was loud noise or music. He was unsure where they go from there because, from his perspective, the beach should be completely public so people can walk up and down. Whether it is owned privately, it is sand.

The City Attorney addressed the following public comments:

- Regarding Mr. Edwards' and Mr. Dillon's comments, in his legal opinion, it violates the conditions set forth in the alcoholic beverage permit for someone to buy food or alcohol from Caddy's and walk out onto the private beach property. A code enforcement action could be brought against Caddy's, or their alcoholic beverage permit could be revoked. The City is not responsible for monitoring their compliance with the required conditions. Caddy's would have to determine how to do it.
- In the email from Mary Pendergast, she made assumptions based on non-factual legal information. She used what she had and reviewed certain things available to the public on the property appraiser's website, which would sometimes lead to a deed. She mentioned that there was no title search done, so he would not know how you would want to rely upon that information as accurate.
- Regarding the speakers comments about Caddy's paying taxes on a recorded deed, they have been paying taxes on it or should have been paying taxes on it since taking ownership of it. That would have been prior to 2021.
- Regarding the comment about alcohol versus food, that was not something he was researching. It is a condition and requirement that they submit an annual audit to the City for review. The City Manager said they did receive it, and it was more than 60% food, and the rest was alcohol. Director Rowan said they have the audit for 2022 and 2023. The City Attorney said it is not something the City should ask for; they should automatically provide it. They could make it available to the public.
- The City Attorney said he would be happy to answer Mr. Karn's question after the meeting. Mr. Karns was no longer in the audience.

Commissioner Kerr said he does not challenge Mr. Winters' integrity, but he does challenge the spirit of the agreement. There would be an incentive to put chairs out on the beach, private or public, where his property ends. During the entire presentation at the February 10, 2021, meeting, Linda Portal stated many reasons why the restrictions for chairs on the beach were so important.

She referenced noise, trash, and the turtles being receptive to the light and the additional noise during their season laying eggs. The spirit of the agreement was that they would not have any chairs out on the beach. He calls on Mr. Winters to acknowledge that spirit. If, as a businessperson, you cannot take beverages or food out to the beach, would it be the chair rental they are looking for? Would it be worth that chair rental business? If it is monitored or something that Caddy's does knowingly or not, if they take food and or beverages out to the beach, they would be violating their alcohol license. It would not be worth jeopardizing the alcohol license over something they may not have control over or consider. He had not heard one resident saying they were fine with it.

Commissioner McGeehen said Caddy's was given the liquor license with the condition of #2, no chairs or tables on a public beach or no food or service on their part of the beach. He asked if they could compromise with Mr. Winters and Caddy's for a six-month or nine-month probationary period to see how it goes. If not, the bottom line is he can still have chairs and tables out there. He does not see him being able to serve any food or beverage out there. The City Manager clarified that it is chairs and umbrellas and not tables.

Mayor Brooks said they are not there to vote on whether or not they can put chairs and umbrellas on the beach. She appreciated everyone's comments and opinions about the situation. There are guidelines they have to follow. To follow them will be fine. If they do not, that is a conversation for a different day. She does not feel comfortable sitting there saying she knows what they are going to do and not giving them the opportunity. They cannot keep them from putting chairs on the beach, so it is not a matter of them deciding or compromising. Caddy's does a lot for the community. They are a great support for a lot of activities that go on in the City. They have to give them the benefit of the doubt and see what they do.

D. Impact Fees

Director Rowan presented Gerald Murphy's Master Agreement quote for an impact fee study, which they discussed at the last workshop meeting, and asked for direction from the Board.

Mayor Brooks opened to public comment. There were no public comments.

Commissioner Kerr said his point for contention is density, and they should be concerned about increasing density. He did not think a homeowner should be penalized for going from a 2,000 square foot home to a 3,000 square foot home and improving the neighborhood.

Commissioner McGeehen agreed that an impact fee should be required if a building is torn down and replaced with another with increased density. However, if someone tears down their house and rebuilds it as an improvement to the neighborhood, an impact fee should not be charged.

Mayor Brooks disagreed and thought there is an impact on the City when a homeowner rebuilds a larger home. Impact fees are only charged on the additional square footage. She thought \$30,000 was a considerable amount to spend on a study they paid for in the past, which a Planning Commission and previous Board of Commissioners voted for.

Commissioner Kerr said rebuilding a larger home does not impact culture, recreation, mobility, or public safety. He would like to encourage every single family home to raise their home.

Commissioner McGeehen said the majority of the \$185,000 budgeted in revenues for the Impact Fee Fund for FY 2025 is coming from residential and not commercial. He thought there should be future discussions about impact fees.

7. PUBLIC WORKS

A. ITB #2024-05 Purchase ADA Restroom Trailer

The City Manager said the item is related to the renovation of the restrooms at Archibald Park.

Public Works Director Wepfer said they need restroom facilities with hot water for the concession stand at Archibald Park.

- A rental would exceed \$50,000 for six months.
- They released an ITB and received three submittals.

Director Wepfer recommended they proceed with the purchase of the NIU Toilet for \$56,900. The parts and components have a five-year warranty, the structure has a 20-year warranty, and the company's interior components have a lifetime warranty.

Mayor Brooks opened to public comment.

Tom Edwards, a District 1 resident, thought it would benefit the City and be useful during a hurricane clean-up.

Chuck Dillon, a resident, said it looked like the one they chose for Tom & Kitty Stuart Park and asked if they could swap out the air conditioner.

Commissioner McGeehen said it would more than pay for itself.

Mayor Brooks suggested putting a legislative update about insurance and Homestead on the next workshop agenda. Commissioner Kerr agreed and said he would draft a preliminary letter about the Homestead discussion and insurance.

8. ADJOURNMENT

Mayor Brooks adjourned the meeting at 8:03 p.m.

Anne-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

DRAFT



MINUTES
BOARD OF COMMISSIONERS
REGULAR MEETING
JULY 10, 2024
6:00 p.m.

The City of Madeira Beach Board of Commissioners held a regular meeting at 6:00 p.m. on July 10, 2024, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

MEMBERS PRESENT: Anne-Marie Brooks, Mayor
David Tagliarini, Commissioner District 1
Ray Kerr, Commissioner District 2
Eddie McGeehen, Commissioner District 3

MEMBERS PRESENT: Anne-Marie Brooks, Mayor
(2nd Roll Call) David Tagliarini, Commissioner District 1
Ray Kerr, Commissioner District 2
Eddie McGeehen, Commissioner District 3
Housh Ghovae, Commissioner District 4

MEMBERS ABSENT:

CITY STAFF PRESENT: Robin Gomez, City Manager
Clara VanBlargan, City Clerk
Andrew Laflin, Finance Director/City Treasurer
Thomas Trask, City Attorney

1. CALL TO ORDER

Mayor Brooks called the meeting to order at 6:00 p.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

City Attorney Tom Trask gave the Invocation and led the Pledge of Allegiance.

3. ROLL CALL

City Clerk Clara VanBlargan called the roll. All were present.

4. APPROVAL OF THE AGENDA

Mayor Brooks requested that the Edward Byrne Memorial Justice Assistance Grant County Funds Letter be added as Item 16.B.

Commissioner Kerr motioned to approve the Agenda, as written with the addition of the Edward Byrne Memorial Justice Assistance Grant Letter as Item 16.B. Commissioner Tagliarini seconded the motion.

ROLL CALL:

Commission Kerr	"YES"
Commissioner Tagliarini	"YES"
Commissioner McGeehen	"YES"
Mayor Brooks	"YES"

The motion carried 4-0.

5. PUBLIC COMMENT

Chuck Dillon, 529 Lillian Drive, made the following comments:

- Consider doing away with Commission districts.
- Commented that Mr. Ghovae would be a good fit for Commissioner District 4 but would be greatly missed on the Planning Commission.
- Be prepared for the rush of property owners claiming rights to the beach.

6. REVIEW APPLICATIONS FOR BOARD OF COMMISSIONERS VACANCY AND APPOINT DISTRICT 4 COMMISSION MEMBER

A. Process for Review of Applications for District 4 Commission Member Vacancy and Appointment of Commissioner

City Attorney Tom Trask reviewed the process for reviewing the applications for District 4 Commission Member and said there is only one qualified applicant.

Applicant – Housh Ghovae, Commissioner District 4

Housh Ghovae introduced himself, told his background and education. He is fully committed and it would be the greatest honor if the Board appointed him.

Mayor Brooks opened to public comment. There were no public comments.

Commissioner Tagliarini motioned to appoint the applicant, Housh Ghovae, as District 4 Commissioner. Commissioner Kerr seconded the motion.

ROLL CALL:

Commission Tagliarini	"YES"
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Commissioner Kerr	"YES"
Commissioner McGeehen	"YES"
Mayor Brooks	"YES"

The motion carried 4-0.

7. INDUCTION INTO OFFICE – DISTRICT 4 COMMISSIONER

The City Clerk administered the Oath of Office to Housh Ghovae, District 4 Commissioner.

8. ROLL CALL

City Clerk Clara VanBlargan called the roll call of the Board of Commissioners:

Anne-Marie Brooks, Mayor
 David Tagliarini, Commissioner District 1
 Ray Kerr, Commissioner District 2
 Eddie McGeehen, Commissioner District 3
 Housh Ghovae, Commissioner District 4

9. APPOINTMENT OF VICE CHAIR

City Attorney Tom Trask read City Charter, Section 4.4 – Vice Mayor.

Commissioner Tagliarini motioned to appoint himself as Vice Mayor. Commissioner Kerr seconded the motion.

There was a short discussion among the Board.

ROLL CALL:

Commission Tagliarini	"YES"
Commissioner Kerr	"YES"
Commissioner McGeehen	"YES"
Commissioner Ghovae	"YES"
Mayor Brooks	"YES"

The motion carried 5-0.

10. PROCLAMATIONS

There were no proclamations.

11. PRESENTATIONS

There were no presentations.

12. APPROVAL OF MINUTES

- A. 2024-06-12, BOC Regular Meeting Minutes
- B. 2024-06-26, BOC Budget Workshop Meeting Minutes
- C. 2024-06-26, BOC Special Meeting Minutes

Commissioner Kerr motioned to approve the meeting minutes as written. Vice Mayor Tagliarini seconded the motion.

ROLL CALL:

Commissioner Kerr	"YES"
Vice Mayor Tagliarini	"YES"
Commissioner McGeehen	"YES"
Commissioner Ghovae	"YES"
Mayor Brooks	"YES"

The motion carried 5-0.

13. PUBLIC HEARINGS

A. Ordinance 2024-08 Fences, 1st Reading and Public Hearing

City Attorney Tom Trask read Ordinance 2024-08 by title only:

ORDINANCE 2024-08

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, ARTICLE VI SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 3 LANDSCAPE FENCES, GATES, HEDGES, AND WALLS OF THE CITY'S LAND DEVELOPMENT CODE TO PROVIDE FURTHER INFORMATION ON DEFINITIONS IN APPLICABILITY OF DIVISION; TO INCLUDE THE VISION TRIANGLE, AMEND FRONT, SIDE AND REAR YARDS, AND INCLUDE FENCES AROUND SWIMMING POOLS IN LOCATION AND HEIGHT OF FENCES, HEDGES, AND WALLS; AND ADD A NONCONFORMITIES SECTION; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Joseph Petraglia, Planning Technician, said they discussed the proposed ordinance at the April 24 workshop meeting and the May 6 and June 3 Planning Commission Meetings, and it has since been revised. He reviewed the following changes:

- Sec. 110-446 – Applicability of division
 - (1) Definitions – the definition of Building Lines was made more clear

- (4) Openings - was added
- (5) Open fences – added language to make it more clear
- Sec. 110-447 – Location and height of fences, hedges, and walls – language was added throughout the section to make it more clear
- (c) Swimming pool fence - was added
- Sec. 110-449 – Nonconformities was added

Mayor Brooks opened to public comment. There were no public comments.

Following discussion, the City Attorney said the changes can be brought back at the second reading.

Commissioner McGeehen motioned to approve Ordinance 2024-08 Fences after 1st Reading and Public Hearing. Commissioner Kerr seconded the motion.

ROLL CALL:

Commission McGeehen	"YES"
Commissioner Kerr	"YES"
Commissioner Ghovae	"YES"
Vice Mayor Tagliarini	"YES"
Mayor Brooks	"YES"

The motion carried 5-0.

14. UNFINISHED BUSINESS

15. CONTRACTS/AGREEMENTS

A. Human resources, Compensation, & Classification Study – Approve Consulting Agreement with RSC Insurance Brokerage, dba Risk Strategies Company (Gehring Group)

The City Manager explained the item and recommended approval of the agreement with RSC Insurance Brokerage, dba Risk Strategies (Gehring Group) for \$37,640.

Mayor Brooks opened to public comment.

John Hendricks, 569 Normandy Road, said they need to start looking at what the City is spending and get a handle on it. He did not think the City needed to spend the money on a study done a few years ago.

Following discussion by the Board, Vice Mayor Tagliarini motioned to approve the Consulting Agreement with RSC Insurance Brokerage, dba Risk Strategies Company (Gehring Group). Commissioner Kerr seconded the motion.

ROLL CALL:

Vice Mayor Tagliarini	"YES"
Commissioner Kerr	"YES"
Commissioner Ghovae	"YES"
Commissioner McGeehen	"NO"
Mayor Brooks	"YES"

The motion carried 4-1.

B. ITB #2004-05 Purchase ADA Restroom Trailer

The City Manager said the item was discussed at the workshop. Three responsive replies were received. They realized that the one recommended, NIU Toilet for \$56,900, although not the lowest bidder is also listed on the Sourcewell cooperative purchasing program. This was mentioned in the staff memo at the workshop and this meeting. Staff suspended the invitation to bid because it had already been bid out under the Sourcewell cooperative purchasing program. There is an exception in the purchasing code that would allow them to utilize the Sourcewell cooperative purchasing agreement.

The City Attorney said they are changing from an invitation to bid to a piggyback. The recommended motion mentioned in the packet would address it the way the city manager addressed it. It would be to approve the purchase of that trailer from that company listed at that dollar amount.

Mayor Brooks opened to public comment. There were no public comments.

Following discussion, Commissioner Kerr received confirmation from the City Manager that they are looking for grants for it and the Gehring Group.

Vice Mayor Tagliarini motioned to move forward with purchasing from NIU Toilet for the amount of \$56,900, who is also on the Sourcewell purchasing program for government agencies under Contract #081721-NIU. Commissioner Ghovae seconded the motion.

ROLL CALL:

Vice Mayor Tagliarini	"YES"
Commissioner Ghovae	"YES"
Commissioner Kerr	"YES"
Commissioner McGeehen	"YES"
Mayor Brooks	"YES"

The motion carried 5-0.

C. Snack Shack Concession Agreement – Approve 2nd Amendment

The City Manager said they have one remaining two-year renewal for their Concession Agreement. The Concessionaire, United Park Services, Inc., utilizes the structure at Archibald Park. The renewal is through July 31, 2026. All the conditions in the agreement remain the same. Upon approval, the monthly rent received from the Concessionaire will increase by 5% each year beginning August 1, 2024. All financial items remain the same in the agreement. They currently pay \$1,300 a month for the bathrooms, which will increase to \$1,500 monthly. The Concessionaire is current on all other payments and in compliance with the agreement. If approved, before the conclusion of the second year, they would issue an RFP for the next agreement.

Mayor Brooks opened to public comment. There were no public comments.

Commissioner Ghovae said they are in a FEMA zone and cannot increase the value by more than 50%. The City Manager said they would only renovate the bathroom and it would not come close to 50%. Commissioner Kerr asked that they consider putting a tarp or something on in to keep the sun off. The City Manager said it was an outdoor unit and would look into it.

Commissioner Ghovae mentioned that there was an old statue located south of the building that is sort of hidden by the scrubs and looked not cleaned in years. He asked that someone pay more attention to it.

Vice Mayor Tagliarini motioned to approve the staff's recommendation to approve the 2nd Amendment to the original Concession Agreement with United Park Services, Inc. for the concession services at Archibald Park. Commissioner McGeehen seconded the motion.

ROLL CALL:

Vice Mayor Tagliarini	"YES"
Commissioner McGeehen	"YES"
Commissioner Kerr	"YES"
Commissioner Ghovae	"YES"
Mayor Brooks	"YES"

The motion carried 5-0.

16. NEW BUSINESS

A. Appointment of Alternate Trustee to the Gulf Beaches Public Library Board

Vice Mayor Tagliarini said he would be interested unless somebody has a burning interest in serving.

Mayor Brooks opened to public comment. There were no public comments.

Commissioner Kerr motioned to appoint Vice Mayor Tagliarini as an alternate to the Gulf Beaches Public Library Board. Commissioner McGeehen seconded the motion.

ROLL CALL:

Commission Kerr	"YES"
Commissioner McGeehen	"YES"
Commissioner Ghovae	"YES"
Vice Mayor Tagliarini	"YES"
Mayor Brooks	"YES"

The motion carried 5-0.

B. Fiscal Year 2023 Edward Byrne Memorial JAG – Countywide Program funds for Projects within Pinellas County

This item was added at the beginning of the meeting.

The City Manager said they received a letter from Pinellas County addressed to Mayor Brooks to provide a letter of support to them receiving grant funds they applied for from the Florida Department of Law Enforcement Edward Byrne Memorial Justice Assistance Fund. They are set to receive \$270,837 for various countywide programs listed in the letter. Most are related to different social services and outreach programs. The County provided the support letter.

The City Manager reviewed the items on the list.

Mayor Brooks opened to public comment. There were no public comments.

Following discussion by the Board, Commissioner Kerr motioned that they provide the support letter as written for the Fiscal Year 2023 Edward Byrne Memorial Program. Commissioner Ghovae seconded the motion.

ROLL CALL:

Commission Kerr	"YES"
Commissioner Ghovae	"YES"
Commissioner McGeehen	"YES"
Vice Mayor Tagliarini	"YES"
Mayor Brooks	"YES"

The motion carried 5-0.

17. AGENDA SETTING – July 24, 2024 BOC Workshop Meeting

- A. Planned Development Amendment**
- B. Proposed Zoning Change – 129th Ave. E.**
- C. John's Pass Village Zoning**
- D. Floodplain amendments**
- E. Parking Garage**

- F. PCSO Law Enforcement Services Agreement FY 2025**
- G. RFP 2024-06 City Facility Cleaning Contract**
- H. Mayor/District Commissioners Pay**
- I. Flood Insurance Update/Homestead Issue – Letter to State**

Items added:

Board of Commissioners (from citizen comments)

- Commission districts, why they have them, why the Mayor is at large, the challenges of changing that, and the pros and cons.

Mayor Brooks

- Court of Honor
- Boat docks at Rock Park
- Kitty Stewart Park bathroom
- Undergrounding commercial utility projects going on that are not complete. Invite Duke Energy to attend the workshop.
- Residential undergrounding. What does that look like, how is Duke Energy involved, and what is the cost? Invite Duke Energy to attend the workshop.

Commissioner Kerr

- What are the rights on their beaches, public versus private? If their property lines are extending automatically down to the mean water line, then how much can that be regulated by the City or any municipality? If it is private property, can it be regulated? If it is public property, why can't they regulate it as long as it is a blanket regulation, not specifically for one property?

Commissioner Ghovae

- Discuss how to designate zoning of beach property seawards of the coastal construction control line, i.e., preserving land and what activities are permissible in the hypothetical zoning. He would like them to discuss that and create uniformity along their beaches.

Commissioner McGeehen

- Make a playground in the area of 140th.

Mayor Brooks opened to public comment.

Chuck Dillon thanked the Board for being a supportive group for the City. He asked about the vacancy on the Planning Commission. The City Clerk said she would be advertising the vacancy.

18. REPORTS/CORRESPONDENCE

A. Board of Commissioners – 2024 BOC Scheduled Meetings

Mayor Brooks opened to public comment. There were no public comments.

There were no changes to the 2024 BOC meeting schedule.

The Board congratulated Vice Mayor Tagliarini and Commissioner Ghovae on their new positions.

B. City Attorney

The City Attorney had no report.

C. City Clerk

The City Clerk said she would have a report for the next meeting. The District 4 vacancy kept her busy and did not have time to focus on the report.

Commissioner Ghovae thanked the City Clerk for her steadfast work in the appointment process and for ensuring every line on the application was complete.

D. City Manager

The City Manager reminded the Board of the four-hour mandatory ethics training on July 17 from 10:00 a.m. to 3:30 p.m. in the Chamber and other upcoming events. The City Clerk said lunch will be provided at the ethics training.

19. ADJOURNMENT

Mayor Brooks adjourned the meeting at 7:50 p.m.

Anne-Marie Brooks, Mayor

ATTEST:

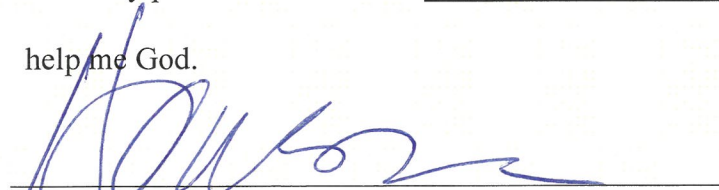
Clara VanBlargan, MMC, MSM, City Clerk



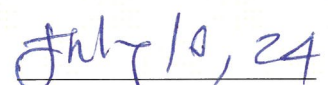
**THE CITY OF MADEIRA BEACH, FLORIDA
BOARD OF COMMISSIONERS**

OATH OF OFFICE

“I, **Housh Ghovae**, do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida, the City Charter, City Codes, and Policies and Procedures of the City of Madeira Beach and the Board of Commissioners, and that I am duly qualified to hold office under the Constitution of the state; and that I will well and faithfully perform the duties of **Commissioner District 4**, upon which I am now about to enter. So help me God.




Housh Ghovae, Commissioner District 4



Date

**STATE OF FLORIDA
COUNTY OF PINELLAS**

The foregoing instrument was acknowledged before me this 10th day of July 2024.



Clara VanBlargan, MMC, MSM, City Clerk



MINUTES

BOARD OF COMMISSIONERS
BUDGET WORKSHOP MEETING
JULY 24, 2024
4:00 p.m.

The City of Madeira Beach Board of Commissioners held a budget workshop meeting at 4:00 p.m. on July 24, 2024, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

MEMBERS PRESENT: Anne-Marie Brooks, Mayor
 David Tagliarini, Vice Mayor/Commissioner District 1
 Ray Kerr, Commissioner District 2
 Eddie McGeehen, Commissioner District 3
 Housh Ghovae, Commissioner District 4

MEMBERS ABSENT:

CITY STAFF PRESENT: Robin Gomez, City Manager
 Clara VanBlargan, City Clerk
 Andrew Laflin, Finance Director/City Treasurer
 Thomas Trask, City Attorney

1. CALL TO ORDER

Mayor Brooks called the meeting to order at 4:00 p.m.

2. ROLL CALL

City Clerk Clara VanBlargan called the roll. All were present.

3. PUBLIC COMMENT

There were no public comments.

4. DISCUSSION ITEMS

A. FY 2025 Budget Workshop #4

The City Manager gave an overview. A final budget workshop is scheduled for August, and two public hearings in September to adopt the FY 2025 Millage Rate and the FY 2025 Budget. The same millage rate of 2.75 is proposed for FY 2025.

Finance Director Consultant Andrew Laflin explained the changes.

1. Ad Valorem Analysis – The number of votes required:

- The rolled back rate is 2.5300. Majority Vote is required to accept the rolled back rate.
- Majority Vote is required for the Maximum Rate Allowed of 2.6740
- Two-Thirds Vote is required for the Maximum Rate Allowed of 2.9414
- 4/5 Votes are required to keep the Current Rate of 2.7500

Mr. Laflin responded to questions from the Board. The Board commented in favor of keeping the millage rate the same, 2.75.

2. Summary of Changes from Previous Workshop

Mr. Laflin explained the changes from the previous workshop shown on page 7 of the budget document. He also reviewed the Budget summary by character on page 8 and the operating and capital analysis by fund on page 9.

3. FY 2025 Budget by Fund & Department

Mr. Laflin responded to questions from the Board.

Commissioner Kerr mentioned the cost of group insurance in the budget for the Board of Commissioners. The City Manager said he would bring that back. The cost was calculated for group insurance for all Commissioners.

There was a discussion about grants. The City Manager said he would add that to the September or October workshop.

Mr. Laflin said he would add some additional narratives to the budget book to focus on at the next workshop.

Commissioner Kerr asked about the two locations of the boat docks. The City Manager said John's Pass and ROC Park.

Commissioner Ghovae asked if they put the Court of Honor out to bid to get the \$250,000 number. The City Manager said no. They have not yet put it out for bid.

5. ADJOURNMENT

Mayor Brooks adjourned the meeting at 4:45 p.m.

Anne-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk



MINUTES

BOARD OF COMMISSIONERS
REGULAR WORKSHOP MEETING
JULY 24, 2024
6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular workshop meeting at 6:00 p.m. on July 24, 2024, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

MEMBERS PRESENT: Anne-Marie Brooks, Mayor
David Tagliarini, Vice Mayor/Commissioner District 1
Ray Kerr, Commissioner District 2
Eddie McGeehen, Commissioner District 3
Housh Ghovae, Commissioner District 4

MEMBERS ABSENT:

CITY STAFF PRESENT: Robin Gomez, City Manager
Clara VanBlargan, City Clerk
Andrew Laflin, Finance Director/City Treasurer
Thomas Trask, City Attorney

1. CALL TO ORDER

Mayor Brooks called the meeting to order at 6:00 p.m.

2. ROLL CALL

City Clerk Clara VanBlargan called the roll. All were present.

3. PUBLIC COMMENT

There were no public comments.

4. BOARD OF COMMISSIONERS

A. Mayor/Commissioner pay

City Manager Robin Gomez explained the item. The purpose was to discuss the Mayor/Commissioner's annual pay.

Vice Mayor Tagliarini said he did not need the income as a retiree, but it could attract a different kind of person by increasing the salary.

Mayor Brooks said she compared the population and salary. It is not about supplemental income but a civic duty to serve. It would not be the idea of civic duty to attract someone for the salary. She would be concerned that if they offered more money or other things, would they be attracting somebody who wants a paycheck or someone who wants to serve? It is an honor to serve.

Commissioner McGeehen said no one would turn down a raise. But they need to stay a little competitive with their neighbors. They should offer an increase of about \$3,000 to do that.

Commissioner Ghovae said he was there because it is a duty to serve their community. He would not be in favor of a salary increase.

Commissioner Kerr asked if the Board of Commissioners were part of the compensation study. The City Manager said no. Commissioner Kerr said he did not think a raise would change things. It is fine the way it is.

Mayor Brooks opened to public comment. There were no public comments.

5. CITY MANAGER

A. Parking Garage

The City Manager explained the item. The purpose of the item was to review proposed locations to provide direction to begin the project and get feedback from the Board. He explained the alternative location in the Village. It could be public/private ownership with the property owners. If this is something they would like to do, then they would need a workshop to work out all the details. They have some revenues set aside to build a parking garage. Nothing has been done to this point except for having a one-on-one with each commissioner to explain some of it. He had brief discussions with the VFW, 130001 Gulf Blvd, LLC, and Luper Real Estate but has not gone into great detail with any of them.

Vice Mayor Tagliarini asked if they do it could they still get the revenue. The City Manager said yes. The Vice Mayor said if they did it, they would have even more opportunities for businesses. They want to keep their style, but an updated version would be nice.

Commissioner Kerr said having parking in the Village versus across the street would be ideal. He proposed putting a concept drawing in the budget to show what it would look like. How would that relate to the discussion about building height in the Village?

Commissioner McGeehen said they need to have community input and more discussions. Having a parking garage would be beneficial. The maximum number of stories in the structure would be four. To the other store owners there, having a proposed garage, they may not like it.

The City Manager said they would need to meet with all the business owners in the Village to come up with a concept of what would work. It would be a busy attraction not only for the residents but to the visitors.

Commissioner Ghovae asked if they were hurting for parking or are they trying to bring revenue to the City. It would tremendously change the character of the Village. He is not in favor of it.

Mayor Brooks asked how many parking spaces they would have if they built a parking garage on the originally planned City-owned lot at the maximum permitted height. She could see the value of adding 500 spaces and helping to clean up the parking on Pelican Lane. Some have said they would rather have a parking garage near City Hall. She would rather have a community workshop, invite business owners and others, and get their thoughts.

Vice Mayor Tagliarini said it would be ideal to have the community workshops. He would like to get a drawing to take to the residential meetings.

Commissioner Kerr said building a parking garage across the street would constantly be a traffic problem with crossing the street. There is definitely a need for more parking. It is the second most generating revenue item in the budget. He is not sure how to do it without some sort of concept drawing.

Commissioner McGeehen said the residents need to give their input on what they would like. He is not in favor of putting a four-story parking garage there.

Mayor Brooks said they need community input. Before they do anything, they need to see if the residents are interested in doing it.

Commissioner Kerr said the open space between the buildings adds value. Without that, how would it impact the feel of the Village? It is their main attraction. They want to supplement it and not take away from it.

Parking Enforcement Supervisor Jamal Yahia commented on the feedback he received from visitors. Adding a parking garage would be beneficial. Mayor Brooks said before they spend money, they need some sort of community involvement. It is something that would impact the entire community. The City Manager said they see cars looking for spaces because it is a gathering spot even if it rains. A lot of it is about location and how it is promoted because people would wonder why the need for a second parking garage there. The biggest is adding value to the attraction. Going up a couple more stories add value. The top part would be open for future use. It would be great to have a couple of community meetings for input.

Mayor Brooks said along with scheduling the community meetings, they could get a cost on the rendering based on the feedback they get.

Mayor Brooks opened to public comment.

Pat Miller, 129th Avenue, said she would be against having a parking garage in that area. She has been a realtor for about 40 years and is very familiar with the area's traffic and parking issues. Putting a parking garage there, even if it is more than one or two floors, would benefit the City financially but not otherwise. She suggested something in the Winn-Dixie parking lot because it

is only a block walk to the trolley. It would not affect anything with John's Pass. The residents' input is very important. The proposed hotel near the Boardwalk would add more to what they are discussing.

The City Manager said the concept of parking garages has been moving to reduce the number of cars over time. Can you control who gets here and how they get here?

Mark Callahan, 129th Avenue, said he is for more parking which is a big issue on the beaches. Progress is going to happen, people are going to keep coming, and if they do not have parking it will cause more problems for the residents and businesses.

Commissioner Kerr said the City has three properties, so there are three options.

Commissioner Ghovae said Treasure Island approved a parking lot on the seaward side of Gulf Blvd. south of the bridge. The lot has about 150 parking spaces.

B. PCSO Law Enforcement Services Contract FY 2025

The City Manager said they received the agreement for FY 2025. The purpose was to discuss the FY 2025 agreement with the Pinellas County Sheriff's Office for law enforcement services and related costs. He explained the details of the agreement. They can request changes to the duties of the deputies and the problem areas. It was suggested that one of the two deputies be assigned primarily to the beaches, parking lots, and the Village and Boardwalk. The draft agreement will be brought back with changes in September for approval.

Mayor Brooks opened to public comment. There were no public comments.

Commissioner McGeehen said community policing is a great idea. He would like to see the hours of the deputy for the beaches be 11:00 a.m. to 7:00 p.m. when there is a higher volume of people.

Vice Mayor Tagliarini said he would like to see more policing on the sand, definitely on weekends and an hour before sunset.

Commissioner Ghovae asked if there would be a station for the deputy walking the beach. The City Manager said their main station is at City Hall. The first floor is being reconstructed for all of the deputies.

Commissioner Kerr said he supports the City Manager in using the deputies as he sees fit.

Mayor Brooks said having a deputy on the beach would set a precedent and tone for the beach and eliminate a lot of resident complaints.

The consensus of the Board was to move forward with it.

6. COMMUNITY DEVELOPMENT

A. Proposed Zoning Change – 129th Ave. E.

Community Development Director Jenny Rowan explained the item. The purpose of the item was to discuss allowing short-term rentals along 129th Ave. E., which would require a zoning change. Staff asked for direction from the Board.

Mayor Brooks opened to public comment.

Dawn Callahan, 513 129th Ave., said she is in favor of short-term rentals and believes she should have the right to own one.

Robert Showalter, property owner at 500 129th Ave. E., said he developed the property to increase the value and potentially increase his revenue. He would like the City to consider rezoning the neighborhood to allow for short-term rental. He obtained 42 property owners' written pledges of support.

Pat Miller, 129th Avenue, explained that she was in favor of short-term rentals.

Mark Callahan, 129th Avenue, said he was in favor of short-term rentals on 129th Avenue.

Mr. Showalter provided written comments to the City Clerk from people who could not attend the meeting and those who pledged their support for rezoning to allow short-term rentals.

Vice Mayor Tagliarini said he was in favor of short-term rentals.

Commissioner Kerr said if he were homesteaded, he would have an issue. Do they want to be a residential community with tourism or a tourist community with residents? He asked Director Rowan if it impacted anything with the state. She said only if they amended the R-2 zoning.

Commissioner McGeehen said he would like to hear more from the community to learn what they say. He would not have an issue with short-term rentals.

Commissioner Ghovae said the residents should engage a consultant to bring it before the Board. The City should not initiate the rezoning. There would be a lot of issues he would not want to take on liability for. Increased taxes would be an issue.

Director Rowan said staff recommends the application process where an individual submits an application to rezone a property or district, which goes to the Planning Commission before going to the Board.

Mayor Brooks said her concern would be all the illegal short-term rentals. They are advertised on websites. Illegal short-term rentals on 129th Avenue should not be happening. If she were homesteaded, she would not be happy for her entire street to change. She would go with the staff's recommendation, go through the channels, and see how the community feels.

Commissioner Ghovae said there would be residents who would not support the rezoning and would not sign the applications to rezone. Each party would need to be party to the application.

Mayor Brooks said the party here today would submit to create a new zoning district, Community Development would review it, and it would move on to Planning and Zoning to vote for or against. They could pass a zoning without some residents not wanting it. If they do it, other residents could fear that their neighborhood could be next. They need additional input.

Commissioner Ghovae received confirmation that it would not change homestead.

B. Floodplain Amendments

Director Rowan explained the item and said its purpose was to update the Madeira Beach floodplain regulations to comply with state and federal regulations. Staff recommended that the City move forward with working with the Florida Department of Emergency Management (FDEM) to update the City's floodplain standards in the Code. The changes are as follows:

1. **Section 82-2 Definitions:** Definitions will be removed from Chapter 94 and contained in the definitions section in the Code to ensure there is consistency throughout the Code.
2. **Chapter 14, Article II. Technical Codes and Standards:** Chapter 14 Article II reiterates that the city follows the current Florida Building Code (FBC) and includes the areas where the city has higher standards than the FBC. City staff also suggest including sediment fencing in Section 14-38 with construction fencing. Section 14-39 will be updated with a new format to show the differences between the FBC and the City's higher standards. Higher standards allow the city to gain points with the Community Rating System (CRS), which then transfers into discounts for residents on flood insurance.
3. **Chapter 94 Floodplain Management:** Removing definitions and assuring consistency throughout the Code. Sec. 94-123 limitations on fill to include that there shall not be more than 24 inches of nonstructural fill to a property to provide for drainage.

She explained the changes and said they would be coming back to the Board.

Director Rowan and Marci Forbes, Community Development Engineer, responded to questions and comments from the Board.

Mayor Brooks opened to public comment. There were no public comments.

Commissioner Kerr said he has an issue with the definition of structural fill. They need to be able to elevate the buildings. Marci said they could better define that.

Commissioner McGeehen asked if temporary fencing is mandatory for residential construction. Ms. Forbes said it is only associated with commercial properties.

Commissioner Ghovae asked Director Rowan to check with the City of Treasurer Island because they may be removing their requirements for structural fill. He is not in favor of having that structural fill requirement as part of it.

C. John's Pass Village Activity Center Zoning

Director Rowan explained the item and said the purpose was to discuss the potential zoning requirements of each Character District in the John's Pass Village Activity Center. Staff asked for input from the Board on the four ordinances related to John's Pass Village Activity Center Zoning.

Mayor Brooks opened to public comment.

Pat Miller, 129th Avenue, asked for clarification on the changes. What can and can they not do? Would it change the value of the residents on 129th Ave.? Mayor Brooks asked that Ms. Miller fill out a comment card and give it to the City Clerk. Someone would get back to her on it.

Director Rowan and Ms. Forbes responded to questions and comments from the Board.

Commissioner Kerr said according to the documents, they are looking at height based on footprint. Andrew Morris, Long Range Planner, explained that to avoid having bulky buildings, they required larger lot sizes. They have been working with the Tampa Bay Regional Planning Council, which made a support document that visualizes what the proposed Land Development Regulations would look like in each Character District.

Commissioner Kerr said they need to be careful with the zoning, so they do not lose the look and feel. Mr. Morris explained that they have design standards and guidelines.

Vice Mayor Tagliarini said he would like to see no rooftop bars, no amplified music, and no party permits on the sand in the Transitional District. Director Rowan said those are written as special exception uses that would have to go to the Special Magistrate. They could be written as not allowed uses.

Commissioner Ghovae asked how they measured height, and Director Rowan explained. He suggested using the definition of height to establish the step back. Four feet above the base flood elevation would become the design flood elevation and that would be where the height is measured from. Then, if it is a flat roof, you would go to the top of the roof. If it is a pitched roof, you would go to the center of the pitch. It creates a lot of questions and needs to be simplified.

Commissioner Kerr thought height should be the ceiling height of the highest air-conditioned space and not the top of the roof and the starting point would be the design flood elevation.

D. Planned Development Amendments

Director Rowan explained the item and said the purpose was to discuss amendments to Planned Development in the Code of Ordinances. The amendments would fix inconsistencies and update the standards to current practices. Staff recommended moving forward with the amendments and asked the Board for input. She said it is a rough draft but wanted everyone to look at it as a starting point. It would get rid of the inconsistencies and issues they currently have in the code. They also

want a recommendation from the Board to move forward with the recommended changes, have additional workshops, or get an outside consultant.

Mayor Brooks opened to public comment. There were no public comments.

Vice Mayor Tagliarini said he is fine with Community Development continuing to move forward.

Mr. Morris said they disincentivized planned development in John's Pass Village; they do not want any taller buildings than what are currently there. If a planned development were proposed there, it would have to meet what is in the Special Area Plan.

Director Rowan said it would come back to the Board in a workshop.

Commissioner Ghovae asked about incentives and what the City could get in return. Director Rowan said right now it is open. There is flexibility in setbacks and height for enhancements. They did not want to make anything specific because it would be done on a case-by-case basis.

E. Business Tax Receipt Fee Update

Director Rowan explained the item and said its purpose was to discuss increasing every business tax fee by five percent through proposed Ordinance 2024-17. Staff recommended moving forward with the increase.

Mayor Brooks opened to public comment. There were no public comments.

The consensus of the Board was to move forward with updating the business tax receipt fees.

Commissioner Ghovae asked how they check on businesses, specifically overnight accommodations. Director Rowan said they use software that tracks the business tax receipts.

7. FINANCE

A. Ordinance 2024-16 – Fees & Collection Manual Update #2 FY 2024

Finance Director Andrew Laflin explained the item. The purpose was to present the proposed amendments to the Fees and Collection Procedure Manual to establish new fees and alter certain existing fees. Staff recommended the approval of Ordinance 2024-16 on First Reading at the next Regular Meeting. They do it once a year, so by October 1st, the new fees are in place.

Mayor Brooks opened to public comment. There were no public comments.

The City Manager responded to questions from the Board.

The consensus of the Board was to move forward.

B. Enterprise Fleet Management Vehicle Purchase

Finance Director Andrew Laflin explained the item. The purpose was to discuss purchasing vehicles from Enterprise Fleet Management. Staff recommended purchasing the remaining vehicles based on the remaining residual value. The life span of vehicles is typically five years. He is more interested in buying to save on interest costs, which makes more sense to purchase than to lease. They only need permission to move forward.

Mayor Brooks opened to public comment. There were no public comments.

The Board was in favor of purchasing the vehicles.

C. Approval of Section 125 Plan Document

Finance Director Andrew Laflin explained the item. The purpose was to discuss the adoption of a Section 125 Plan as a way to sponsor the City's benefits package. Staff recommended the approval of the City of Madeira Beach Section 125 Plan. The document would come back for approval by Resolution at the next BOC regular meeting.

Mayor Brooks opened to public comment. There were no public comments.

The consensus of the Board was to move forward.

8. PUBLIC WORKS

A. RFP 2024-06 City Facility Cleaning Services

Public Works Director Megan Wepfer explained the item. It is for city-wide cleaning services. The purpose was to review the results of RFP 2024-06, City Facility Cleaning Services. Staff recommended approval of American Janitorial, Inc. The contract would be for a three-year term with two one-year optional renewals for \$136,319.44 annually. That is only the base cost. It does not include any emergency cleaning services, special events, or other special services. The new contract would start September 1, 2024.

Mayor Brooks opened to public comment. There were no public comments.

Director Wepfer responded to questions and comments from the Board.

The consensus of the Board was to move forward with American Janitorial, Inc.

9. ADJOURNMENT

Mayor Brooks adjourned the meeting at 8:54 p.m.

Ann-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

DRAFT



Memorandum

Meeting Details: August 14, 2024 – BOC Regular Meeting

Prepared For: Mayor Brooks and Board of Commissioners

From: Community Development Department

Subject: Public Hearing for (4COP) ALCOHOLIC BEVERAGE LICENSE APPLICATION # 2024-04 for Dick’s Last Resort located at 111 Boardwalk Place W, Suite 203, Madeira Beach, FL 33708

Background:

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2024-04 is requesting authorization from the Board of Commissioners for the approval of a (4COP) alcoholic beverage license for the sale of beer, wine, and liquor for consumption on premises at Dick’s Last Resort restaurant at 111 Boardwalk Place W, Suite 203, Madeira Beach, FL 33708. The restaurant will occupy the commercial unit formally occupied by John’s Pass Grille. This establishment is in the C-1, Tourist Commercial Zoning District. The future land use designation for the property is Activity Center. Pursuant to Section 110-539, the Notice of Public Hearing was properly sent to all property owners within 300 feet of the subject property at least 15 days before the scheduled consideration by the Board of Commission. Such notice has also been posted on the subject property, at the Gulf Beaches Public Library, City Hall, and the City of Madeira Beach website.

Discussion:

When considering the alcoholic beverage license application, the Board of Commissioners shall consider the following factors:

- (1) The extent to which the location and the extent to which the proposed alcoholic beverage request will adversely affect the character of the existing neighborhood.**

Permitting Dick’s Last Resort in Johns Pass Village to add beer, wine, and liquor to the menu for consumption on premises would not adversely affect the character of the existing

neighborhood. The existing neighborhood is mostly commercial uses. Additionally, various other businesses in the same area already serve alcohol. Johns Pass Grille, the previous tenant of 111 Boardwalk Place W, Suite 203 had the same type of 4COP alcoholic beverage license permitted through ABP 2022-02 submitted on 9/19/2022 and expanded to the neighboring unit through ABP 2023-05. Additionally, the applicant is aware of the noise ordinance and they agree that the character of the existing neighborhood will not be adversely affected.

(2) The extent to which traffic generated as a result of the location of the proposed alcoholic beverage request will create congestion or present a safety hazard.

Dick’s Last Resort will be in a walkable part of the city and approving the restaurant to serve beer, wine, and liquor should not negatively impact traffic or present a safety hazard. Dick’s Last Resort has a parking agreement with John’s Pass Plaza LLC (John’s Pass Parking Garage) as indicated on their lease and verified by email from the parking lot owner included as part of this agenda packet. John’s Pass Grille had the same parking agreement and stated a similar number of seats on their alcoholic beverage applications (110 total on ABP 2022-02 and 153 on ABP 2023-05) therefore the traffic generated should not be significantly more than the previous restaurant that was at this location.

(3) Whether or not the proposed use is compatible with the particular location for which it is proposed.

This proposed alcohol use is compatible with the location. Restaurants are a permitted use within this zoning district. Any distance requirements of Sec. 110-530 or any other section of Madeira Beach municipal code would be met by the restaurant serving alcohol.

(4) Whether or not the proposed use will adversely affect the public safety.

Public safety should not be adversely affected by Dick’s Last Resort serving beer, wine and liquor for consumption on the premises. There are businesses nearby that already sell alcohol. Dicks Last Resort has other locations within the state that also serve beer, wine, and liquor and they have agreed to always operate in a safe manner.

(5) No application for review under this section shall be considered until the applicant has paid in full any outstanding charges, fees, interest, fines or penalties owed by the applicant to the city under any section of the Code.

The applicant has no outstanding fines or penalties owed to the city under any section of the Code.

Fiscal Impact: N/A

Recommendation(s): Staff recommends the approval of ABP 2024-04.

Attachments:

Local Application

Email clarification from applicant to city staff clarifying number of seats & noise hours

State Application with Site Plan

Confirmation of parking agreement with John's Pass Parking Garage from owner

Property owners written approval of this application

Agent Affidavit Notarized

Public Notice Mailing and Posting

ABP #: _____



CITY OF MADEIRA BEACH
PLANNING & ZONING DEPARTMENT
300 MUNICIPAL DRIVE ♦ MADEIRA BEACH, FLORIDA 33708
(727) 391-9951 EXT. 255 ♦ FAX (727) 399-1131
Email: planning@madeirabeachfl.gov



ALCOHOLIC BEVERAGE PERMIT APPLICATION

Applicant's Name: DLR Madeira Beach, LLC

Type of License Requested: 4COP SFS

Name of Partnership, Corporation, LLC (if applicable): DLR Madeira Beach, LLC

Mailing Address: 13900 County Rd. 455, Dr 207 #402
Clermont, Florida 34711

Phone(s): 865-765-3530 Email: joe@dickslastresort.com

Type of Ownership: [] Individual [] Partnership [] Corporation [x] LLC

Name of Business: Dick's Last Resort Business Phone: TBD

Physical Address: 111 Boardwalk PL W, Ste 203

Parcel #: 15-31-15-57275-000-2030

Legal Description: MENNA'S LANDING CONDO UNIT 203

Number of Seats: Inside: 119 Outside: 44

Number of Employees: 30

Zoning District:

- [x] C-1 Tourist Commercial [] C-2 John's Pass Marine Commercial
[] C-3 Retail Commercial [] C-4 Marine Commercial
[] R-3 Only Restaurant [] PD Planned Development

Classification:

- [] Package store, beer & wine [] Retail Store, beer, wine
[] Package store, beer, wine, liquor [x] Restaurants
[] Bar [] Club [] Charter Boats

DISCLAIMER: According to Florida Statutes, Chapter 119, it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All documents and information not specified in F.S. 119.071 and 119.0713 are subject to public record requests.

ABP #: _____

Number of Parking Spaces: N/A HC Parking Spaces: _____ Bike Racks: _____

Hours of Operation:

Monday: 11am to 10pm
 Tuesday: 11am to 10pm
 Wednesday: 11am to 10pm
 Thursday: 11am to 10pm
 Friday: 11am to 12am
 Saturday: 11am to 12am
 Sunday: 11am to 10pm

General Description of Business: Full Service Restaurant

Supporting Materials Required:

- Property Owner's Written Approval
- Property Survey
- Site Plan

Questionnaire: On a separate piece of paper, please answer the following questions:

1. The extent to which the location and the extent to which the proposed alcoholic beverage request will adversely affect the character of the existing neighborhood. **The location and extent will not adversely affect the character of the existing neighborhood.**
2. The extent to which traffic generated as a result of the location of the proposed alcoholic beverage request will create congestion or present a safety hazard. **The traffic generated will not create congestion or present a safety hazard as the use was already existing and safe.**
3. Whether or not the proposed use is compatible with the particular location for which it is proposed. **The proposed use is compatible with the particular location for which it is proposed and was an existing use.**
4. Whether or not the proposed use will adversely affect the public safety. **The proposed use will not adversely affect the public safety and will continue in a safe manner at all times.**
5. No application for review under this section shall be considered until the applicant has paid in full any outstanding charges, fees, interest, fines or penalties owned by the applicant to the City under any section of the code. **None exist for the subject property.**

Affidavit of Applicant:

I understand that this Alcoholic Beverage Permit Application, with its attachments, becomes a permanent record for the City of Madeira Beach and hereby certify that all statements made herein together with any attachments, are true to the best of my knowledge.

DISCLAIMER: According to Florida Statutes, Chapter 119, it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All documents and information not specified in F.S. 119.071 and 119.0713 are subject to public record requests.

ABP #: 2024-04

Signature of Applicant: Errett Joe Bontad

Date: 6/20/24

****For City of Madeira Beach Use Only****

Fee: \$800.00 Check # _____ Cash Receipt # CC Ref # 1909

Date Received: 7/22/2024

Received by: Lisa Scheneman

ABP# Assigned: _____

BOC Hearing Date: _____

Approved

Denied

Community Development Director

Date: _____

City Manager

Date: _____

**DBPR ABT-6001 – Division of Alcoholic Beverages and Tobacco
Application for New Alcoholic Beverage License**

**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**DBPR Form
ABT-6001
Revised 08/2013**

If you have any questions or need assistance in completing this application, please contact the Division of Alcoholic Beverages & Tobacco's (AB&T) local district office. Please submit your completed application and required fee(s) to your local district office. This application may be submitted by mail, through appointment, or it can be dropped off. A District Office Address and Contact Information Sheet can be found on AB&T's web site at the link provided below:

[Local ABT District Licensing Offices](#)

SECTION 1 - CHECK LICENSE CATEGORY				
License Series Requested 4COP	Type/Class Requested SFS	Do you wish to purchase a Temporary License? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Child License Requested	Number of Child Licenses Requested			
<input checked="" type="checkbox"/> Retail Alcoholic Beverages	<input type="checkbox"/> Alcoholic Beverage Manufacturer			
<input type="checkbox"/> Beer/Wine/Liquor Wholesaler	<input type="checkbox"/> Passenger Waiting Lounge			
<input type="checkbox"/> Retail Tobacco Products Dealer Permit (must check one or more of the below)				
<input type="checkbox"/> Pipes <input type="checkbox"/> Over the Counter <input type="checkbox"/> Vending Machine				
SECTION 2 – LICENSE INFORMATION				
If the applicant is a corporation or other legal entity, enter the name and the document number as registered with the Florida Department of State Division of Corporations on the line below.				
FEIN Number 99-3377577	Business Telephone Number 865-765-3530	E-Mail Address (Optional) joe@dickslastresort.com		
Full Name of Applicant(s): (This is the name the license will be issued in) DLR Madeira Beach, LLC				Department of State Document # L24000248140
Business Name (D/B/A) Dick's Last Resort				
Location Address (Street and Number) 111 Boardwalk PI W Ste 203				
City Madeira Beach	County Pinellas	State FL	Zip Code 33708	
Mailing Address (Street or P.O. Box) 13900 County Rd., 455, STE 107 #420				
City Clermont		State FL	Zip Code 34711	
Contact Person - This section is optional, see application instructions for details				
Contact Person Maggie Schultz, Esq.		Telephone Number 850-681-6788 ext.		
E-Mail Address (Optional) maggie@rutledge-ecenia.com				
Mailing Address (Street or P.O. Box) 119 South Monroe Street, Suite 202				
City Tallahassee		State FL	Zip Code 32301	

ABT District Office Received Date Stamp

SECTION 3 – RELATED PARTY PERSONAL INFORMATION						
This section must be completed for <u>each</u> person directly connected with the business, unless they are a current licensee .						
1.	Business Name (D/B/A) Dick's Last Resort					
2.	Full Name of Individual N/A See Section 10					
	Social Security Number*			Home Telephone Number		Date of Birth
	Race	Sex	Height	Weight	Eye Color	Hair Color
3.	Are you a U.S. citizen? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, immigration card number or passport number:					
4.	Home Address (Street and Number)					
	City				State	Zip Code
5.	Do you currently own or have an interest in any business selling alcoholic beverages, wholesale cigarette or tobacco products, or a bottle club? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide the information requested below. The location address should include the city and state.					
	Business Name (D/B/A)				License Number	
	Location Address					
6.	Have you had any type of alcoholic beverage , or bottle club license, or cigarette, or tobacco permit refused, revoked or suspended anywhere in the past 15 years? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide the information requested below. The location address should include the city and state.					
	Business Name (D/B/A)				Date	
	Location Address					
7.	Have you been convicted of a felony within the past 15 years? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide the information requested below and provide a Copy of the Arrest Disposition , as requested in the Application Requirements checklist.					
	Date		Location			
	Type of Offense					
8.	Have you been convicted of an offense involving alcoholic beverages or tobacco products anywhere within the past 5 years? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide the information requested below and provide a Copy of the Arrest Disposition , as requested in the Application Requirements checklist.					
	Date		Location			
	Type of Offense					

9. Have you been arrested or issued a notice to appear in any state of the United States or its territories within the past 15 years? Yes No
 If yes, provide the information requested below and a **Copy of the Arrest Disposition**.
Attach additional sheet if necessary.

Date	Location
Type of Offense	

10. Do you meet the standards of the moral character rule?
 Yes No

11. Are you an officer or employee of the Division of Alcoholic Beverages and Tobacco; are you a sheriff or other state, county, or municipal officer, including reserve or auxiliary officers, certified by the state as such, with arrest powers, whose certification is current and active?
 Yes No

NOTARIZATION STATEMENT

"I swear under oath or affirmation under penalty of perjury as provided for in Sections 559.791, 562.45 and 837.06, Florida Statutes, that I have fully disclosed any and all parties financially and or contractually interested in this business and that the parties are disclosed in the Disclosure of Interested Parties of this application. I further swear or affirm that the foregoing information is true and correct."

STATE OF _____

COUNTY OF _____ APPLICANT SIGNATURE _____

The foregoing was () Sworn to and Subscribed OR () Acknowledged Before me this _____ Day of _____, 20____, By _____ who is () personally (print name of person making statement) known to me OR () who produced _____ as identification.

Notary Public Commission Expires: _____

(ATTACH ADDITIONAL COPIES AS NECESSARY)

***Social Security Number**

Under the Federal Privacy Act, disclosure of Social Security numbers is voluntary unless a Federal statute specifically requires it or allows states to collect the number. In this instance, disclosure of social security numbers is mandatory pursuant to Title 42 United States Code, Sections 653 and 654; and sections 409.2577, 409.2598, and 559.79, Florida Statutes. Social Security numbers are used to allow efficient screening of applicants and licensees by a Title IV-D child support agency to assure compliance with child support obligations. Social Security numbers must also be recorded on all professional and occupational license applications and are used for licensee identification pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Welfare Reform Act), 104 Pub.L.193, Sec. 317. The State of Florida is authorized to collect the social security number of licensees pursuant to the Social Security Act, 42 U.S.C. 405(c)(2)(C)(I). This information is used to identify licensees for tax administration purposes. This information is used to identify licensees for tax administration purposes, and the division will redact the information from any public records request.

**SECTION 4 – DESCRIPTION OF PREMISES TO BE LICENSED
TO BE COMPLETED BY THE APPLICANT**

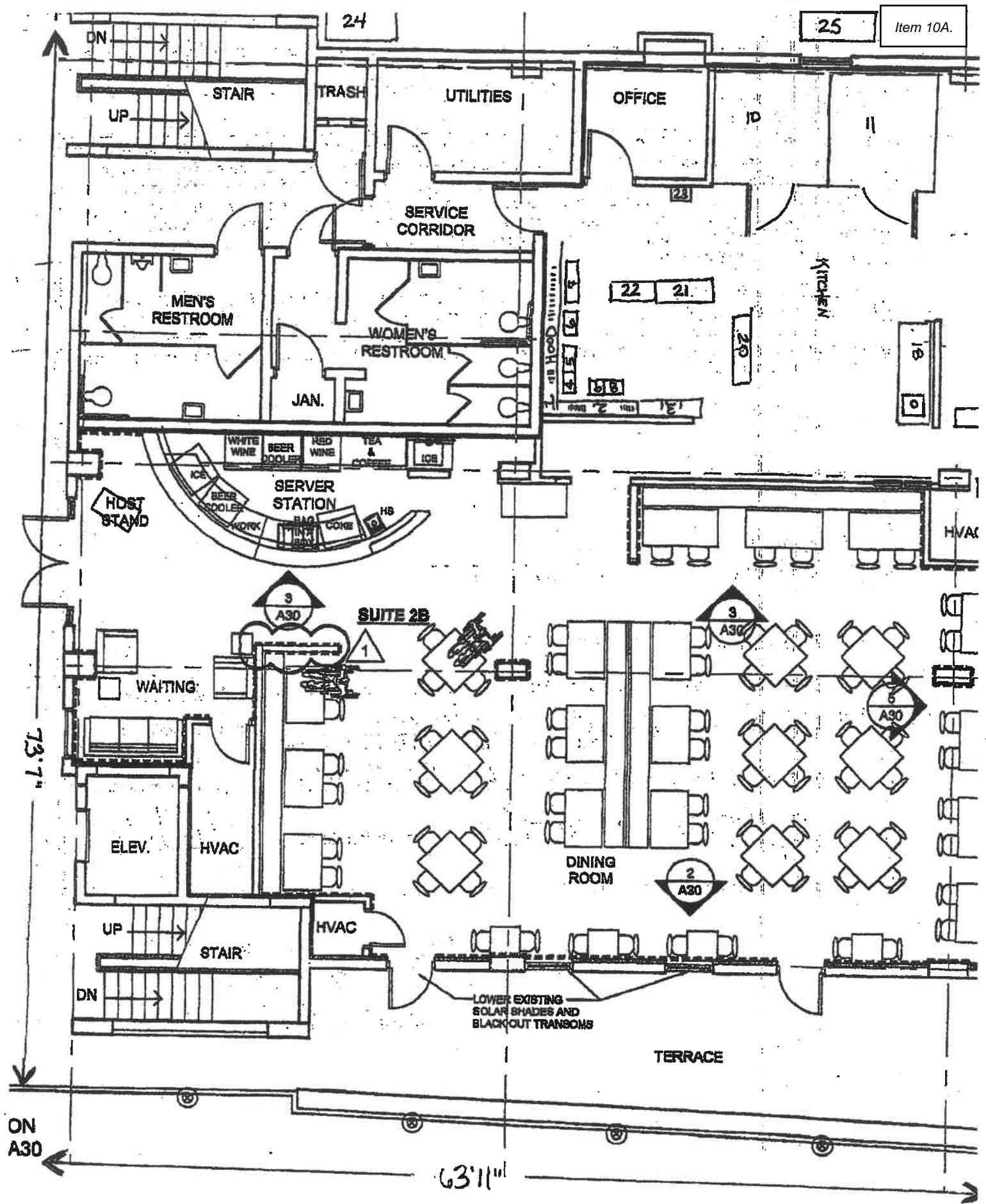
Business Name (D/B/A)

Dick's Last Resort

1.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the proposed premises movable or able to be moved?
2.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is there any access through the premises to any area over which you do not have dominion and control?
3.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the business located within a Specialty Center? If yes, check the applicable statute: <input type="checkbox"/> 561.20(2)(b)1, F.S. or <input type="checkbox"/> 561.20(2)(b)2, F.S.
4.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there any mobile vehicles used to sell or serve alcoholic beverages?
5.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there more than 3 separate rooms or enclosures with permanent bars or counters?

Neatly draw a floor plan of the premises in ink, including sidewalks and other outside areas which are contiguous to the premises, walls, doors, counters, sales areas, storage areas, restrooms, bar locations and any other specific areas which are part of the premises sought to be licensed. A multi-story building where the entire building is to be licensed must show the details of each floor.

See Attached Floorplans.



SECTION 5 – APPLICATION APPROVALS

Full Name of Applicant: (This is the name the license will be issued in)
DLR Madeira Beach, LLC

Business Name (D/B/A)
Dick's Last Resort

Street Address
111 Boardwalk Pl W Ste 203

City Madeira Beach	County Pinellas	State FL	Zip Code
-----------------------	--------------------	-------------	----------

ZONING
TO BE COMPLETED BY THE ZONING AUTHORITY GOVERNING YOUR BUSINESS LOCATION

A. The location complies with zoning requirements for the sale of alcoholic beverages or wholesale tobacco products pursuant to this application for a Series: 4COP Type: SFS license.

B. This approval includes outside areas which are contiguous to the premises which are to be part of the premises sought to be licensed and are identified on the sketch?" Yes No

Check either: Please do not skip, this is important for license fee sharing
 Location is within the city limits or Location is in the unincorporated county

Signed _____ Date _____

Title _____ **This approval is valid for ____ days.**

SALES TAX
TO BE COMPLETED BY THE DEPARTMENT OF REVENUE

The named applicant for a license/permit has complied with the Florida Statutes concerning registration for Sales and Use Tax.

- This is to verify that the current owner as named in this application has filed all returns and that all outstanding billings and returns appear to have been paid through the period ending _____ or the liability has been acknowledged and agreed to be paid by the applicant. This verification does not constitute a certificate as contained in Section 213.758 (4), F.S. (Not applicable if no transfer involved).
- Furthermore, the named applicant for an Alcoholic Beverage License has complied with Florida Statutes concerning registration for Sales and Use Tax, and has paid any applicable taxes due.

Signed _____ Date _____

Title _____ Department of Revenue Stamp

This approval is valid for ____ days.

HEALTH
TO BE COMPLETED BY THE DIVISION OF HOTELS AND RESTAURANTS
OR COUNTY HEALTH AUTHORITY
OR DEPARTMENT OF HEALTH
OR DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES

The above establishment complies with the requirements of the Florida Sanitary Code.

Signed _____ Date _____

Title _____ Agency _____

This approval is valid for ____ days.

SECTION 6 – APPLICANT ENTITY FELONY CONVICTION

Business Name (D/B/A)

Dick's Last Resort

Has the applicant entity been convicted of a felony in this state, any other state, or by the United States in the last 15 years?

Yes No

If the answer is "Yes," please list all details including the date of conviction, the crime for which the entity was convicted, and the city, county, state and court where the conviction took place.

Multiple empty horizontal lines for providing details of a conviction.

(Attach additional sheets if necessary)

**SECTION 7 – SPECIAL LICENSE REQUIREMENTS
(DOES NOT APPLY TO BEER AND WINE LICENSES)**

Please check the appropriate box of the license for which you are applying. Fill in the corresponding requirements for the license type sought.

- Quota Alcoholic Beverage License
- Specialty Alcoholic Beverage License (e.g. SRX, S, etc)
- Club Alcoholic Beverage License

This license is issued pursuant to 561.20(2)(a)4, Florida Statutes or Special Act, and as such we acknowledge the following requirements must be met and maintained:

Must maintain a bona fide food service establishment consisting of 2,000 square feet of service area, be equipped to serve meals to 120 persons at one time, and derive at least 51% of gross food and beverage revenue from the sale of food and non-alcoholic beverages during the first 120-day operating period and each 12-month period thereafter. May not operate as a package store and may not sell intoxicating beverages after the hours of serving or consumption of food have elapsed. License may not be moved to a new location.

Please initial and date:

Applicant's Initials EAH Date 6/20/24

Section 561.20(2)(a)5, Florida Statutes (2023)

A bona fide food service establishment that has a minimum of 2,000 square feet of service area, is equipped to serve meals to 120 persons at one time, has at least 120 physical seats available for patrons to use during operating hours, holds itself out as a restaurant, and derives at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages during the first 120-day operating period and the first 12-month operating period thereafter. Subsequent audit timeframes must be based upon the audit percentage established by the most recent audit and conducted on a staggered scale as follows: level 1, 51 percent to 60 percent, every year; level 2, 61 percent to 75 percent, every 2 years; level 3, 76 percent to 90 percent, every 3 years; and level 4, 91 percent to 100 percent, every 4 years. A licensee under this subparagraph may sell or deliver alcoholic beverages in a sealed container for off-premises consumption if the sale or delivery is accompanied by the sale of food within the same order. Such authorized sale or delivery includes wine-based and liquor-based beverages prepared by the licensee or its employee and packaged in a container sealed by the licensee or its employee. This subparagraph may not be construed to authorize public food service establishments licensed under this subparagraph to sell a bottle of distilled spirits sealed by a manufacturer. Any sale or delivery of malt beverages must comply with the container size, labeling, and filling requirements imposed under s. 563.06. Any delivery of an alcoholic beverage under this subparagraph must comply with s. 561.57. An alcoholic beverage drink prepared by the vendor and sold or delivered for consumption off the premises must be placed in a container securely sealed by the licensee or its employees with an unbroken seal that prevents the beverage from being immediately consumed before removal from the premises. Such alcoholic beverage also must be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the alcoholic beverage and food must be provided by the licensee and attached to the bag or container. If transported in a motor vehicle, an alcoholic beverage that is not in a container sealed by the manufacturer must be placed in a locked compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle. It is a violation of the prohibition in s. 562.11 to allow any person under the age of 21 to deliver alcoholic beverages on behalf of a vendor. The vendor or the agent or employee of the vendor must verify the age of the person making the delivery of the alcoholic beverage before allowing any person to take possession of an alcoholic beverage for the purpose of making a delivery on behalf of a vendor under this section. A food service establishment granted a special license on or after January 1, 1958, pursuant to general or special law may not operate as a package store and may not sell intoxicating beverages under such license after the hours of serving or consumption of food have elapsed. Failure by a licensee to meet the required percentage of food and nonalcoholic beverage gross revenues during the covered operating period shall result in revocation of the license or denial of the pending license application. A licensee whose license is revoked or an applicant whose pending application is denied, or any person required to qualify on the special license application, is ineligible to have any interest in a subsequent application for such a license for a period of 120 days after the date of the final denial or revocation;

SECTION 8 – DISCLOSURE OF INTERESTED PARTIES

Note: Failure to disclose an interest, direct or indirect, could result in denial, suspension and/or revocation of your license. You MUST list all persons and entities in the entire ownership structure. To determine which of those persons must submit fingerprints and a Related Party Personal Information, sheet, see the fingerprint section in the application instructions.

Business Name (D/B/A) **Dick's Last Resort**

1. When applicable, complete the appropriate section below. **Attach extra sheets if necessary.**

Title/Position	Name	Stock %
CORPORATION– List all officers, directors, and stockholders		

GENERAL PARTNERSHIP – List all general partners		

LIMITED LIABILITY COMPANY – List all managers (member & non-member), directors, officers, and members		
Managers	Emmett J. Hartsock & David M. Swann	0
Member	NVTN, LLC	100
	Emmett J. Hartsock, David Lorber, & Ellida Mcmillan	

LIMITED PARTNERSHIP – List all general and limited partners.		

LIMITED LIABILITY PARTNERSHIP – List all partners		

Bar Manager (Fraternal Organizations of National Scope only):

OTHER INTERESTS

These questions must be answered about this business for every person or entity listed as the applicant

- | | |
|--|---|
| 1. Are there any persons or entities not disclosed who have loaned money to the business? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 2. Are there any persons or entities not disclosed that derive revenue from the license solely through a contractual relationship with the licensee, the substance of which is not related to the control of the sale of alcoholic beverages, or is exempt by statute or rule? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. Are there any persons or entities not disclosed that have the right to receive revenue based on a contractual relationship related to the control of the sale of alcoholic beverages? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 4. Are there any persons or entities not disclosed who have a right to a percentage payment from the proceeds of the business pursuant to the lease? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 5. Are there any persons or entities not disclosed who have guaranteed the lease or loan? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 6. Are there any persons or entities not disclosed who have co-signed the lease or loan? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 7. Is there a management contract, franchise agreement, or concession agreement in connection with this business? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 8. Have you or anyone listed on this application, accepted money, equipment or anything of value in connection with this business from any industry member as described in 61A-1.010, Florida Administrative Code? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

If you answered yes to any of the above questions, a copy of the agreement must be submitted with this application. The terms of the agreement may require the interested persons or parties related to an entity to submit fingerprints and a related party personal information sheet.

**SECTION 9 - AFFIDAVIT OF APPLICANT
NOTARIZATION REQUIRED**

Business Name (D/B/A)
Dick's Last Resort

"I, the undersigned individually, or on behalf of a legal entity, hereby swear or affirm that I am duly authorized to make the above and foregoing application and, as such, I hereby swear or affirm that the attached sketch is a true and correct representation of the entire area and premises to be licensed and agree that the place of business, if licensed, may be inspected and searched during business hours or at any time business is being conducted on the premises without a search warrant by officers of the Division of Alcoholic Beverages and Tobacco, the Sheriff, his Deputies, and Police Officers for the purposes of determining compliance with the beverage and retail tobacco laws."

"I swear under oath or affirmation under penalty of perjury as provided for in Sections 559.791, 562.45 and 837.06, Florida Statutes, that the foregoing information is true and that no other person or entity except as indicated herein has an interest in the alcoholic beverage license and/or tobacco permit, and all of the above listed persons or entities meet the qualifications necessary to hold an interest in the alcoholic beverage license and/or tobacco permit."

STATE OF Florida

COUNTY OF Lake

Emmett J Hartsock
APPLICANT/AUTHORIZED REPRESENTATIVE NAME

Emmett J Hartsock
APPLICANT/AUTHORIZED REPRESENTATIVE SIGNATURE



JOSEPH LLUVERAS
Notary Public
State of Florida
Comm# HH379945
Expires 3/28/2027

The foregoing was () Sworn to and Subscribed OR () Acknowledged Before me this 22 Day
of June, 2024, By Emmett J Hartsock who is () personally
(print name(s) of person(s) making statement)

known to me OR () who produced FLDL as identification.

Joseph Lluveras
Notary Public Commission Expires: 03/28/2027

SECTION 10 - CURRENT LICENSEE UPDATE DATA SHEET

This section is to be completed for all current alcoholic beverage and/or tobacco license holders listed on the application to ensure the most up to date information is captured.

Business Name (D/B/A)
Dick's Last Resort

Last Name Hartsock		First Emmett	M.I. J.
Current Alcohol Beverage and/or Tobacco License Permit/Number(s) BEV1310902, BEV1624667, W150541-061024			
Date of Birth 11/12/1967		Social Security Number*	
Street Address			
City Clermont		State FL	Zip Code 34711

Last Name Swann		First David	M.I. M.
Current Alcohol Beverage and/or Tobacco License Permit/Number(s) BEV1310902, BEV1624667, W150541-061024			
Date of Birth		Social Security Number*	
Street Address			
City Panama City Beach		State FL	Zip Code 32413

Last Name Lorber		First David	M.I.
Current Alcohol Beverage and/or Tobacco License Permit/Number(s) BEV1310902, BEV1624667, W150541-061024			
Date of Birth		Social Security Number*	
Street Address			
City New York		State NY	Zip Code 10065

Last Name McMillan		First Ellida	M.I.
Current Alcohol Beverage and/or Tobacco License Permit/Number(s) BEV1310902, BEV1624667,			
Date of Birth		Social Security Number*	
Street Address			
City Larchmont		State NY	Zip Code 10539

Last Name		First	M.I.
Current Alcohol Beverage and/or Tobacco License Permit/Number(s)			
Date of Birth		Social Security Number*	
Street Address			
City		State	Zip Code



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company

DLR MADEIRA BEACH, LLC

Filing Information

Document Number L24000248140
FE/EIN Number NONE
Date Filed 05/30/2024
Effective Date 06/03/2024
State FL
Status ACTIVE

Principal Address

111 BOARDWALK PL W
 STE 201
 MADEIRA BEACH, FL 33708

Mailing Address

13900 COUNTY RD 455
 STE 107 #420
 CLERMONT, FL 34711

Registered Agent Name & Address

CT CORPORATION SYSTEM
 1200 SOUTH PINE ISLAND ROAD
 PLANTATION, FL 33324

Authorized Person(s) Detail

Name & Address

Title MGR

HARTSOCK, EMMETT J
 3336 JACKSON BLUFF WAY
 CLERMONT, FL 34711

Title MGR

SWANN, DAVID
 328 TERRAPIN WAY
 PANAMA CITY BEACH, FL 32413

Annual Reports

No Annual Reports Filed

Document Images

[05/30/2024 – Florida Limited Liability](#) [View image in PDF format](#)

Joseph Petraglia

From: Amanda Hessein <Amanda@rutledge-ecenia.com>
Sent: Monday, July 22, 2024 2:29 PM
To: Joseph Petraglia; Lisa Scheuermann
Cc: Jay Stearman; Morris, Andrew; Jenny Rowan; Maggie Schultz
Subject: RE: ABP 2024-04 Dick's Last Resort RE: Alcoholic Beverage Permit Application - 111 Boardwalk Place W., Suite 203

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Joseph,

I can confirm the indoor seat count will be 76 and the outdoor seat count is 44 for the total number of seats for the establishment to be 120 seats.

Please let me know if you need any further information to place us on the agenda for the August 14th hearing.

Thank you,

Amanda Hessein, Esq.
Rutledge Ecenia, P.A.
119 S. Monroe Street, Suite 202
Tallahassee, FL 32301
850-681-6788
amanda@rutledge-ecenia.com
<http://www.rutledge-ecenia.com/>



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From: Joseph Petraglia <JPetraglia@madeirabeachfl.gov>
Sent: Monday, July 22, 2024 1:41 PM
To: Amanda Hessein <Amanda@rutledge-ecenia.com>; Lisa Scheuermann <LScheuermann@madeirabeachfl.gov>
Cc: Jay Stearman <JStearman@madeirabeachfl.gov>; Morris, Andrew <Amorris@madeirabeachfl.gov>; Jenny Rowan <Jrowan@madeirabeachfl.gov>; Maggie Schultz <Maggie@rutledge-ecenia.com>
Subject: RE: ABP 2024-04 Dick's Last Resort RE: Alcoholic Beverage Permit Application - 111 Boardwalk Place W., Suite 203

Thanks, once they can address that I will begin preparing the documents for the August 14th meeting.

Best,
Joseph Petraglia
Planner I / Planning Tech
City of Madeira Beach

727-603-0423
www.madeirabeachfl.gov

Item 10A.



From: Amanda Hessein <Amanda@rutledge-ecenia.com>
Sent: Monday, July 22, 2024 11:42 AM
To: Joseph Petraglia <JPetraglia@madeirabeachfl.gov>; Lisa Scheuermann <LScheuermann@madeirabeachfl.gov>
Cc: Jay Stearman <JStearman@madeirabeachfl.gov>; Morris, Andrew <Amorris@madeirabeachfl.gov>; Jenny Rowan <Jrowan@madeirabeachfl.gov>; Maggie Schultz <Maggie@rutledge-ecenia.com>
Subject: RE: ABP 2024-04 Dick's Last Resort RE: Alcoholic Beverage Permit Application - 111 Boardwalk Place W., Suite 203
Importance: High

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning Joseph,

Please see my comment responses below in red. I am awaiting clarification regarding the indoor seating and will follow up with the same once received from the property. The \$800.00 application processing fee has also been paid over the phone this morning with Lisa.

Thank you,

Amanda Hessein, Esq.
Rutledge Ecenia, P.A.
119 S. Monroe Street, Suite 202
Tallahassee, FL 32301
850-681-6788
amanda@rutledge-ecenia.com
<http://www.rutledge-ecenia.com/>

Rutledge | Ecenia

This email is intended only for the named recipient(s) and may contain information that is privileged, confidential or both. Nothing in this email is intended to constitute a waiver of any privilege or the confidentiality of this message. If you have received this message in error, please notify me immediately and delete this message.

From: Joseph Petraglia <JPetraglia@madeirabeachfl.gov>
Sent: Monday, July 22, 2024 9:13 AM
To: Amanda Hessein <Amanda@rutledge-ecenia.com>; Lisa Scheuermann <LScheuermann@madeirabeachfl.gov>
Cc: Jay Stearman <JStearman@madeirabeachfl.gov>; Morris, Andrew <Amorris@madeirabeachfl.gov>; Jenny Rowan <Jrowan@madeirabeachfl.gov>
Subject: ABP 2024-04 Dick's Last Resort RE: Alcoholic Beverage Permit Application - 111 Boardwalk Place W., Suite 203

Amanda,

Please see the city's comments in response to your application below:

1. The Local application states there are 119 inside seats and 44 outside seats however the site plan provided with your state application (which is the only site plan provided with your application) only shows 76 inside seats. Please clarify. **Awaiting clarification from the property.**
2. Please confirm that this permit is only needed for unit 203 as specified by page 1 of your local application. **Yes. This suite is for Dick's Last Resort restaurant.**
3. Noise generated from amplified outdoor sound, music, or live entertainment is prohibited between the hours of 9:00 p.m. to 7:30 a.m. Sunday through Thursday, and 11:00 p.m. to 7:30 a.m. Friday through Saturday ([Sec. 34-87\(5\)](#)) which would be in effect during some of the operating hours of the business. Please confirm that all applicable noise ordinances will be adhered to. **Yes, understood and will comply with these requirements.**

[@Lisa Scheuermann](#) can assist with processing the \$800.00 application fee. She can also be reached at 727-391-9951 x244. **The fee has been paid to Lisa.** The fee must be paid and all comments addressed before 4 pm tomorrow July 23rd to proceed at the August Board of Commoners Meeting.

Best,
Joseph Petraglia
Planner I / Planning Tech
City of Madeira Beach
727-603-0423
www.madeirabeachfl.gov



From: Amanda Hessein <Amanda@rutledge-ecenia.com>

Sent: Friday, July 19, 2024 3:18 PM

To: Joseph Petraglia <JPetraglia@madeirabeachfl.gov>

Cc: Lisa Scheuermann <LScheuermann@madeirabeachfl.gov>; Jay Stearman <JStearman@madeirabeachfl.gov>; Morris, Andrew <AMorris@madeirabeachfl.gov>; Jenny Rowan <Jrowan@madeirabeachfl.gov>

Subject: RE: Alcoholic Beverage Permit Application - 111 Boardwalk Place W., Suite 203

Importance: High

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon Joseph,

Please find attached the Alcoholic Beverage Permit Application as well as the Agent Authorization, Letter from Landlord, Email confirming parking, and Alcoholic Beverage License Application for zoning approval. Can you please advise how we may remit the \$800.00 application fee for processing?

Thank you and please let me know if you have any questions or are missing any documents.

From: [Benjamin Mallah II](#)
To: [Joe Hartsock](#)
Cc: [Amanda Hessein](#)
Subject: Johns Pass Plaza LLC Dba Johns Pass Garage
Date: Friday, July 19, 2024 1:03:10 PM
Attachments: [image001.png](#)

To whom it may concern:

I represent the ownership (Johns Pass Plaza LLC) of the property located at 179 Boardwalk Pl E, Madeira Beach, FL 33708 which is more commonly referred to as John's Pass Parking Garage.

All garage and metered parking at this location is available for Dick's Last Resort patrons and employees.

Should you require any clarification or additional information, please contact me directly.

Thank you,
Ben Mallah II

[10225 Ulmerton Rd Suite 12a Largo, FL 33771](#)

Ph: (727) 517-2395 Ext: 1000 | Fax: (727) 517-2396 | M: (727) 433-2671

www.equitymanagementonline.com/ | Benmallah@equitymp.com



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Thursday, July 18, 2024

RE: **DLR MADEIRA BEACH, LLC D/B/A DICK'S LAST RESORT**
111 Boardwalk Pl. W., Suite 203
Madeira Beach, FL 33708
Parcel No. 15-31-15-57275-000-2030

To Whom it May Concern:

I Benjamin Mallah as Managing Member of 111 BOARDWALK LLC, the owner of the property referenced above. Please allow DLR MADEIRA BEACH, LLC (Tenant) to go forth with filing an Alcoholic Beverage Permit Application to the City of Madeira Beach for the establishment's 4COP-SFS alcoholic beverage license. Should you have any further questions or concerns please contact me directly.

A handwritten signature in blue ink, appearing to read "Benjamin Mallah", is written over a horizontal line.

Signature
Benjamin Mallah as
Managing Member of
111 BOARDWALK LLC
10225 Ulmerton Rd Sute 12A
Largo FL 33771
Benmallah@equitymp.com
(727) 517-2395



City of Madeira Beach
BUILDING DEPARTMENT
300 Municipal Drive
Madeira Beach, FL 33708
PH: 727-391-9951 ext. 284 FAX:727-399-1131

AUTHORIZED AGENT AFFIDAVIT

I, Emmett Joe Hartsock, license holder for DLR Madeira Beach, LLC
(please print name) (please print company name)

hereby grant authorization to the person(s) listed below to act in my behalf with the Madeira Beach Building Department while conducting activities related to obtaining permits. These activities specifically include signing all documents requiring signature. The person(s) listed below is/are to be considered an agent of my business and therefore the signature of said agent is binding and causes me to assume all responsibilities connected to or associated with the signature as they may relate to my contracting business.

Amanda Hessein, Rutledge Ecenia, PA

I, Emmett Joe Hartsock relieve the Madeira Beach Building Department of and agree to
(print name)

hold the Madeira Beach Building Department harmless from any and all responsibility, claims or other actions arising from or related to the Department's acceptance of the above agent's signature for permit-related activities. I further understand that it is my sole responsibility to grant and terminate any such authorization and to ensure that the Division receives timely notice of any such grant or termination.

N/A

State Certification or License Number

Emmett Joe Hartsock
Contractor's Signature

N/A

Pinellas County License Number (If applicable)

7/19/24
Date

STATE OF Florida
COUNTY OF Lucas

The foregoing instrument was acknowledged before me this 19th day of July, 2024 by Emmett Joe Hartsock who is personally known to me or has produced identification in the form of FLDL STATE OF FLORIDA, COUNTY OF LAKE

Notary Public:

Sworn to and subscribed before me this 19th day of July 2024
Jacob DeGreechie
Signature of Notary Public, State of Florida



Jacob DeGreechie
Notary Public
State of Florida
Comm# HH030843
Expires 8/31/2024

Print, Type Commissioned Name of Notary Public
Personally Known or produced identification
Type of Identification produced FLDL

DISCLAIMER: According to Florida Statutes, Chapter 119, it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All documents and information not specified in F.S. 119.071 and 119.0713 are subject to public record requests.



MEMORANDUM

PUBLIC NOTICE

The Board of Commissioners of the City of Madeira Beach will hold a Public Hearing on **August 14, 2024, at 6:00 p.m.**, or as soon thereafter as the matter may be heard, at the Patricia Shontz Commission Chambers at 300 Municipal Drive, Madeira Beach, Florida 33708 to review an application for the approval by the Board of Commissioners of a (4COP) alcoholic beverage license for the sale of beer and wine for consumption on premises at Dick’s Last Resort located at 111 Boardwalk Place W, Suite 203, Madeira Beach, FL 33708. This establishment is located in the C-1, Tourist Commercial Zoning District. The future land use designation for the property is Activity Center.

(4COP) ALCOHOLIC BEVERAGE LICENSE APPLICATION # 2024-04

Applicant(s): DLR Madeira Beach, LLC

Business Location: 111 Boardwalk Place W, Suite 203, Madeira Beach, FL 33708

Business: Dick’s Last Resort

Application Request: 4COP Alcoholic Beverage License pursuant to Section 110-532 of the Madeira Beach Code of Ordinances

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2024-04, is seeking a (4COP) alcoholic beverage license for the sale of beer, wine and liquor for consumption on premises at Dick’s Last Resort located at 111 Boardwalk Place W, Suite 203, Madeira Beach, FL 33708. This establishment is located in the C-1, Tourist Commercial Zoning District. The future land use designation for the property is Activity Center.

Note:

Section 110-532 of the Madeira Beach Code of Ordinances requires the approval by the Board of Commissioners for the consideration of an alcoholic beverage application. You have received this notice, pursuant to City Code Section 110-539, because you are a property owner within 300 feet of the subject property. If you are desirous of voicing approval or disapproval of this application, you may attend the Public Hearing for this application.

A copy of the application is available for inspection in the Community Development Department between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday. If you would like more information regarding the application, please contact Joe Petraglia, Planning Tech at 727-603-0423, or jpetraglia@madeirabeachfl.gov.



Any 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 the attached Notice of Intent to be a party with the Community Development Department not less than five days prior to commencement of the hearing. The completed form may be emailed or submitted in person to the following:

Community Development Department 300 Municipal Drive Madeira Beach, FL 33708	Joseph Petraglia, Planning Tech jpetraglia@madeirabeachfl.gov 727-603-0423
--	--

Posted:

July 29, 2024 @ Property Site, Gulf Beaches Public Library, City Hall, City of Madeira Beach, and Website Posting Locations.

Note: One or more Elected or Appointed Officials may be in attendance. Any person who decides to appeal any decision of the Board of Commissioners with respect to any matter considered at 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 City to transcribe verbatim minutes; therefore, the affected party must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting must contact Community Development Department, Jenny Rowan no later than 48 hours prior to the meeting: (727) 804-0178, or send a written request to planning@madeirabeachfl.gov.





Item 10A.

NOTICE OF INTENT TO BE AN AFFECTED PARTY

AFFECTED PERSON INFORMATION

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email: _____

APPLICATION INFORMATION

Case No or Application No., whichever applies: _____

Applicant's Name: _____

Signature of Affected Person

Date

Note: One or more Elected or Appointed Officials may be in attendance. Any person who decides to appeal any decision of the Special Magistrate 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 City to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation in order to participate in this meeting should call 727-391-9951 or fax a written request to 727-399-1131.



MIKE TWITTY, MAI, CFA
Pinellas County Property Appraiser

www.pcpao.gov

mike@pcpao.gov

Run Date: 23 Jul 2024

Subject Parcel: 15-31-15-57275-000-2030

Radius: 300 feet

Parcel Count: 33

Total pages: 3

Public information is furnished by the Property Appraiser's Office and must be accepted by the recipient with the understanding that the information received was developed and collected for the purpose of developing a Property Value Roll per Florida Statute. The Pinellas County Property Appraiser's Office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability or suitability of this information for any other particular use. The Pinellas County Property Appraiser's Office assumes no liability whatsoever associated with the use or misuse of such information.

R N J MADEIRA BEACH INC
C/O IURILLO, CAMILLE
1017 GRAND CT
HIGHLAND BEACH, FL 33487-5306

R N J MADEIRA BEACH INC
C/O IURILLO, CAMILLE
1017 GRAND CT
HIGHLAND BEACH, FL 33487-5306

FL INT IMP FUND TRE
C/O GARDNER PROPERTIES INC
555 SE ST LUCIE BLVD
STUART, FL 34996-1320

N J E PROPERTIES INC
C/O HAMUY
PO BOX 14433
TALLAHASSEE, FL 32317-4433

N J E PROPERTIES INC
C/O HAMUY
PO BOX 14433
TALLAHASSEE, FL 32317-4433

111 BOARDWALK LLC
10225 ULMERTON RD STE 12A
LARGO, FL 33771-3520

JPV HOTEL PROPERTY LLC
101 150TH AVE
ST PETERSBURG, FL 33708-2450

JPV HOTEL PROPERTY LLC
101 150TH AVE
ST PETERSBURG, FL 33708-2450

JPV HOTEL PROPERTY LLC
101 150TH AVE
ST PETERSBURG, FL 33708-2450

MADEIRA BEACH, CITY OF
300 MUNICIPAL DR
MADEIRA BEACH, FL 33708-1916

111 BOARDWALK LLC
10225 ULMERTON RD STE 12A
LARGO, FL 33771-3520

J E H INVESTMENTS LLC
4200 4TH ST N STE 3
ST PETERSBURG, FL 33703-4735

DE LOSAS PIZZA & RESTAURANT
12800 VILLAGE BLVD
MADEIRA BEACH, FL 33708-2653

PERSHING ENTERPRISES LLC
9226 143RD LN
SEMINOLE, FL 33776-1959

VETERANS OF FOREIGN WARS HOLIDAY ISLES
POST 4256
12901 GULF BLVD
MADEIRA BEACH, FL 33708-2636

JPV HOTEL PROPERTY LLC
101 150TH AVE
ST PETERSBURG, FL 33708-2450

111 BOARDWALK LLC
10225 ULMERTON RD STE 12A
LARGO, FL 33771-3520

JPV HOTEL PROPERTY LLC
101 150TH AVE
ST PETERSBURG, FL 33708-2450

MENNA'S LANDING OWNER'S ASSN INC
9334 SILVERTHORN RD
SEMINOLE, FL 33777-3163

MERMAID HOLDINGS LLC
12831 VILLAGE BLVD
MADEIRA BEACH, FL 33708-2654

DE LOSAS PIZZA & RESTAURANT
12800 VILLAGE BLVD
MADEIRA BEACH, FL 33708-2653

MERMAID HOLDINGS LLC
12831 VILLAGE BLVD
MADEIRA BEACH, FL 33708-2654

JPV RESTAURANT PROPERTY LLC
101 150TH AVE
ST PETERSBURG, FL 33708-2450

CRITELLI FAMILY LIVING TRUST
8162 TERRACE GARDEN DR N UNIT 102
ST PETERSBURG, FL 33709-1055

111 BOARDWALK LLC
10225 ULMERTON RD STE 12A
LARGO, FL 33771-3520

111 BOARDWALK LLC
10225 ULMERTON RD STE 12A
LARGO, FL 33771-3520

JPV HOTEL PROPERTY LLC
101 150TH AVE
ST PETERSBURG, FL 33708-2450

111 BOARDWALK LLC
10225 ULMERTON RD STE 12A
LARGO, FL 33771-3520

111 BOARDWALK LLC
10225 ULMERTON RD STE 12A
LARGO, FL 33771-3520

LUPER REAL ESTATE INC
7262 SAWGRASS POINT DR N
PINELLAS PARK, FL 33782-4202

JPV HOTEL PROPERTY LLC
101 150TH AVE
ST PETERSBURG, FL 33708-2450

LUPER REAL ESTATE INC
7262 SAWGRASS POINT DR N
PINELLAS PARK, FL 33782-4202

JOHN'S PASS PLAZA LLC
10225 ULMERTON RD STE 12A
LARGO, FL 33771-3520

Item 10A.



AFFIDAVIT OF POSTING

Date: 7/29/2024
Postings for: ABP 2024-04

Before me this day Lisa Scheuermann personally appeared. He/she has posted public notices at the locations indicated in the notice document(s).

Lisa Scheuermann
Signature

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to and subscribed before me this 29th day of July, 2024.

Personally known or produced _____ as identification.



Samantha Arison
Notary Public

7/29/24
Date

*Copy of public notice is attached.



AFFIDAVIT OF MAILING

Date: 7/29/2024

Mailings for Case # ABP 2024-04

Before me this day Lisa Shekman personally appeared. He/she has mailed public notices to property owners within a 300 foot radius of the subject property.

Lisa Shekman
Signature

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn and subscribed before me this 29th day of July, 20 24

Personally known or produced _____ as identification.

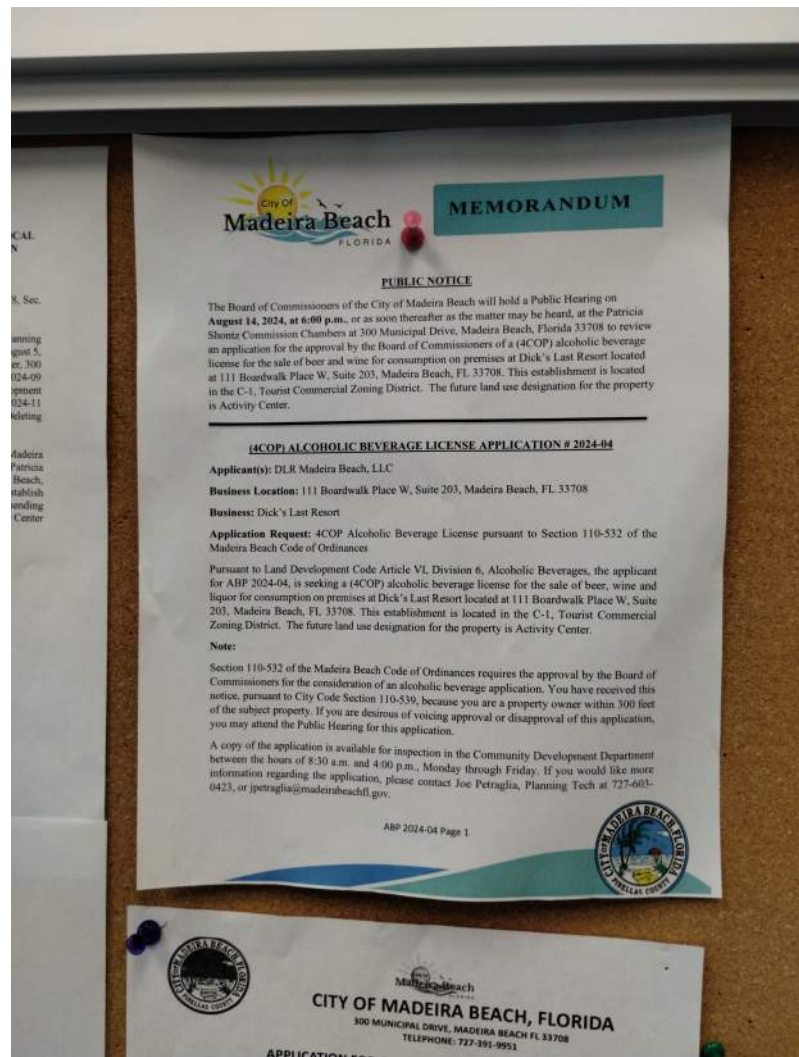
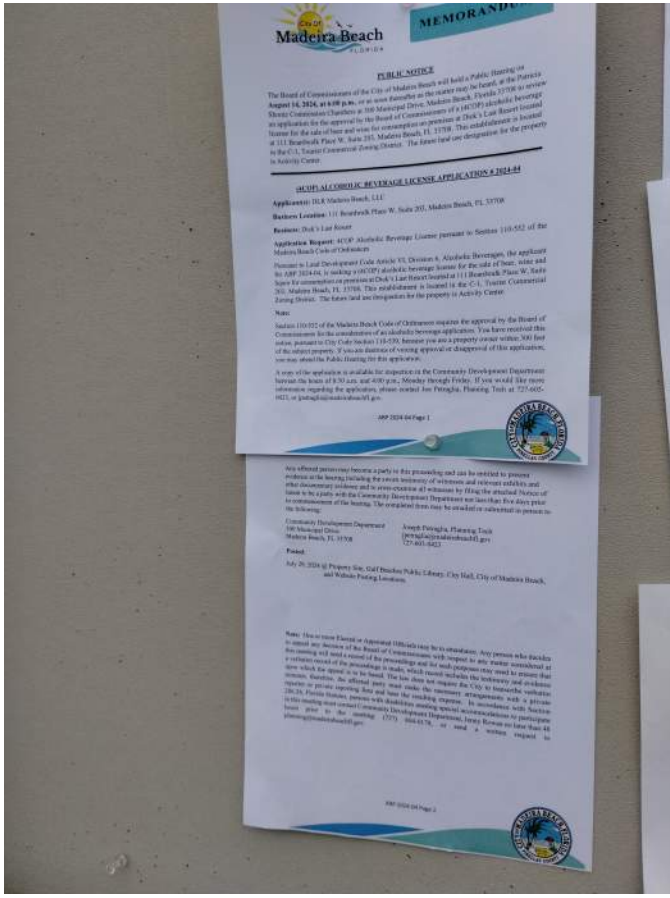
Samantha Arison
Notary Public

7/29/24
Date



*Copy of public notice is attached.

Item 10A.



**Memorandum****Meeting Details:** Board of Commissioners Regular Meeting, August 14, 2024**Prepared For:** Board of Commissioners**From:** Community Development Department**Subject:** Ordinance 2024-08 Fences, 2nd Reading and Public Hearing

Background: The lack of details in the fence section of the Madeira Beach Land Development Regulations (LDRs) has caused confusion and frustration for various homeowners, contractors, city staff, and applicants attempting to obtain a fence permit. Some of these issues include many common prefabricated open fence types not meeting current open fence sizing and spacing requirements, fencing requirements in other code sections not being referenced in the fence division, and a lack of clear black-and-white guidance when it comes to fences. The current code is also silent on some fence types such as temporary construction fencing and split rail fences. While this section of the code already has a definition for “building line” as being established by the primary structure setback, this definition is not referenced at all in this code. Due to not being referenced, the lack of a clear definition of where the side, rear, and front yards begin, when determining height, city staff is forced to interpret it as the building line of the primary structure that exists at the time of permitting. Because of this, applicants whose structures do not extend as far as the minimum setback requirements are penalized, applicants with nonconforming structures built beyond the setbacks are rewarded and fence lines are inconsistent from property to property within the same zoning district. As a result, some applicants have had their neighbors apply for their fence permits to extend further than they typically would be able to.

Discussion: The proposed ordinance (attached to the memo) has been reviewed by Community Development Staff several times over the past few months. This proposed ordinance has been brought to the April 24th BOC Workshop Meeting, May 6th and June 3rd Planning Commission Meetings and was approved unanimously at the first reading at the July 10th BOC Regular Meeting. Since the July 10th BOC meeting the ordinance has been revised to reflect a change with the grade definition as discussed to

accommodate for fences along property lines with different grade elevations. Wingwall requirements over seawalls for fences around swimming pools were also discussed at the July 10th BOC meeting and after reviewing the swimming pool section of Madeira Beach LDRs we are able to confirm that wingwalls are not required which would be consistent to what is being proposed in this code section. An addition to Sec. 110-447(c)(1) was also added clarifying that a fence is not required (although would be permitted) along the seawall for waterfront properties with a pool as recommended from the last BOC meeting.

Recommendation(s): Staff and Planning Commission recommends approval of Ordinance 2024-08

Fiscal Impact or Other:

There is no anticipated fiscal impact.

Attachments:

- Business Impact Estimate
- Legal ad
- Proposed amendments to the Fence Code

Business Impact Estimate

Proposed ordinance's title/reference:

ORDINANCE 2024-08

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 3 (LANDSCAPE FENCES, GATES, HEDGES, AND WALLS) OF ARTICLE VI (SUPPLEMENTARY DISTRICT REGULATIONS) OF CHAPTER 110 (ZONING) OF THE CITY'S LAND DEVELOPMENT CODE TO REVISE THE DEFINITION OF BUILDING LINE; TO ADD A PROVISION FOR OPENINGS; TO REVISE THE PROVISION RELATED TO OPEN FENCES; TO PROHIBIT FENCES OVER THREE FEET IN INTERSECTION VISIBILITY TRIANGLES; TO AMEND HEIGHT, FRONT, SIDE AND REAR YARD REQUIREMENTS; TO INCLUDE A PROVISION FOR FENCES AROUND SWIMMING POOLS; AND TO ADD A NONCONFORMING FENCE, GATE, HEDGE OR WALL PROVISION; PROVIDING FOR CONFLICT, CODIFICATION AND 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;

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

- 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. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The lack of details in the fence section of the Madeira Beach Land Development Regulations (LDRs) has caused confusion and frustration for various homeowners, contractors, city staff, and applicants attempting to obtain a fence permit. Some of these issues include many common prefabricated open fence types not meeting current open fence sizing and spacing requirements, fencing requirements in other code sections not being referenced in the fence division, and a lack of clear black-and-white guidance when it comes to fences. The current code is also silent on some fence types such as temporary construction fencing and split rail fences. While this section of the code already has a definition for “building line” as being established by the primary structure setback, this definition is not referenced at all in this code. Due to not being referenced, the lack of a clear definition of where the side, rear, and front yards begin, when determining height, city staff is forced to interpret it as the building line of the primary structure that exists at the time of permitting. Because of this, applicants whose structures do not extend as far as the minimum setback requirements are penalized, applicants with nonconforming structures built beyond the setbacks are rewarded and fence lines are inconsistent from property to property within the same zoning district. As a result, some applicants have had their neighbors apply for their fence permits to extend further than they typically would be able to.

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 impact.

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

It is not foreseen that any businesses will be negatively impacted by passing this ordinance.

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

0000352131-01

LEGAL NOTICE

Tampa Bay Times
Published Daily

STATE OF FLORIDA
COUNTY OF Pinellas, Hillsborough, Pasco,
Hernando Citrus

}ss

Before the undersigned authority personally appeared **Jean Mitotes** who on oath says that he/she is **Legal Advertising Representative** of the **Tampa Bay Times** a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter **RE: ORDINANCE 2024-08** was published in said newspaper by print in the issues of: **7/31/24** or by publication on the newspaper's website, if authorized, on

Affiant further says the said **Tampa Bay Times** is a newspaper published in **Pinellas, Hillsborough, Pasco, Hernando Citrus** County, Florida and that the said newspaper has heretofore been continuously published in said **Pinellas, Hillsborough, Pasco, Hernando Citrus** County, Florida each day and has been entered as a second class mail matter at the post office in said **Pinellas, Hillsborough, Pasco, Hernando Citrus** County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

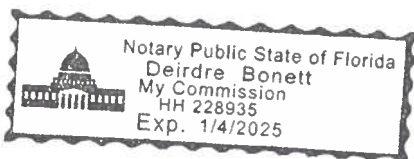
Signature Affiant

Sworn to and subscribed before me this **07/31/2024**

Signature of Notary Public

Personally known X or produced identification

Type of identification produced _____



NOTICE OF PUBLIC HEARINGS
CITY OF MADEIRA BEACH

In accordance with the City of Madeira Beach Code of Ordinances, the City of Madeira Beach City Charter, and Florida Statute §166.041(3)(a):

NOTICE IS HEREBY GIVEN, that the Board of Commissioners of the City of Madeira Beach will conduct a **Second Reading and Public Hearing for the adoption of proposed Ordinance 2024-08 on Wednesday, August 14, 2024, at 6:00 p.m.** The meeting will be held in the Patricia Shontz Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708. The title of said Ordinance is as follows:

ORDINANCE 2024-08

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, ARTICLE VI SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 3 LANDSCAPE FENCES, GATES, HEDGES, AND WALLS OF THE CITY'S LAND DEVELOPMENT CODE TO PROVIDE FURTHER INFORMATION ON DEFINITIONS IN APPLICABILITY OF DIVISION; TO INCLUDE THE VISION TRIANGLE, AMEND FRONT, SIDE AND REAR YARDS, AND INCLUDE FENCES AROUND SWIMMING POOLS IN LOCATION AND HEIGHT OF FENCES, HEDGES, AND WALLS; AND ADD A NONCONFORMITIES SECTION; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at the meeting and be heard with respect to the proposed Ordinance. A copy of the proposed Ordinance is available for inspection in the City Clerk's Office between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday. If you would like more information regarding proposed Ordinance 2024-08, please contact Community Development Director Jenny Rowan at (727) 391-9951, ext. 244 or (727) 804-0178 or email to jrowan@madeirabeachfl.gov.

The meeting will be aired on Public Access TV Spectrum Channel 640 and through the City's website.

Persons who wish to appeal any decision made by the Board of Commissioners with respect to any matter considered during either public hearing at this meeting will need a record of the proceedings, and for such purpose may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. It is the responsibility of the person making the appeal to bear the cost of hiring a private court reporter or private court recording firm to make the verbatim record.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's office no later than 48 hours prior to the meeting: (727) 391-9951, Ext. 231 or 232 or email a written request to cvanblargan@madeirabeachfl.gov.

Clara VanBlargan, MMC, MSM, City Clerk

ORDINANCE 2024-08

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, ARTICLE VI SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 3 LANDSCAPE FENCES, GATES, HEDGES, AND WALLS OF THE CITY’S LAND DEVELOPMENT CODE TO PROVIDE FURTHER INFORMATION ON DEFINITIONS IN APPLICABILITY OF DIVISION; TO INCLUDE THE VISION TRIANGLE, AMEND FRONT, SIDE AND REAR YARDS, AND INCLUDE FENCES AROUND SWIMMING POOLS IN LOCATION AND HEIGHT OF FENCES, HEDGES, AND WALLS; AND ADD A NONCONFORMITIES SECTION; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Staff has reviewed the current provisions of Article VI Division 3 of Chapter 110 of the Land Development Code of the City of Madeira Beach and recommends amending the building line definition to be less restrictive; and

WHEREAS, City Staff has reviewed the current provisions of Article VI Division 3 of Chapter 110 of the Land Development Code of the City of Madeira Beach and recommends amending the open fence requirements to be less restrictive and more descriptive and allow for the addition of decorative fencing such as split rail fences; and

WHEREAS, City Staff has reviewed the current provisions of Article VI Division 3 of Chapter 110 of the Land Development Code of the City of Madeira Beach and recommends adding information clarifying that construction fencing does not apply to this section; and

WHEREAS, City Staff has reviewed the current provisions of Article VI Division 3 of Chapter 110 of the Land Development Code of the City of Madeira Beach and recommends amending the height requirements to be more clear on where front, rear and side yards are located by utilizing the building line definition; and

WHEREAS, City Staff has reviewed the current provisions of Article VI Division 3 of Chapter 110 of the Land Development Code of the City of Madeira Beach and

recommends adding information regarding swimming pool fences, nonconforming fences and the intersection sight visibility triangle to reflect other sections of the Land Development Code; and

WHEREAS, the recommendations of staff have been found meritorious by the Board of Commissioners; and

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

Section 1. The following verbiage in Chapter 110 Article VI Division 3 of the Land Development Code of the City of Madeira Beach are hereby amended to read as follows:

Sec. 110-446. - Applicability of division.

This division applies to all fences, hedges, and walls that are not specifically exempted from this division. This division does not apply to seawalls (see [chapter 14](#), article V of this Code for regulations on seawalls).

(1) *Definitions.* The following terms and phrases used in this division have the following meanings.

Building line means the line established by the setback required by the zoning district in which the lot is located, beyond which a building must not extend, ~~except~~ as specifically provided by this Code or approved variance from this Code. If the furthest vertical structural member of the primary structure on the subject property, or the abutting neighbor's shared property line to the proposed fence extends further than the established setback required by the zoning district, then that furthest vertical structural member shall apply as the building line.

Chain-link fence means an open fence consisting of a woven mesh of thick steel wire having a uniform diamond-shaped pattern.

Grade means a reference plane representing the average of finished ground level along the exterior edge of the higher side of the fence, hedge, or wall.

Hedge means any installation or placement of plants, structural elements, feature art, ornaments or objects that together form a row, boundary or screen that extends more than three feet before a break (open space) of at

least three feet horizontally and six feet vertically. Hedges can be installed in conjunction with or in lieu of fences, except those fences required by the Florida Building Code, and must meet the same height restrictions as fences and walls except in the rear yard where the natural plant material of the hedge may be allowed to grow to natural height.

Picket fence means an open fence consisting of pickets or pales attached to horizontal stringers between upright posts.

Post means a sturdy vertical component placed into the ground to support a fence. Posts for residential use cannot be greater than five inches wide and posts for non-residential uses cannot be greater than eight inches wide. Posts may extend three inches above the restricted fence height.

Sand fence means an artificial barrier of evenly spaced wooden slats or synthetic fabric erected perpendicular to the prevailing wind and supported by posts.

Wall means a non-bearing landscape wall.

(2) *Building permits required.* All fences and walls except temporary construction fencing must comply with established building permit procedures.

(3) *Design.* All fences and walls on each property must have reasonably complementary or uniform design and materials.

(4) *Openings.* Openings in any fence must not allow passage of a four-inch diameter (102 mm) sphere unless spacing is greater than 12 inches for decorative fences not required by Florida Building Code.

(45) *Open fences.* When a fence is required to be open, the following criteria must be met. Open fences must have openings between vertical or horizontal members shall not be less than three inches and no greater than four inches between vertical and horizontal members. Horizontal members, other than the top and bottom horizontal members which cannot be greater than six inches wide, cannot be greater than two and one-half inches in width wide. Vertical members, other than posts which cannot be greater than six inches wide, cannot be greater than three and one-half inches wide. Openings in any fence must not allow passage of a four-inch diameter (102 mm) sphere. Permitted open fences include chain-link and picket fences.

(56) *Materials.* Fences and walls must be constructed of traditional building materials including brick, stone, stucco over concrete block, finished concrete, metal, vinyl, wood (natural, stained, or painted), and composite products manufactured specifically for fences and walls. Non-traditional materials, such as tires, mufflers, hubcaps, etc. are prohibited. Chain-link and other wire fences are not permitted in front yards.

(67) *Finished sides.* Fences and walls must be constructed to present a finished side to all adjoining lots and abutting rights-of-way.

(78) *Maintenance.* After construction, fences and walls must be maintained with original components and remain substantially vertical to serve their function and aesthetic purposes. Structural integrity must be maintained to prevent a danger of destruction or flight during high winds. Hedges must be maintained at or below the maximum height permitted.

(89) *Dangerous structures.* Barbed wire, spire tips, sharp objects, or electrically charged fences or walls are prohibited.

Sec. 110-447. - Location and height of fences, hedges, and walls.

(a) *Setbacks.* Except as otherwise permitted or required by this Code, fences and walls are prohibited:

(1) Within any right-of-way or street easement, or closer than three feet to any sidewalk or bike path,

(2) Closer to the Gulf of Mexico than the County Coastal Construction Control Line,

(3) Closer to the Gulf of Mexico than 18 feet landward of an existing seawall,

(4) Closer than five feet to the mean high-water line along waterbodies, including canals, except a fence or wall may be permitted immediately landward of, or on top of, an existing seawall.

(5) Within the Intersection visibility triangle as specified in [Sec. 110-423](#) unless three feet in height or less

(b) *Height.* Height is measured from the average grade elevation along the entire length of the fence, hedge, or wall.

(1) *Front yards.* From the required front building line to the right-of-way, all walls, solid fences, and hedges ~~located in front yards~~ must not exceed three feet. Open fences, must not exceed four feet. Chain-link and other wire fences are not permitted in front yards.

(2) *Side yards.* From the required front building line to the required rear building line, all fences, hedges, and walls ~~located in side yards~~ must not exceed six feet.

(3) *Rear yards facing water.* From the required rear building line to the rear property line, ~~a~~All walls and solid fences ~~located in rear yards~~ abutting or facing waterbodies must not exceed three feet, ~~except fences up to six feet~~

~~are permitted adjacent to sewage lift stations and along property lines adjacent to parking associated with nonresidential uses.~~ Open fences must not exceed four feet. Fences up to six feet are permitted adjacent to sewage lift stations, city pocket parks, and along residential property lines that are adjacent to commercial uses. When deemed necessary by the permitting authority to ensure life-safety and security however, a six-foot high solid or open fencing may be allowed or required in the site plan review process for commercial and institutional uses. In rear yards facing the Gulf of Mexico, open and sand fences must not exceed four feet and fencing that is wrought iron in appearance must not exceed six feet.

(4) *Sand fences.* Sand fences may be approved by temporary permits and must be removed when the director determines that sea oats have established a permanent vegetative screen. Permitted sand fences must be accompanied by no less than three rows of one-gallon container sea oats planted seaward of and along the entire length of the sand fence. Each sea oat planting must be no more than 12 inches apart, on-center, and rows separated by no more than 12 inches.

(5) *Rear yards not facing water.* From the required rear building line to the rear property line, aAll fences and walls ~~located in rear yards~~ not abutting or facing waterbodies must not exceed six feet.

(c) *Swimming pool fence:*

(1) Every outdoor swimming pool, outdoor spa and outdoor permanent wading pool shall be completely surrounded by an appropriate fence not less than four feet in height for all pools, commercial and residential. A building, existing wall or screen enclosure may be used as a part of such enclosure. Fences are not required to be installed parallel to the seawall for properties directly abutting waterbodies.

(2) For rear yards facing an open water body with a swimming pool, the required swimming pool fence must be four feet in height and must, at a minimum, have the highest foot of the fence constructed as an open fence in compliance with Sec. 110-446(5) (i.e. three-foot solid fence with one-foot lattice)

(3) All gates or doors opening through such enclosure shall be of self-closing and self-latching construction and shall be designed to permit locking. The releasing device for the latch shall be located no less than 54 inches from the bottom of the gate, the device release mechanism may be located on either side of the gate and so placed that it cannot be reached by a young child over the top or through any opening or gap from the outside.

Sec. 110-448. - Gates required.

All fences, hedges, and walls must provide gates or openings to allow passage through the side yard from the front yard to the rear yard, with a minimum opening of 29 inches.

Sec. 110-449. – Nonconformities.

Any legally nonconforming fences, gates, hedges, or walls must be brought into conformance once any maintenance requiring a permit on the fence is done.

Secs. 110-449~~50~~—110-470. - 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 Sections 1 through 3 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 6. Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption.

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

James "Jim" Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: July 10, 2024_____

PUBLISHED: _____

PASSED ON SECOND READING: _____



Memorandum

Meeting Details: August 14, 2024 – Board of Commissioners Regular Meeting
Prepared For: Honorable Mayor Brooks and Board of Commissioners
Staff Contact: Madeira Beach Community Development Department
Subject: Ordinance 2024-09: Appendix D John’s Pass Village Activity Center Development Standards -1st reading and public hearing

Background

The City of Madeira Beach Board of Commissioners adopted Ordinance 2023-01 (John’s Pass Village Activity Center Plan) and Ordinance 2023-02 (Amending FLUM to add John's Pass Village Activity Center) on March 13, 2024. These ordinances updated the Madeira Beach Comprehensive Plan and Future Land Use Map. Ordinance 2023-01 and Ordinance 2023-02 did not change the Land Development Regulations (LDRs) in the Madeira Beach Code of Ordinances or amend the Madeira Beach Zoning Map. The Madeira Beach Code of Ordinances LDRs and Madeira Beach Zoning Map must be amended within one (1) year of the adoption of the John’s Pass Village (JPV) Activity Center Plan and amendment to the City’s Future Land Use Map.

Discussion

Multiple ordinances need to be created and adopted to implement the JPV Special Area Plan: create the new development standards that corresponds with the JPV Activity Center Plan (Ordinance 2024-09), recategorize and rename the zoning district that will refer to these new development standards (Ordinance 2024-10), rezone the entire JPV Activity Center area (Ordinance 2024-11), and remove and reserve the zoning district that is no longer used (Ordinance 2024-12).

Ordinance 2024-09 Appendix D, the new JPV Activity Center Development Standards, creates a new appendix in the Code of Ordinances that outlines all development standards in the Activity

Center land use category. The development standards differ from character district to character district encompassing the standards from the JPV Special Area Plan.

Staff brought all four ordinances to the August 5, 2024, Planning Commission meeting for recommendation. The Planning Commission unanimously recommended all four Ordinances. In the recommendation motion for Ordinance 2024-09, the Planning Commission included amending Ordinance 2024-09 based on staff recommendations. The first staff recommendation included adding maximum allowed stories in Section D-108. – Maximum building height. The second staff recommendation included a text change to say “open rooftop, balcony and elevated terrace use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit” in Section D-105.- Special exception uses.

Fiscal Impact

N/A

Recommendation(s)

Planning Commission and staff recommend approval of Ordinance 2024-09: Appendix D John’s Pass Village Activity Center Development Standards.

Attachments/Corresponding Documents

- Ordinance 2024-09 Ordinance 2024-09: Appendix D John’s Pass Village Activity Center Development Standards
- Forward Pinellas’ Administrative Review Letter
- Tampa Bay Regional Planning Council Support Materials
- Legal Advertisement

ORDINANCE 2024-09

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO ADOPT APPENDIX D TO ESTABLISH THE JOHN’S PASS VILLAGE ACTIVITY CENTER DEVELOPMENT STANDARDS; PROVIDING THAT SAID STANDARDS SHALL REGULATE DEVELOPMENT IN THE JOHN’S PASS VILLAGE DISTRICT; PROVIDING FOR PERMITTED, ACCESSORY AND SPECIAL EXCEPTION USES; PROVIDING FOR BUILDING SITE AREA REQUIREMENTS; PROVIDING FOR SETBACK REQUIREMENTS; PROVIDING FOR RESIDENTIAL, VACATION RENTAL AND TEMPORARY LODGING USE DENSITY; PROVIDING FOR MAXIMUM BUILDING HEIGHT; PROVIDING FOR MAXIMUM FLOOR AREA RATIO; PROVIDING FOR IMPERVIOUS SURFACE RATIO; PROVIDING FOR ALTERNATIVE TEMPORARY LODGING USE STANDARDS; PROVIDING FOR DESIGN STANDARDS AND GUIDELINES; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the John’s Pass Village Activity Center Special Area Plan requires updates to the Madeira Beach Land Development Code to have consistent development standards; and

WHEREAS, to accomplish the stated intent City staff recommended changes to the C-1 Tourist Commercial District by renaming the district and replacing the development standards set forth in Sections 110-257 through 110-265 with Appendix D -John’s Pass Village Activity Center Development Standards; and

WHEREAS, Appendix D -John’s Pass Village Activity Center Development Standards will establish the regulations and means to preserve and rebuild the existing character, uses, and density and intensity of John’s Pass Village; and

WHEREAS, Appendix D -John’s Pass Village Activity Center Development Standards will include creating six Character Districts: Boardwalk, Commercial Core, John’s Pass Resort, Low Intensity Mixed Use, Traditional Village, and Transitional; and

WHEREAS, each Character District within the John’s Pass Village Activity Center has specific regulations related to development standards; and

WHEREAS, the John’s Pass Village Activity Center Development Standards will regulate permitted uses, accessory uses, special exception uses, building site area requirements, setback requirements, density, maximum building height, intensity, impervious surface ratio, design standards, and design guidelines; and

WHEREAS, the Planning Commission has considered the recommended changes at a public hearing and has recommended approval to the Board of Commissioners; and

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

WHEREAS, the Board of Commissioners held two public hearings to consider the approval of the recommended changes and the adoption of this ordinance.

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

Section 1. That Appendix D -John’s Pass Village Activity Center Development Standards is added to the Madeira Beach Code of Ordinances and shall read as follows:

Appendix D - John’s Pass Village Activity Center Development Standards

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

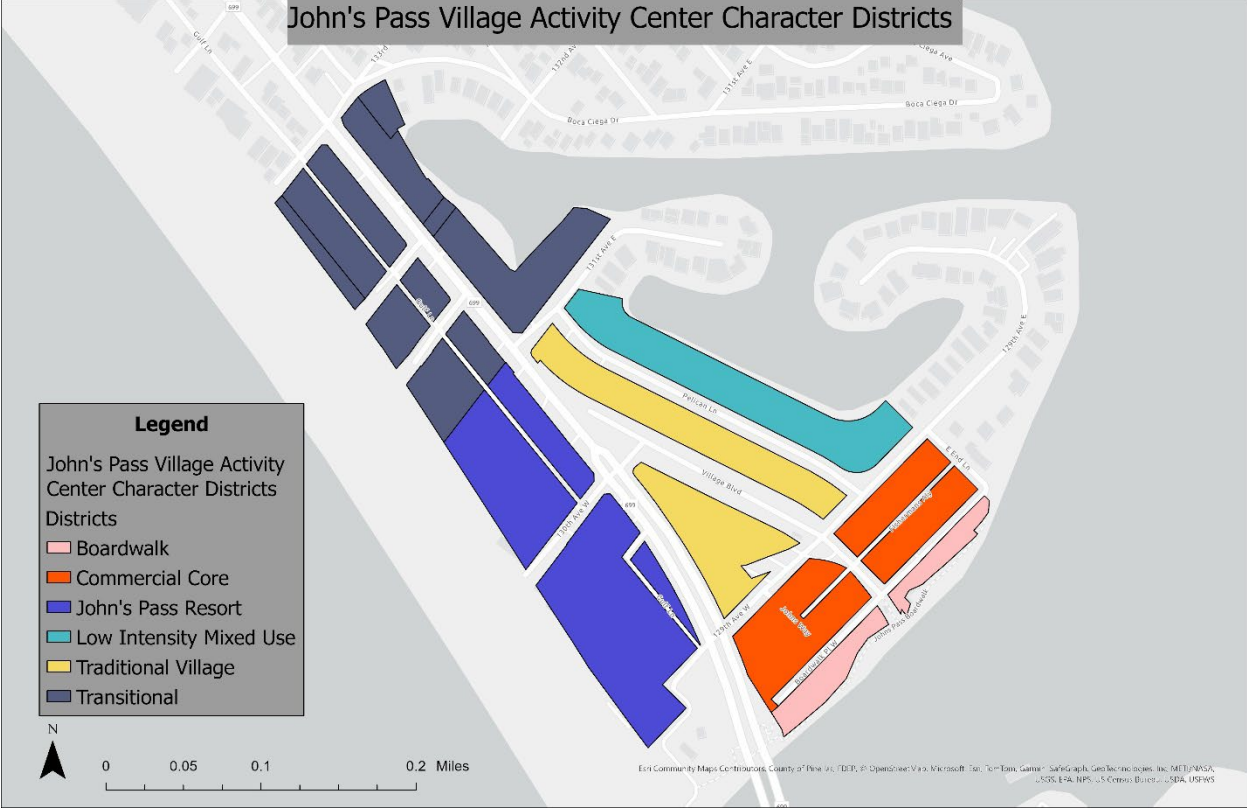
The John’s Pass Village Activity Center Development Standards establishes the regulations and means to preserve and rebuild the existing character, uses, and density and intensity of John’s Pass Village. The John’s Pass Village Activity Center Development Standards are a comprehensive attempt to memorialize the character and function of this tourist, commercial, and cultural center, and to provide for future enhancement and revitalization.

Section D-113 includes design standards and guidelines for the tourist commercial areas in John’s Pass Village Activity Center to retain and enhance the old Floridian fishing village architectural style.

Section D-102. – Relation to the Comprehensive Plan, Zoning District, and Character Districts.

The C-1 John’s Pass Village Activity Center Zoning District correlates with the Activity Center future land use category of the City Madeira Beach Comprehensive Plan and Activity Center plan category in the Countywide Plan. The John’s Pass Village Activity Center Zoning District has six Character Districts with specific regulations that reflect the uniqueness of each area.

Figure 1. Character Districts



Section D-103. – Permitted Uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses in the John's Pass Village District are as follows:

- 1) Boardwalk:
 - a. Commercial, business service, personal service, office, office support, restaurant, and retail commercial excluding drive-through windows.
 - b. Commercial recreation.
 - c. Commercial fishing activities and working waterfront.
 - d. Charter and party boat operations.
- 2) Commercial Core:
 - a. Commercial, business service, personal service, office, office support, restaurant, and retail commercial excluding drive-through windows.
 - b. Residential and vacation rental located above first floor commercial use.
 - c. Temporary lodging located above first floor commercial use.
 - d. Commercial recreation.
- 3) John's Pass Resort:
 - a. Residential and vacation rental.
 - b. Temporary lodging.
 - c. Publicly owned or operated parks and recreation areas.
 - d. Institutional.
- 4) Low Intensity Mixed Use:
 - a. Residential and vacation rental.
 - b. Temporary lodging.

- c. Publicly owned or operated parks and recreation areas.
- d. Institutional.
- 5) Traditional Village:
 - a. Commercial, business service, personal service, office, office support, restaurant, and retail commercial excluding drive-through windows.
 - b. Residential and vacation rental located above first floor commercial use.
 - c. Temporary lodging located above first floor commercial use.
 - d. Commercial recreation.
- 6) Transitional:
 - a. Commercial, business service, personal service, office, office support, restaurant, and retail commercial excluding drive-through windows only on the east side of Gulf Boulevard.
 - b. Residential and vacation rental.
 - c. Temporary lodging.
 - d. Publicly owned or operated parks and recreation areas.
 - e. Institutional.

Section D-104. – Accessory uses.

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

- 1) Boardwalk:
 - a. Off-street parking and loading.
 - b. Essential services.
 - c. Open elevated terrace uses.
 - d. Other customary accessory uses ancillary to the permitted uses.
- 2) Commercial Core:
 - a. Off-street parking and loading.
 - b. Essential services.
 - c. Open elevated terrace uses.
 - d. Other customary accessory uses ancillary to the permitted uses.
- 3) John’s Pass Resort:
 - a. Off-street parking and loading.
 - b. Essential services.
 - c. Home occupation.
 - d. Other customary accessory uses ancillary to the permitted uses.
 - e. Commercial, business service, personal service, office, office support, restaurant, and retail commercial excluding drive-through windows only allowed up to 20 percent of the total building floor area ratio.
- 4) Low Intensity Mixed Use:
 - a. Off-street parking and loading.
 - b. Essential services.
 - c. Home occupation.
 - d. Other customary accessory uses ancillary to the permitted uses.
- 5) Traditional Village:
 - a. Off-street parking and loading.
 - b. Essential services.
 - c. Open elevated terrace uses.
 - d. Other customary accessory uses ancillary to the permitted uses.

- 6) Transitional:
 - a. East side of Gulf Boulevard
 - i. Off-street parking and loading.
 - ii. Boat slips associated with a permitted business use, not for rental or commercial marine activities.
 - iii. Essential services.
 - iv. Home occupation.
 - v. Other customary accessory uses ancillary to the permitted use.
 - b. West side of Gulf Boulevard
 - i. Off-street parking and loading.
 - ii. Home occupation.
 - iii. Essential services.
 - iv. Other customary accessory uses ancillary to the permitted uses.
 - v. Retail commercial, personal service, business service, and restaurants excluding drive-through windows only allowed up to 20 percent of the building floor area ratio.

Section D-105.- Special exception uses.

Upon application for a special exception to the special magistrate and favorable action thereon, the following uses may be permitted in the John's Pass Village District:

- 1) Boardwalk:
 - a. Exhibition of reptiles by permit.
 - b. Open rooftop use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit.
- 2) Commercial Core:
 - a. Exhibition of reptiles by permit.
 - b. Private social, recreational or fraternal clubs and organizations.
 - c. Publicly owned or operated parks or recreation areas.
 - d. Stand-alone parking lots and parking garages.
 - e. Open rooftop use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit.
- 3) John's Pass Resort:
 - a. Retail commercial, restaurant, and personal service uses as a stand-alone use. Stand-alone commercial by special exception use can only front Gulf Boulevard.
 - b. Public service facilities.
 - c. Commercial recreation.
 - d. Open rooftop, balcony and elevated terrace use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit.
- 4) Low Intensity Mixed Use:
 - a. Restaurants, retail commercial and business service excluding drive-through windows only up to 20 percent of the total building floor area ratio.
 - b. Commercial recreation.
 - c. Open rooftop, balcony and elevated terrace use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit.
- 5) Traditional Village:
 - a. Exhibition of reptiles by permit.
 - b. Private social, recreational or fraternal clubs and organizations.

- c. Publicly owned or operated parks or recreation areas.
 - d. Stand-alone parking lots and parking garages as a principal use.
 - e. Open rooftop use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit.
- 6) Transitional:
- a. Public service facilities.
 - b. Commercial recreation.
 - c. Open rooftop, balcony and elevated terrace use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit.

Section D-106. - Building site area requirements.

The minimum building site area requirements are as follows:

- 1) Boardwalk:
 - a. Lot width: 40 feet.
 - b. Lot depth: 50 feet.
- 2) Commercial Core:
 - a. Lot width: 40 feet.
 - b. Lot depth: 80 feet.
- 3) John's Pass Resort:
 - a. Single-family, duplex, triplex: 40 feet in lot width.
 - b. Multifamily and temporary lodging: 60 feet in lot width.
 - c. Stand-alone commercial: 60 feet in lot width.
 - d. Lot depth: 80 feet.
- 4) Low Intensity Mixed Use:
 - a. Single-family, duplex, triplex: 40 feet in lot width.
 - b. Multifamily and temporary lodging: 60 feet in lot width.
 - c. Lot depth: 80 feet.
- 5) Traditional Village:
 - a. Lot width: 40 feet.
 - b. Lot depth: 75 feet.
- 6) Transitional:
 - a. Single-family, duplex, triplex: 40 feet in lot width.
 - b. Multifamily and temporary lodging: 60 feet in lot width.
 - c. Stand-alone commercial: 60 feet in lot width.
 - d. Lot depth: 80 feet.
 - e. Public service facilities: shall not exceed a maximum of five acres. Like uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the P-SP zoning district and the appropriate land use category.

Section D-107. – Setback requirements.

The following minimum and maximum setbacks shall apply in the John's Pass Village District:

- 1) Boardwalk:
 - a. Front yard (Boardwalk Place): 10 feet.
 - i. Awnings may protrude into the setback a maximum of 4 feet. The property owner is responsible for maintenance and liability of the awning.

- b. Side yard:
 - i. Lots equal to or less than 60 feet wide: none.
 - ii. Lots greater than 60 feet wide: 5-foot setback on one side.
 - c. Rear or waterfront yard: none, however access to the “tie-backs” supporting seawalls must be provided for maintenance.
 - d. A 10-foot minimum step back is required for stories above the second story on the rear or waterfront yard facade of the building.
 - i. Open structured porches and walkways are allowed within the step back.
 - ii. Enclosed stairways and elevator shafts are allowed within the step back.
- 2) Commercial Core:
- a. Front yard:
 - i. Buildings one story high: 0 feet minimum to 10 feet maximum.
 - ii. Buildings two or more stories high: 10 foot minimum. Structured arcades, awnings, and covered walkways are allowed in the setback.
 - iii. Awnings may protrude into the public right-of-way a maximum of 4 feet. The property owner is responsible for maintenance and liability of the awning.
 - b. Side yard:
 - i. Lots equal to or less than 100 feet wide: none.
 - ii. Lots greater than 100 feet wide: 10 feet on one side.
 - iii. For corner lots with a side yard along a street the side setback along the street must be 10 feet.
 - 1) Awnings may protrude into the public right-of-way along all street sides of corner lots a maximum of 4 feet. The property owner is responsible for maintenance and liability of the awning.
 - c. Rear yard: 20 feet.
 - d. A 10-foot minimum step back is required for stories above the second story on the front yard and street facing facade, not including alleys, of the building.
 - i. Open structured porches and walkways are allowed within the step back.
 - ii. Enclosed stairways and elevator shafts are allowed within the step back.
- 3) John’s Pass Resort:
- a. Front yard:
 - i. Single-family, duplex, and triplex: 20 feet.
 - ii. Multifamily and temporary lodging: 25 feet.
 - b. Rear yard:
 - i. Lots equal to or less than 100 feet long: 18 feet.
 - ii. Lots greater than 100 feet long: 25 feet.
 - c. Waterfront rear yard: For lots on the Gulf of Mexico, the setback shall be landward of the Coastal Construction Control Line (CCCL).
 - d. Side yard:
 - i. Single-family, duplex, and triplex:
 - 1) Lots equal to or less than 50 feet wide: 5-foot setback on each side.
 - 2) Lots greater than 50 feet wide: 15 feet with a minimum of 7 feet on either side.
 - ii. Multifamily, temporary lodging, and retail commercial:
 - 1) Lots equal to or less than 120 feet long: 10 feet on each side.
 - 2) Lots between 120 to 240 feet wide: 15 feet on each side.

- 3) Lots wider than 240 feet: 20 feet on each side.
 - e. A 10-foot minimum step back is required for stories above the third story on the front yard facade of the building.
 - i. Enclosed stairways and elevator shafts are allowed within the step back.
- 4) Low Intensity Mixed Use:
 - a. Front yard: 20 feet.
 - b. Rear yard: 18 feet.
 - c. Side yard:
 - i. Lots equal to or less than 50 feet wide: 5 feet on each side.
 - ii. Lots greater than 50 feet wide: 10 feet on each side.
- 5) Traditional Village:
 - a. Front yard: 0 feet minimum to 10 feet maximum.
 - i. Awnings may protrude into the public right-of-way a maximum of 4 feet. The property owner is responsible for maintenance and liability of the awning.
 - b. Rear yard: 10 feet.
 - c. Side yard:
 - i. 0 feet.
 - ii. For lots with a side yard along a street, the side setback must be 10 feet along a street.
 - d. A 10-foot minimum step back is required for stories above the second story on the front yard facade of the building.
 - i. Open structured porches and walkways are allowed within the step back.
 - ii. Enclosed stairways and elevator shafts are allowed within the step back.
- 6) Transitional:
 - a. Front yard:
 - i. Single-family, duplex, and triplex: 20 feet.
 - ii. Multifamily, temporary lodging, and commercial: 20 feet.
 - b. Rear yard:
 - i. Lots equal to or shorter than 100 feet in length: 18 feet.
 - ii. Lots greater than 100 feet in length: 25 feet.
 - iii. Waterfront lots on the Gulf of Mexico: landward of the Coastal Construction Control Line (CCCL).
 - c. Side yard:
 - iii. Single-family, duplex, and triplex:
 - 1) Lots equal to or less than 50 feet in width, the minimum side yard setback is 5 feet on each side.
 - 2) Lots 51 feet or greater in width, the minimum total side yard setback is 15 feet with a minimum of 7 feet on each side.
 - iv. Multifamily, temporary lodging, and retail commercial:
 - 1) Lots equal to or less than 120 feet wide: 10 feet on each side.
 - 2) Lots wider than 120 feet but equal to or less than 240 feet: 15 feet on each side.
 - 3) Lots wider than 240 feet: 20 feet on each side.
 - d. A 10-foot minimum step back is required for stories above the third story on the front yard and street facing facade of the building.

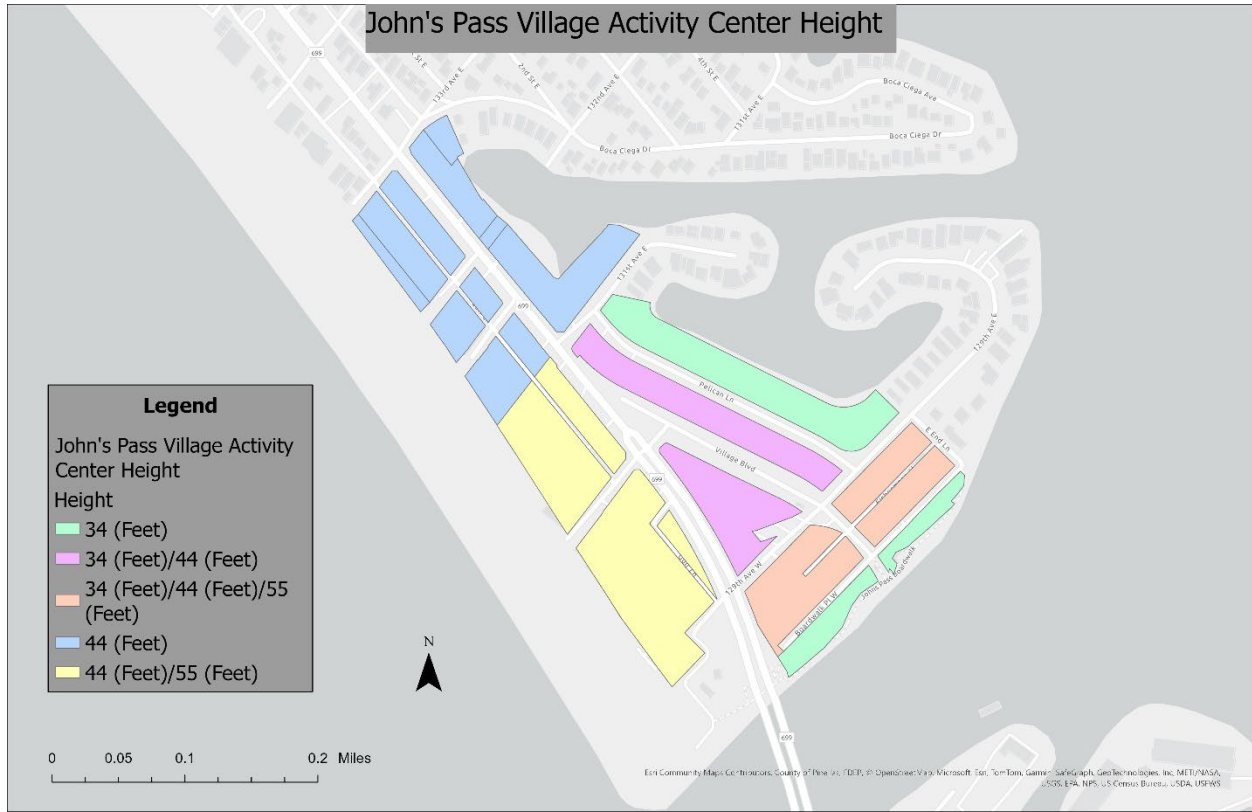
- i. Enclosed stairways and elevator shafts are allowed within the step back.

Section D-108. – Maximum building height.

The following maximum building heights are measured from Design Flood Elevation in the John’s Pass Village District to the eave line of the building:

- 1) Boardwalk: 34 feet, not to exceed 2 stories over ground floor parking or commercial.
- 2) Commercial Core:
 - a. Lots equal to or less than ¼ acre in size: 34 feet, not to exceed 2 stories over ground floor commercial.
 - b. Lots between ¼ to ½ acre in size: 44 feet, not to exceed 3 stories over ground floor commercial.
 - c. Lots equal to or larger than ½ acre in size: 55 feet, not to exceed 4 stories over ground floor commercial.
- 3) John’s Pass Resort:
 - a. Lots equal to or less than ½ acre in size: 44 feet, not to exceed 4 stories over ground floor parking or commercial.
 - b. Lots greater than ½ acre in size: 55 feet, not to exceed 5 stories over ground floor parking.
- 4) Low Intensity Mixed Use: 34 feet, not to exceed 3 stories over ground floor parking or commercial.
- 5) Traditional Village:
 - a. Lots equal to or less than ½ acre: 34 feet, not to exceed 2 stories over ground floor commercial.
 - b. Lots greater than ½ acre: 44 feet, not to exceed 3 stories over ground floor commercial.
- 6) Transitional: 44 feet.
 - a. West side of Gulf Boulevard: not to exceed 4 stories over ground floor parking.
 - b. East side of Gulf Boulevard: not to exceed 4 stories over parking or commercial.

Figure 2. John's Pass Village Activity Center Height Limits



Section D-109. – Residential, vacation rental, and temporary lodging use density.

The following maximum densities are measured in units per acre and must also fall within the floor area ratio maximums allowed (Section D-109). If using the alternative temporary lodging use standards see Section D-112.

- 1) Boardwalk:
 - a. Residential and vacation rental: 0 units per acre.
 - b. Temporary lodging: 0 units per acre.
- 2) Commercial Core:
 - a. Residential and vacation rental: 15 units per acre.
 - b. Temporary lodging: 60 units per acre.
- 3) John's Pass Resort:
 - a. Residential and vacation rental: 18 units per acre.
 - b. Temporary lodging: 60 units per acre.
- 4) Low Intensity Mixed Use:
 - a. Residential and vacation rental: 18 units per acre.
 - b. Temporary lodging: 40 units per acre.
- 5) Traditional Village:
 - a. Residential and vacation rental: 15 units per acre.
 - b. Temporary lodging: 45 units per acre.

- 6) Transitional:
 - a. Residential and vacation rental: 18 units per acre.
 - b. Temporary lodging: 50 units per acre.

Figure 3. Maximum Residential Density

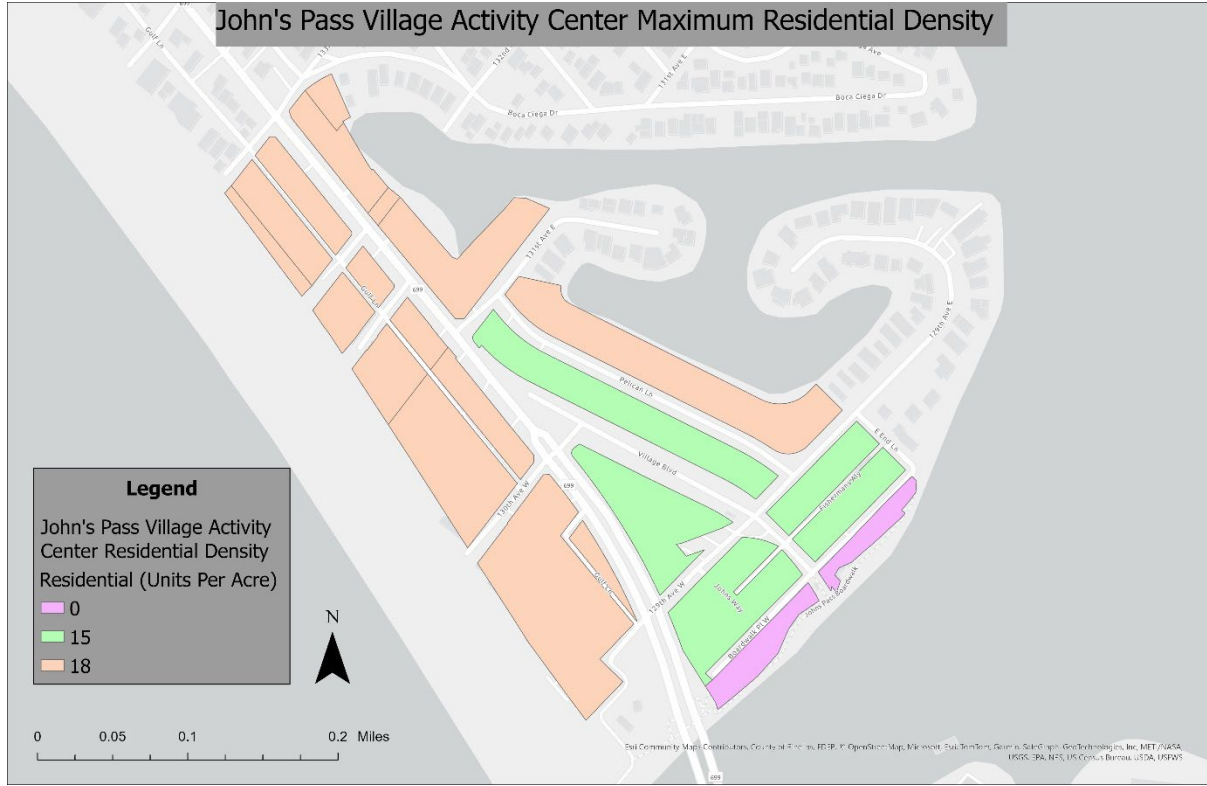
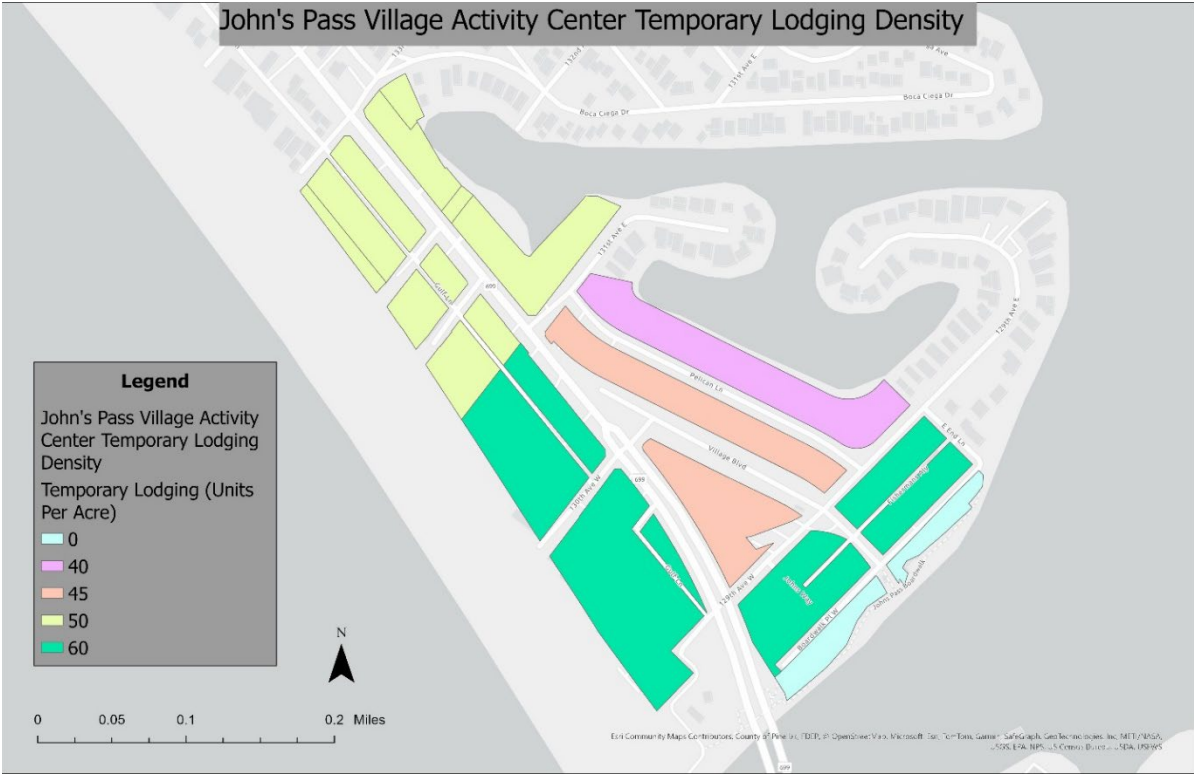


Figure 4. Maximum Temporary Lodging Density

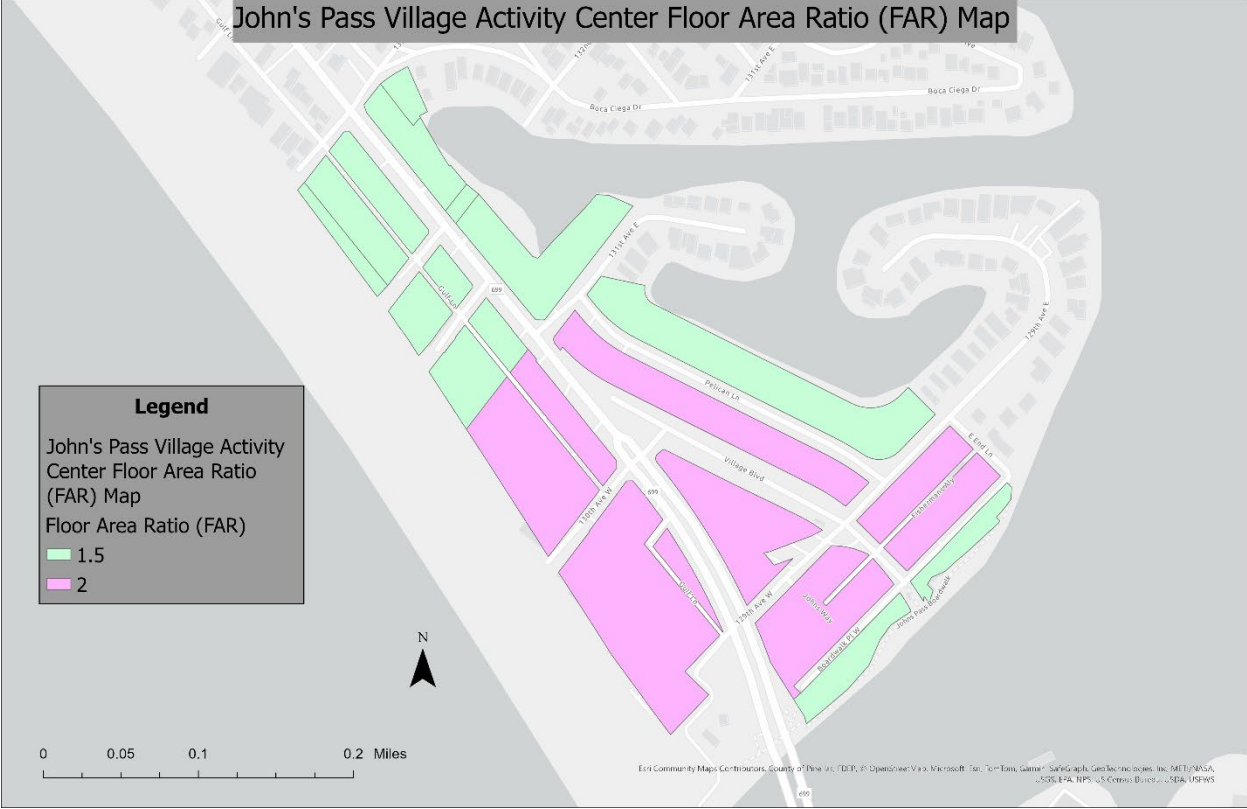


Section D-110. – Maximum floor area ratio.

Floor area ratio (FAR) is all-inclusive of residential, temporary lodging, and commercial uses in the John's Pass Village Activity Center. If using the alternative temporary lodging use standards see Section D-112.

- 1) Boardwalk: 1.5 FAR
- 2) Commercial Core: 2.0 FAR
- 3) John's Pass Resort: 2.0 FAR
- 4) Low Intensity Mixed Use: 1.5 FAR
- 5) Traditional Village: 2.0 FAR
- 6) Transitional: 1.5 FAR

Figure 5. John's Pass Village Activity Center Floor Area Ratio (FAR) Map



Section D-111. – Impervious surface ratio (ISR).

- 1) Boardwalk: 0.85
- 2) Commercial Core: 0.85
- 3) John's Pass Resort: 0.85
- 4) Low Intensity Mixed Use: 0.85
- 5) Traditional Village: 0.85
- 6) Transitional: 0.85

Section D-112. – Alternative Temporary Lodging Use Standards.

The following maximum densities are measured in units per acre and must also fall within the floor area ratio maximums allowed. A development agreement is required by the City's land development regulations and Forward Pinellas' Countywide Rules to use the Alternative Temporary Lodging Use Standards. The development agreement must follow all the requirements in Forward Pinellas' Countywide Rules to use the Alternative Temporary Lodging Use Standard. Developments that use the Alternative Temporary Lodging Use Standards in the John's Pass Village Activity Center area shall conform to the design standards and guidelines in D-113 of this appendix.

- 1) Boardwalk: not available.
- 2) Commercial Core:
 - a. Temporary Lodging Density:
 - i. Lot area less than one acre: 75 units per acre.
 - ii. Lot area one acre or larger: 87 units per acre.
 - b. Intensity:
 - i. Lot area less than one acre: 2.2 FAR

- ii. Lot area one acre or larger: 3.0 FAR
- 3) John's Pass Resort:
 - a. Temporary Lodging Density: 75 units per acre.
 - b. Intensity:
 - i. Lot area less than one acre: 2.2 FAR
 - ii. Lot area one acre or larger: 2.5 FAR
- 4) Low Intensity Mixed Use:
 - a. Temporary Lodging Density: 60 units per acre.
 - b. Intensity: 2.0 FAR
- 5) Traditional Village: not available.
- 6) Transitional:
 - a. Temporary Lodging Density: 75 units per acre.
 - b. Intensity: 2.0 FAR

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

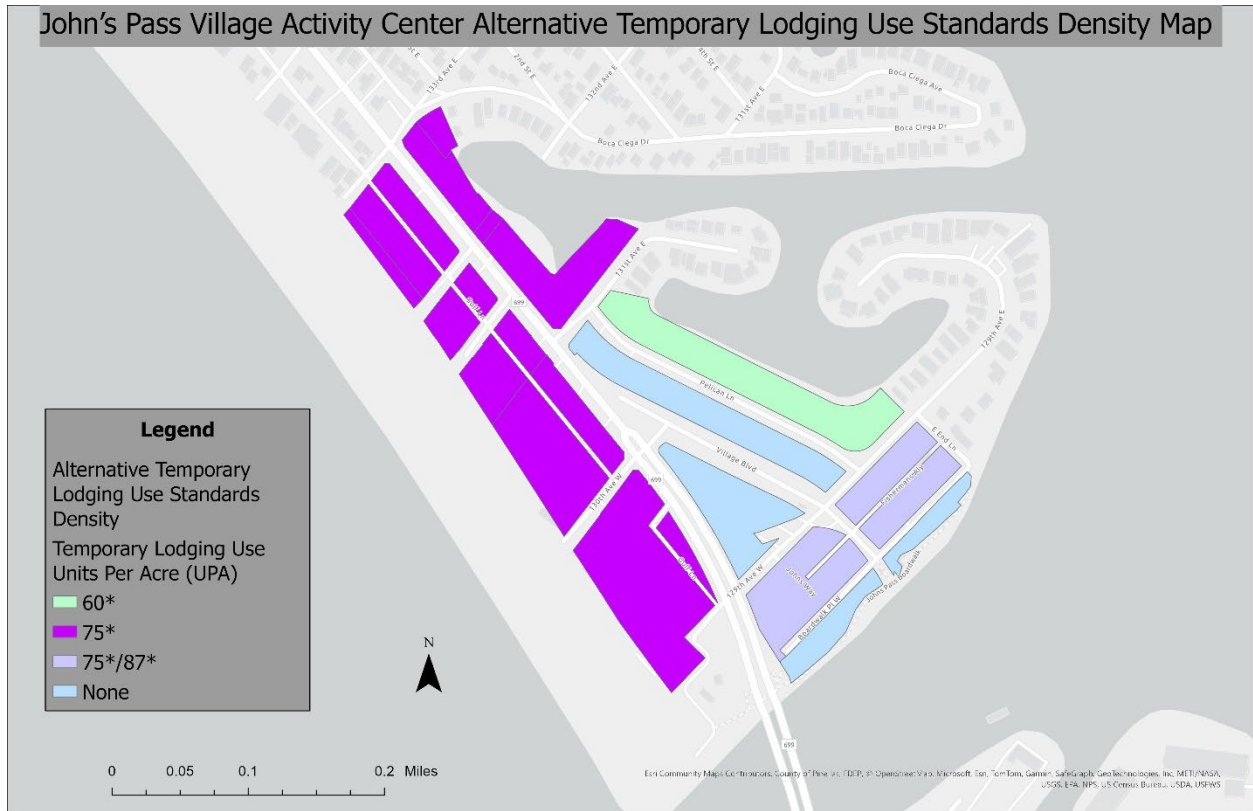
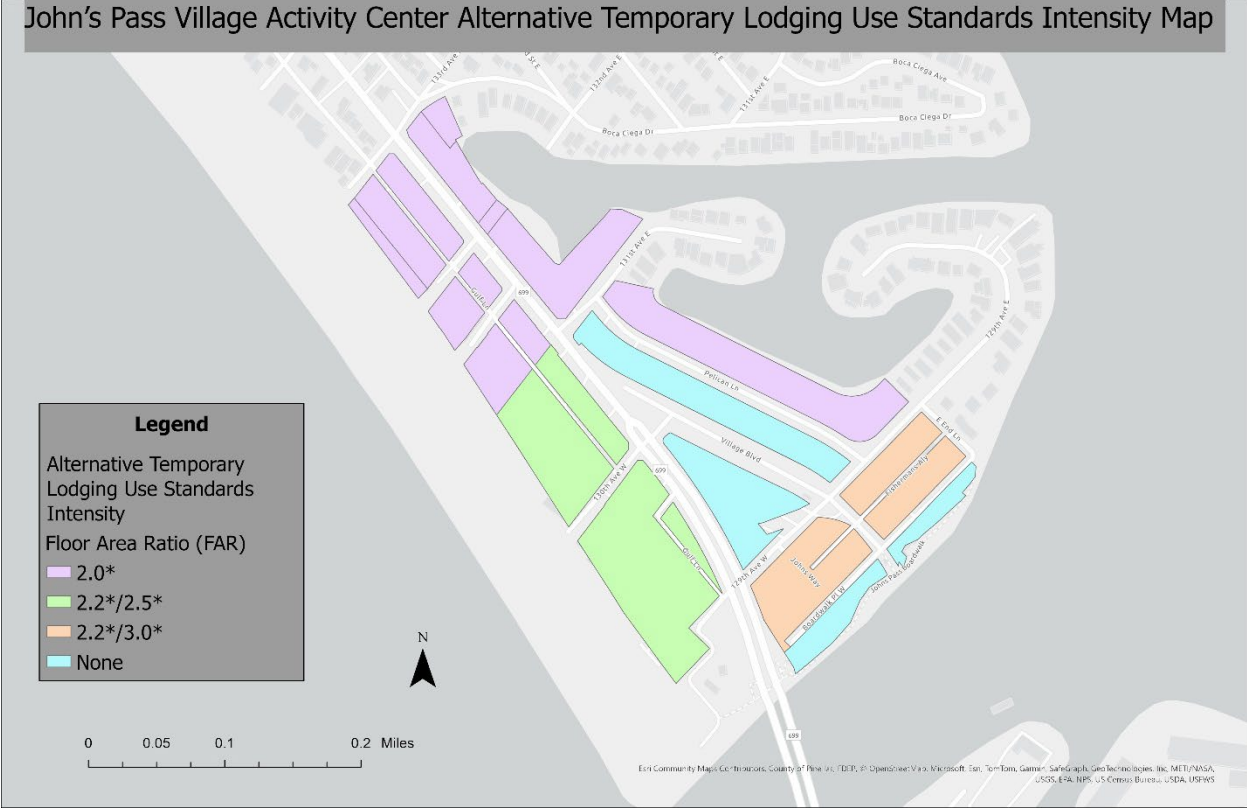


Figure 7. John's Pass Village Activity Center Alternative Temporary Lodging Use Standards Intensity Map



Section D-113. – Design Standards and Guidelines.

The following design standards and guidelines are only applicable to the Boardwalk, Commercial Core, and Traditional Village districts. Single family and duplex buildings are exempt from the following standards and guidelines. Standards are required while guidelines are recommended. If using the alternative temporary lodging use standards or rezoning to Planned Development with the future land use of Activity Center, the project shall conform to the entirety of Section D-113 including design standards and guidelines.

Building Facades. New and remodeled facades should conform to the general historical old Floridian fishing village architectural style of John's Pass Village. Decorative elements such as cornices, dormers and belt courses should be used to give scale and interest to the facades, to help define the building elements (base, middle, and top), and to create three-dimensional richness to the facades.

Facade rhythms. The building facades should incorporate multiple rhythms or cadences (rather than a single repetitive rhythm) that is reflective of the pattern found in the area. This is accomplished with a rich variety of surface treatments such as architectural features, large storefront windows and door frames, projecting bay window displays, canopies above the door, awnings, etc. Individual storefront facades should be narrow and change often to add richness to the sidewalk, street, and neighborhood. The preferred width of the storefront is approximately 40 feet and should have a maximum width of 100 feet.

Corner treatment. In cases where buildings are on a corner special treatment is encouraged for the buildings at these locations. This includes such things as rounded or cut corners, articulated corner entrances, accented display windows, special corner roof features, etc.

1) Design Standards:

- a. Any new mechanical units, including heating, ventilation and air conditioning equipment (HVAC) and exhaust and supply fans, shall be located in a visually inconspicuous area of a building, such as shielded on the roof, and not visible or shielded from public right-of-way.
- b. Structured parking facades must blend into the built environment with a visual appearance from the public right-of-way as an occupied building.
- c. Electric, gas service, public utility meters, satellite antennas, and associated services that are visible from the public right-of-way shall be located in the most inconspicuous location on a building, if the services must be located in a prominent visual location, screening with an enclosure may be required or painted to match the predominant facade color.
- d. Window and door shutters must be appropriate for the size of window or door.
- e. Awnings shall be below 14 feet in height, not less than 8 feet above the sidewalk. Internally lit or plastic awnings are not permitted. All awnings must comply with city codes.
- f. All solid waste and recycling containers are required to be screened from the right-of-way and adjacent properties.
- g. No single structure may be wider than 120 feet, parallelling to the right-of-way without providing a visual appearance of multiple buildings in increments of 40 to 100 feet.

2) Design Guidelines:

- a. Materials guidelines:
 - i. Wood siding may have an unfinished or painted appearance.
 - ii. Synthetic siding should have a clapboard appearance.
 - iii. Brick and stone should remain unpainted.
 - iv. Stucco should cover over any exterior CMU construction.
 - v. Roofs that are not flat should be standing seam metal.
- b. Outdoor cafés are encouraged to create a more pedestrian friendly environment.
- c. Exterior lighting should enhance the old Floridian fishing village aesthetic such as caged and hooded metal light fixtures.
- d. Storefront designs should incorporate large storefront windows typical of a main street and blank walls and small windows are discouraged.
- e. Paint colors should enhance the old Floridian fishing village aesthetic, such as coastal colors and earthy tones.
- f. Gabled roofs with dormers are encouraged.

Section 2. For purposes of codification of any existing section of the Madeira Beach Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

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

Section 4. In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

Section 5. The Codifier shall codify the substantive amendments to the Land Development Code of the City of Madeira Beach contained in Sections 1 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 6. Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption.

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

Anne-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____



July 9, 2024

Andrew Morris, AICP
Long Range Planner
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

RE: Administrative review notice for Tier I Amendment (Ordinances 2024-10, 2024,11 and 2024-09 Appendix D -John's Pass Village Activity Center Development Standards)

Dear Andrew:

Thank you for submitting the above referenced Tier I Amendment and providing the local Ordinances 2024-10, 2024,11 and 2024-09 Appendix D -John's Pass Village Activity Center Development Standards. This is a local amendment to regulations governing an Activity Center, which is therefore classified as a Tier I amendment per Section 6.2.2 of the Countywide Rules. Since the densities, intensities and permitted uses are consistent with the standards adopted in the Tier II Countywide Plan Map amendment CW 23-03, this amendment meets the requirements of the Tier I process.

The John's Pass Village standards fit within the general framework provided by the Countywide Rules, with specific adaptations to the local context. Specific adaptations in density, intensity, building heights, FAR, and ISR are in place to reflect the unique character and needs of the John's Pass Village area.

We recognize that the consistency process is an ongoing one and if either the City or Forward Pinellas staff has failed to note a matter governed by the consistency process in the course of this review, we will be happy to work with you to resolve any such matter as may be necessary.

If you have any questions, please feel free to call me at 727-464-5679 or email me at ewennick@forwardpinellas.org.

Sincerely,

Emma Wennick

Emma Wennick
Program Planner

NOTICE OF PUBLIC HEARING

CITY OF MADEIRA BEACH PLANNING COMMISSION

Item 10C.

ACTING AS THE LOCAL PLANNING AGENCY (LPA) AND BOARD OF COMMISSIONERS (BOC) ON PROPOSED AMENDMENTS TO THE CITY'S LAND DEVELOPMENT REGULATIONS AND ZONING MAP

In accordance with the City of Madeira Beach Code of Ordinances Sec. 2-6 and Sec. 2-78, Sec. 7.3 of the City Charter, and Florida Statutes Sections 166.041, 163.3167, and 163.3174:

NOTICE IS HEREBY GIVEN that the Planning Commission, acting as the Local Planning Agency (LPA) of the City of Madeira Beach, will conduct a public hearing on Monday, August 5, 2024, at 6:00 p.m. in the Patricia Shontz Commission Chambers, Madeira Beach City Center, 300 Municipal Drive, Madeira Beach, Florida 33708, for the review of proposed Ordinance 2024-09 (Creating Appendix D to establish the John's Pass Village Activity Center Development Standards), Ordinance 2024-10 (Amending C-1 to refer to Appendix D), Ordinance 2024-11 (Rezoning the John's Pass Village Activity Center area to C-1), and Ordinance 2024-12 (Deleting the C-2 zoning district).

NOTICE IS HEREBY GIVEN that the Board of Commissioners (BOC) of the City of Madeira Beach, will conduct a public hearing on Wednesday, August 14, 2024, at 6:00 p.m. in the Patricia Shontz Commission Chambers, Madeira Beach City Center, 300 Municipal Drive, Madeira Beach, Florida 33708, for the review of proposed Ordinance 2024-09 (Creating Appendix D to establish the John's Pass Village Activity Center Development Standards), Ordinance 2024-10 (Amending C-1 to refer to Appendix D), Ordinance 2024-11 (Rezoning the John's Pass Village Activity Center area to C-1), and Ordinance 2024-12 (Deleting the C-2 zoning district).

The titles of the ordinances are:

ORDINANCE 2024-09

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO ADOPT APPENDIX D TO ESTABLISH THE JOHN'S PASS VILLAGE ACTIVITY CENTER DEVELOPMENT STANDARDS; PROVIDING THAT SAID STANDARDS SHALL REGULATE DEVELOPMENT IN THE JOHN'S PASS VILLAGE DISTRICT; PROVIDING FOR PERMITTED, ACCESSORY AND SPECIAL EXCEPTION USES; PROVIDING FOR BUILDING SITE AREA REQUIREMENTS; PROVIDING FOR SETBACK REQUIREMENTS; PROVIDING FOR RESIDENTIAL, VACATION RENTAL AND TEMPORARY LODGING USE DENSITY; PROVIDING FOR MAXIMUM BUILDING HEIGHT; PROVIDING FOR MAXIMUM FLOOR AREA RATIO; PROVIDING FOR IMPERVIOUS SURFACE RATIO; PROVIDING FOR ALTERNATIVE TEMPORARY LODGING USE STANDARDS; PROVIDING FOR DESIGN STANDARDS AND GUIDELINES; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2024-10

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, ARTICLE V. DISTRICTS, DIVISION 5. C-1, TOURIST COMMERCIAL OF THE CITY'S LAND DEVELOPMENT CODE TO RENAME IT AS C-1 JOHN'S PASS VILLAGE ACTIVITY CENTER; PROVIDING FURTHER INFORMATION ON PURPOSE AND INTENT OF THE JOHN'S PASS VILLAGE ACTIVITY CENTER DISTRICT; REPLACING THE DEVELOPMENT STANDARDS SET FORTH IN SECTIONS 110-257 THROUGH 110-265 WITH THE DEVELOPMENT STANDARDS SET FORTH IN APPENDIX D (JOHN'S PASS VILLAGE ACTIVITY CENTER DEVELOPMENT STANDARDS); PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2024-11

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REZONING REAL PROPERTY FROM C-1 JOHN'S PASS VILLAGE ACTIVITY CENTER, C-2 JOHN'S PASS MARINE COMMERCIAL, C-3 RETAIL COMMERCIAL, C-4 MARINE COMMERCIAL, PD PLANNED DEVELOPMENT, AND R-3 MEDIUM DENSITY MULTIFAMILY RESIDENTIAL ZONING DISTRICTS TO C-1 JOHN'S PASS VILLAGE ACTIVITY CENTER FOR THE AREA AS SET FORTH IN THE ACCOMPANYING LEGAL DESCRIPTION IN EXHIBIT A ATTACHED HERETO AND HEREBY MADE A PART OF

THIS ORDINANCE; PROVIDING FOR FUTURE REVITALIZATION AND DEVELOPMENT WITHIN THE ACTIVITY CENTER CATEGORY TO BE CONSISTENT WITH AND PURSUANT TO THE PROCEDURES, GUIDELINES AND STANDARDS OF THE JOHN'S PASS VILLAGE ACTIVITY CENTER PLAN AS ADOPTED BY ORDINANCE 2023-01; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

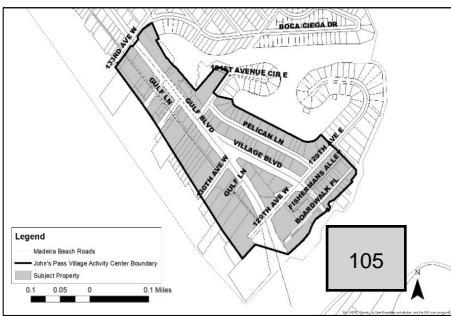
ORDINANCE 2024-12

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, DELETING DIVISION 6. JOHN'S PASS MARINE COMMERCIAL, SECTIONS 110-286 THROUGH 110-295 OF CHAPTER 110 ZONING, ARTICLE V. DISTRICTS OF THE CITY'S LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A geographic location map of the real property affected by the adoption of these ordinances is shown below.

Public Notice: Sec. 2-78. - Conduct of hearing requires a public notice to be mailed to property owners within 300 feet in any direction of the properties, which are the subject matter of the ordinances. Interested parties may appear at the meeting and be heard with respect to the proposed ordinances. Any 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 city Community Development Department not less than five days prior to the hearing. Ordinance 2024-09, Ordinance 2024-10, Ordinance 2024-11, and Ordinance 2024-12 are available for inspection in the Community Development Office, Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida 33708, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday or online at <https://madeirabeachfl.gov/johns-pass-activity-center-plan/>. If you would like more information regarding the Ordinances, please contact the Community Development Department, at 727-391-9951, ext. 244 or planning@madeirabeachfl.gov. Both meetings will be aired on Public Access TV Spectrum Channel 640 and through the City's website.

Note: One or more Elected or Appointed Officials may be in attendance. Any person who decides to appeal any decision of the Planning Commission and/or the Board of Commissioners with respect to any matter considered at these meetings will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the City to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation to participate in this meeting should call 727-391-9951 Ext. 244 or planning@madeirabeachfl.gov.



Business Impact Estimate

Proposed ordinance's title/reference: Ordinance 2024-09: Appendix D John's Pass Village Activity Center Development Standards

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

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

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): *Ordinance 2024-09 Appendix D, the new JPV Activity Center Development Standards, creates a new appendix in the Code of Ordinances that outlines all development standards in the Activity Center land use category. The development standards differ from character district to character district encompassing the standards from the JPV Special Area 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.
No foreseen direct economic impact of the proposed ordinance.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:
No foreseen impact on businesses with the proposed ordinance.

4. Additional information the governing body deems useful (if any):
This ordinance assures that the Madeira Beach Land Development Regulations are consistent with the John’s Pass Village Activity Center Plan.



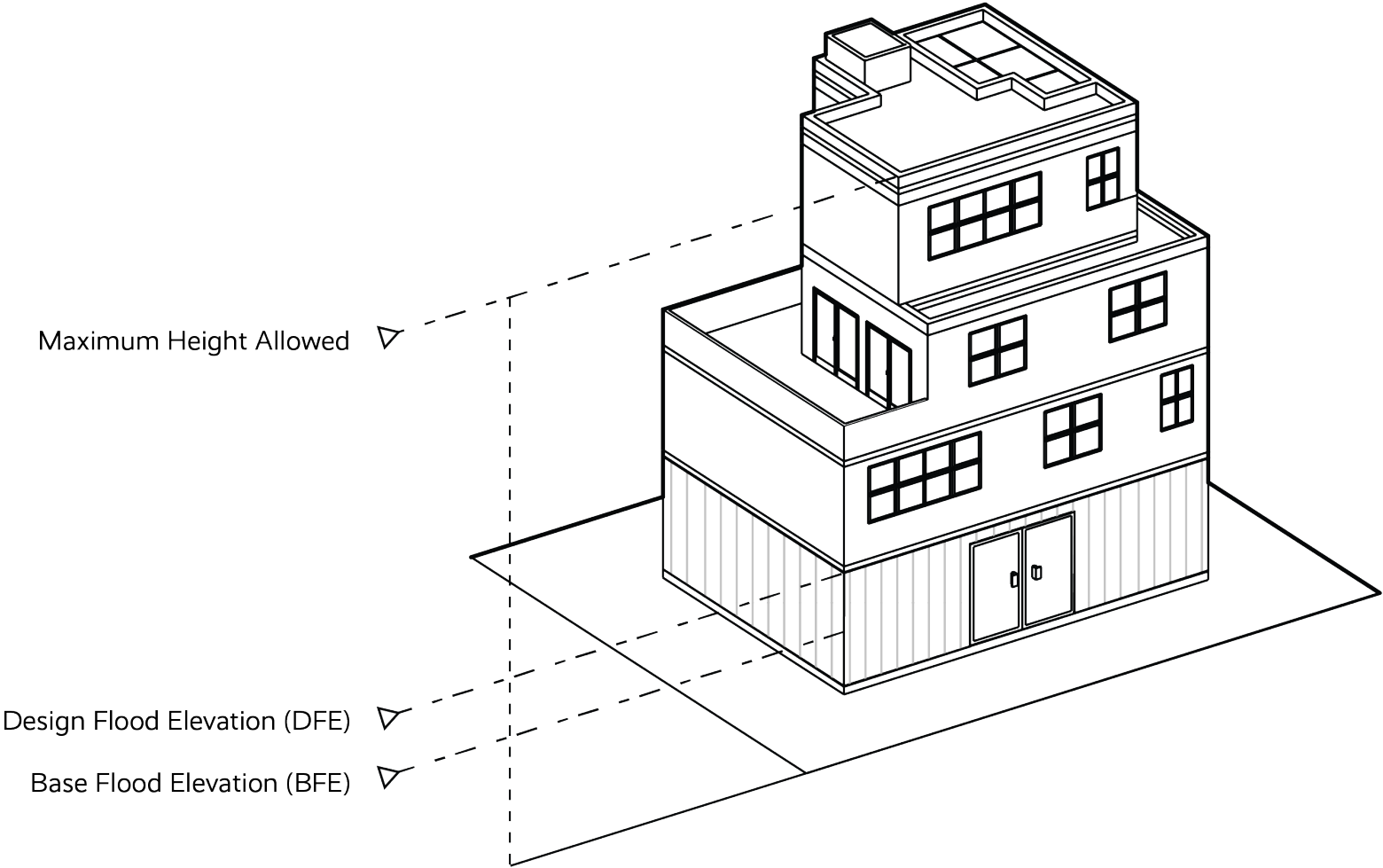
CITY OF MADEIRA BEACH
ORDINANCE 2024-09: TECHNICAL ASSISTANCE SERVICE

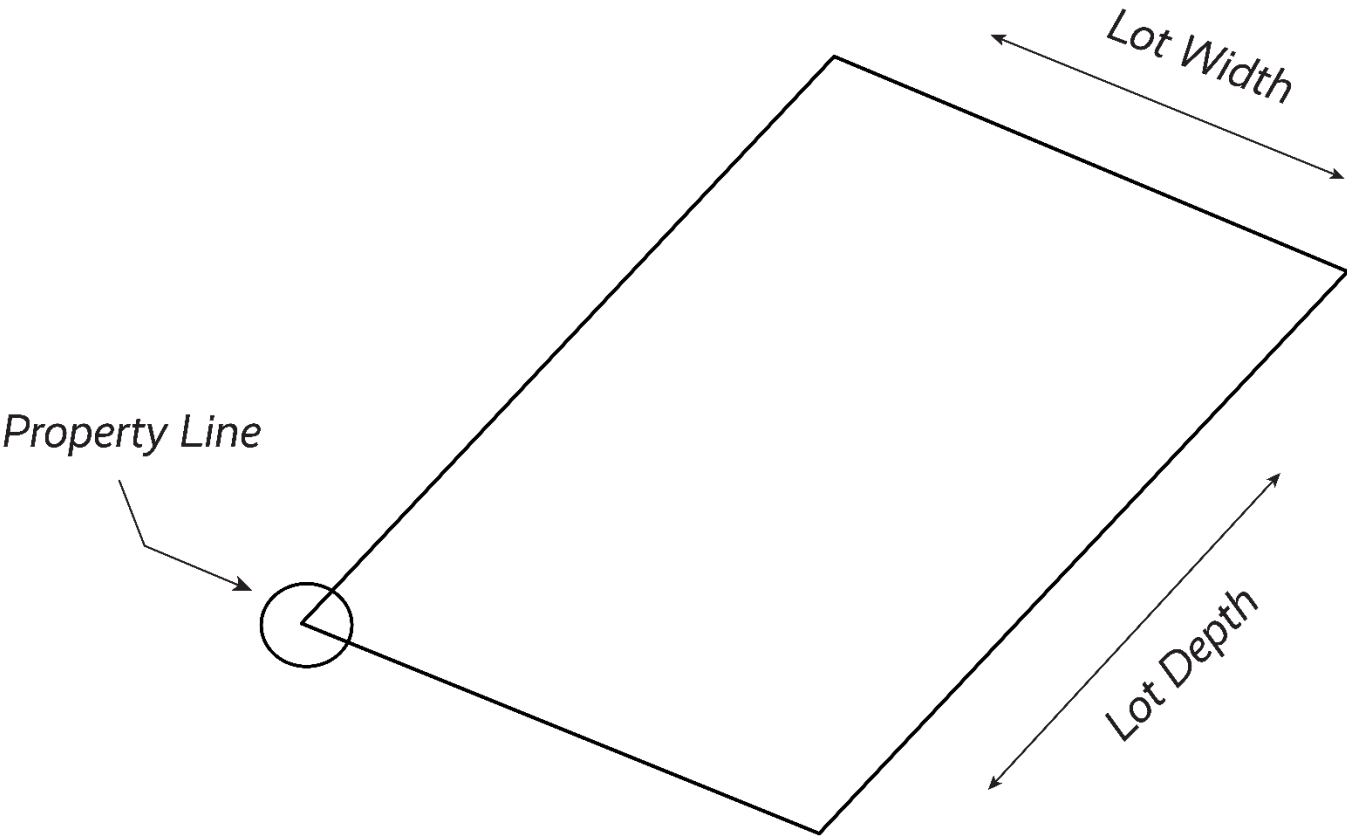
Prepared by the Tampa Bay Regional Planning Council

August 1, 2024

Contact:
Sarah Vitale, Planning Director
sarah@tbrpc.org

Height Lines are measured from Design Flood Elevation (DFE) to the eave of the building and is calculated as Base Flood Elevation (BFE) plus 4' of freeboard.





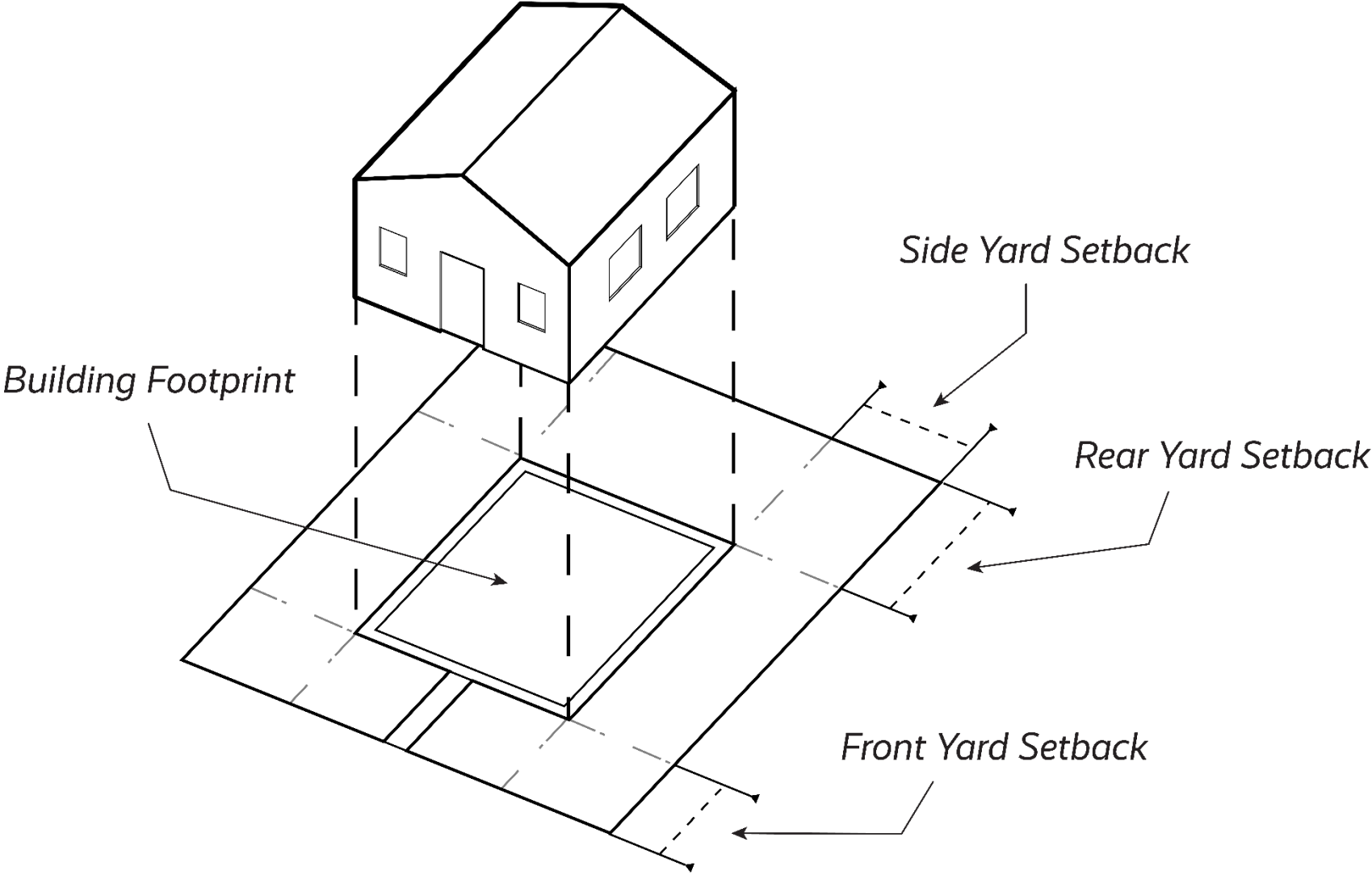
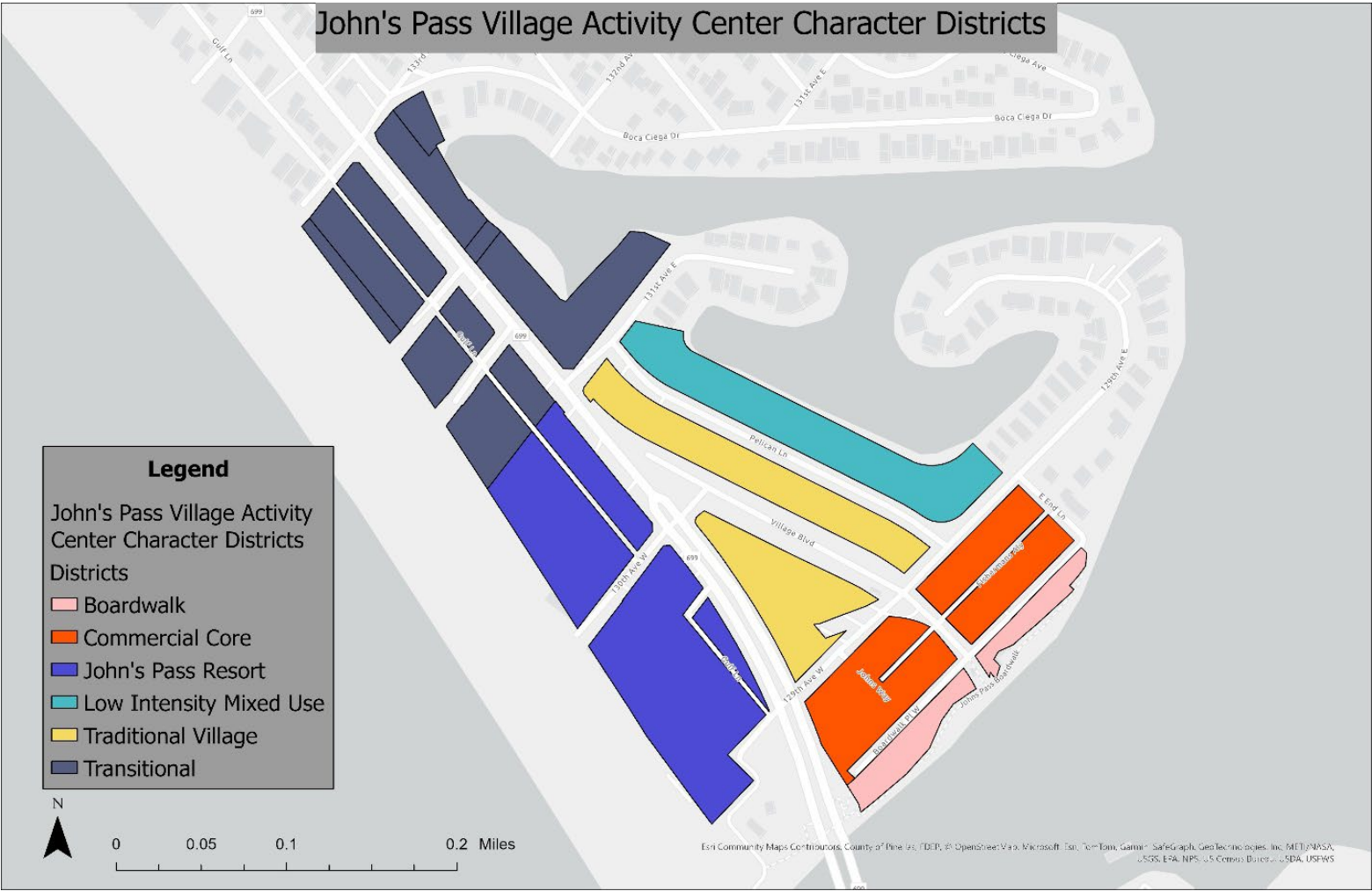


FIGURE 1. JOHN'S PASS VILLAGE ACTIVITY CENTER CHARACTER DISTRICTS



Map Source: City of Madeira Beach



TABLE 1. PRINCIPAL USES PERMITTED IN THE JOHN’S PASS VILLAGE ACTIVITY CENTER

PRINCIPAL USE	BOARDWALK	COMMERCIAL CORE	JOHN’S PASS RESORT	LOW INTENSITY MIXED USE	TRADITIONAL VILLAGE	TRANSITIONAL
Commercial, business service, personal service, office, office support, restaurant, and retail commercial excluding drive-through windows.	Permitted	Permitted			Permitted	East side of Gulf Blvd.
Commercial recreation	Permitted	Permitted			Permitted	
Commercial fishing activities and working waterfront	Permitted					
Charter and party boat operations	Permitted					
Residential and vacation rental		Above 1 st floor commercial use	Permitted	Permitted	Above 1 st floor commercial use	Permitted
Temporary lodging		Above 1 st floor commercial use	Permitted	Permitted	Above 1 st floor commercial use	Permitted
Publicly owned or operated parks and recreation areas			Permitted	Permitted		Permitted
Institutional			Permitted	Permitted		Permitted



TABLE 2. ACCESSORY USES PERMITTED IN THE JOHN'S PASS VILLAGE ACTIVITY CENTER

ACCESSORY USE	BOARDWALK	COMMERCIAL CORE	JOHN'S PASS RESORT	LOW INTENSITY MIXED USE	TRADITIONAL VILLAGE	TRANSITIONAL
Off-street parking and loading	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Essential services	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Commercial, business service, personal service, office, office support, restaurant, and retail commercial excluding drive-through windows only allowed up to 20 percent of the total building floor area ratio.			Permitted			
Retail commercial, personal service, business service, and restaurants excluding drive-through windows only allowed up to 20% of the building floor area ratio						West side of Gulf Blvd.
Home occupation			Permitted	Permitted		Permitted
Boat slips associated with a permitted business use, not for rental or commercial marine activities						East side of Gulf Blvd.
Other customary accessory uses ancillary to the permitted uses	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted



TABLE 3. SPECIAL EXEMPTION USES PERMITTED IN THE JOHN’S PASS VILLAGE ACTIVITY CENTER

SPECIAL EXEMPTION USE	BOARDWALK	COMMERCIAL CORE	JOHN’S PASS RESORT	LOW INTENSITY MIXED USE	TRADITIONAL VILLAGE	TRANSITIONAL
Exhibition of reptiles by permit	Permitted	Permitted			Permitted	
Private social, recreational or fraternal clubs and organizations		Permitted			Permitted	
Publicly owned or operated parks or recreation areas		Permitted			Permitted	
Stand-alone parking lots and parking garages as a principal use		Permitted			Permitted	
Open rooftop use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Open terrace use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit			Permitted	Permitted		Permitted
Retail commercial, restaurant, and personal service uses as a stand-alone use			Permitted; Commercial only on Gulf Blvd.			
Restaurants, excluding drive-through windows				Permitted		
Retail commercial and business service, excluding drive-through windows				Permitted		
Commercial recreation			Permitted	Permitted		Permitted
Public service facilities			Permitted			Permitted



#1. BOARDWALK CHARACTER DISTRICT

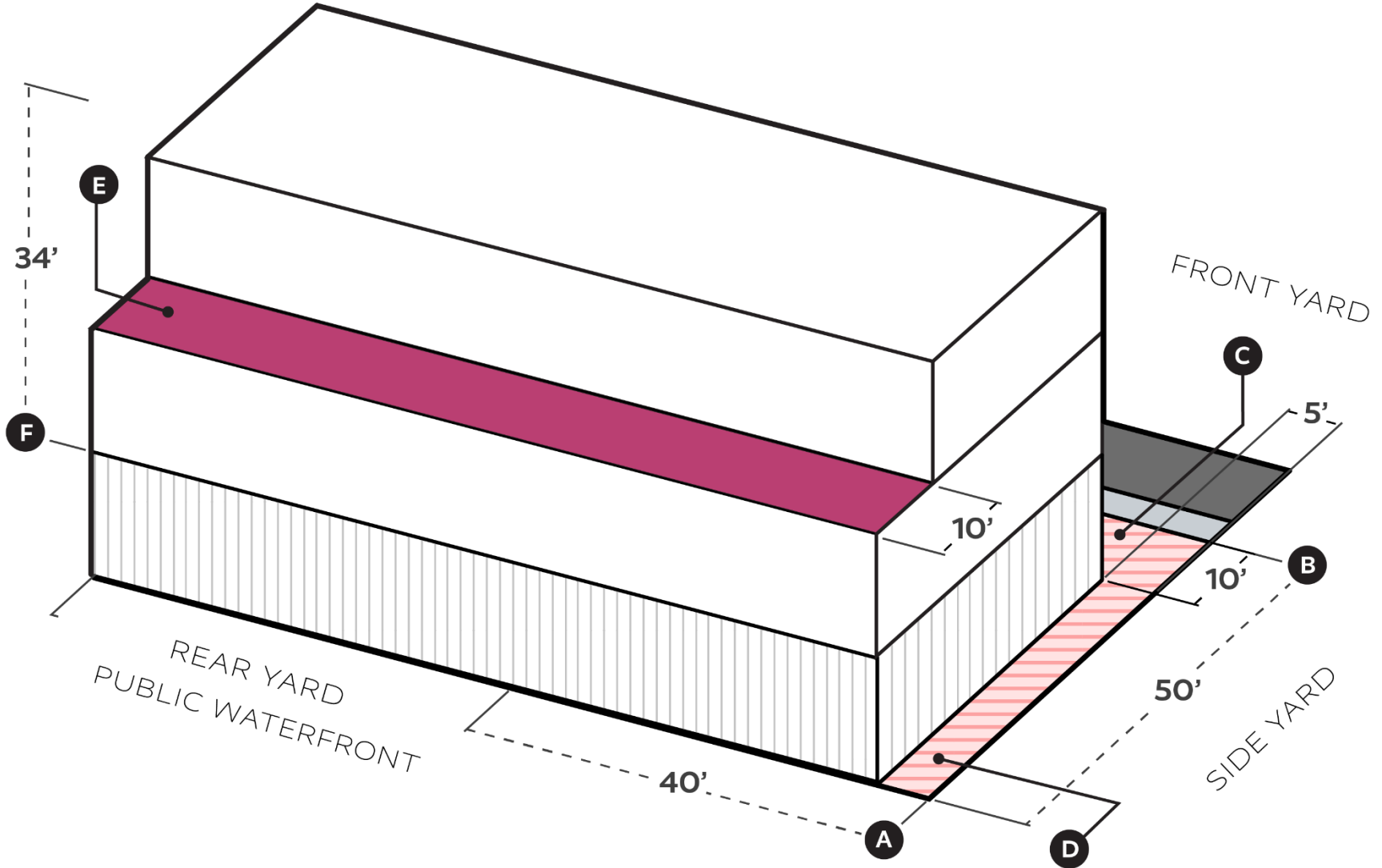
BUILDING SITE AREA REQUIREMENTS			
LOT SIZE	Lot width	40 feet minimum	A
	Lot depth	50 feet minimum	B
FRONT YARD SETBACK	Boardwalk Place	10 Feet*	C
SIDE YARD SETBACK	Side yard for lots ≤ 60 feet wide	0 feet	-
	Side yard for lots > 60 feet wide	5 feet on one side	D
REAR YARD SETBACK	All lots	No setback, however, access to the “tie-backs” supporting seawalls must be provided for maintenance.	-
STEP-BACK	Multiple story buildings	10-foot minimum step-back is required for stories above the second story on the rear or waterfront yard façade of the building.**	E
BUILDING HEIGHT	All lots	34 feet maximum, not to exceed 2 stories over ground floor commercial.***	F

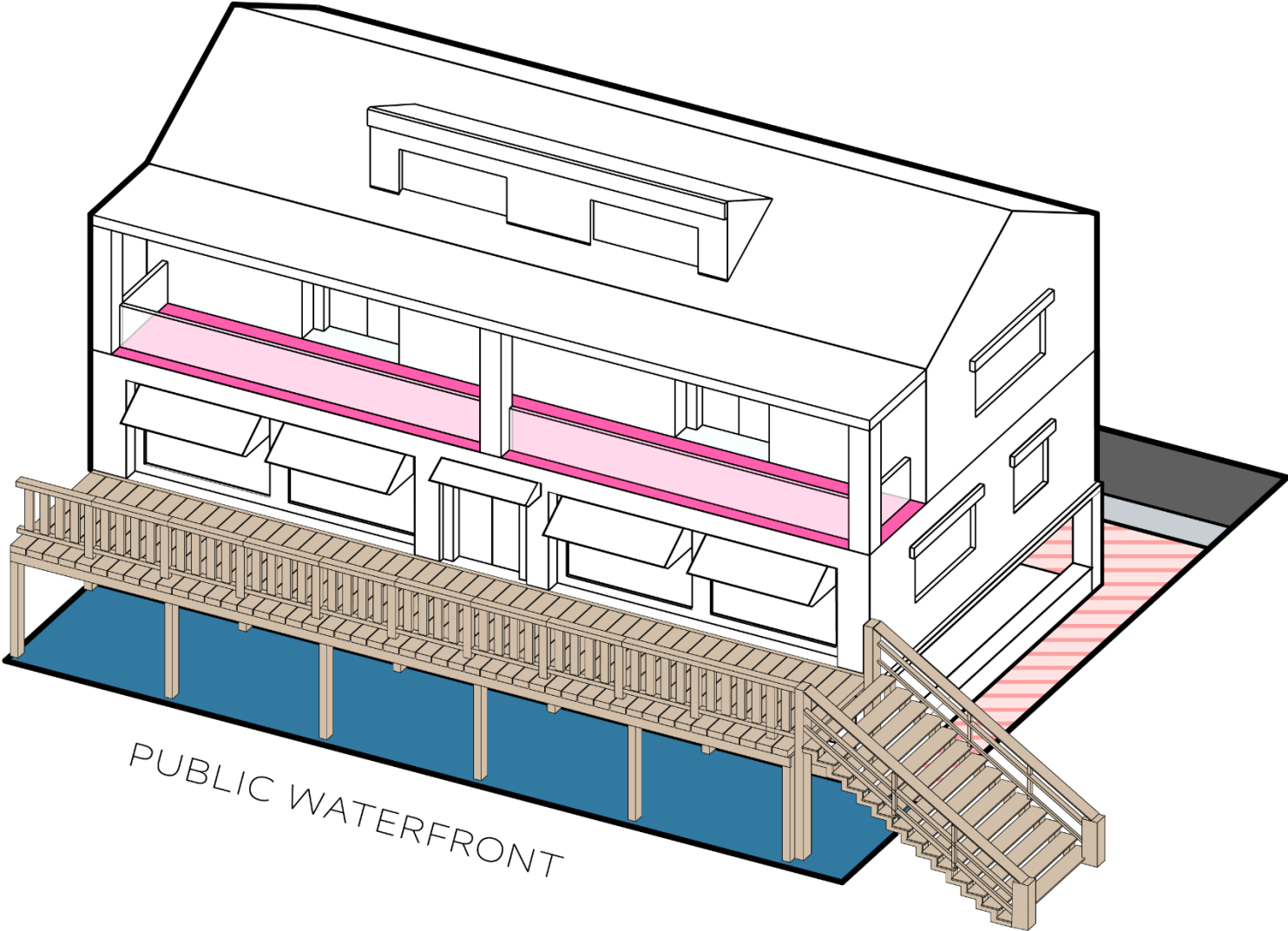
* Awnings may protrude into the setback a maximum of 4 feet.

** Open structured porches, walkways, enclosed stairways, and elevator shafts are allowed within the step-back.

***Height lines are measured from Design Flood Elevation (DFE) to the eave of the building and is calculated as Base Flood Elevation (BFE) plus 4 feet of freeboard.







#2. COMMERCIAL CORE CHARACTER DISTRICT

BUILDING SITE AREA REQUIREMENTS			
LOT SIZE	Lot width	40 feet minimum	A
	Lot depth	80 feet minimum	B
FRONT YARD SETBACK	1 story buildings	0-10 feet	-
	2 or more story buildings	10 feet*	C
SIDE YARD SETBACK	Lots ≤ 100 feet wide	No setback requirement	D
	Lots > 100 feet wide	10 feet on one side	E
	Corner lots	10 feet along the street**	F
REAR YARD SETBACK	All lots	20 feet	G
STEP-BACK	Multiple story buildings	10-foot minimum step-back for stories above the second story on the front yard and street facing façade, not including alleys, of the building.***	H
BUILDING HEIGHT*	Lots ≤ ¼ acre in size	34 feet, not to exceed 2 stories over ground floor commercial.****	I
	Lots between ¼ and ½ acre in size	44 feet, not to exceed 3 stories over ground floor commercial.****	J
	Lots ≥ ½ acre in size	55 feet, not to exceed 4 stories over ground floor commercial.****	K

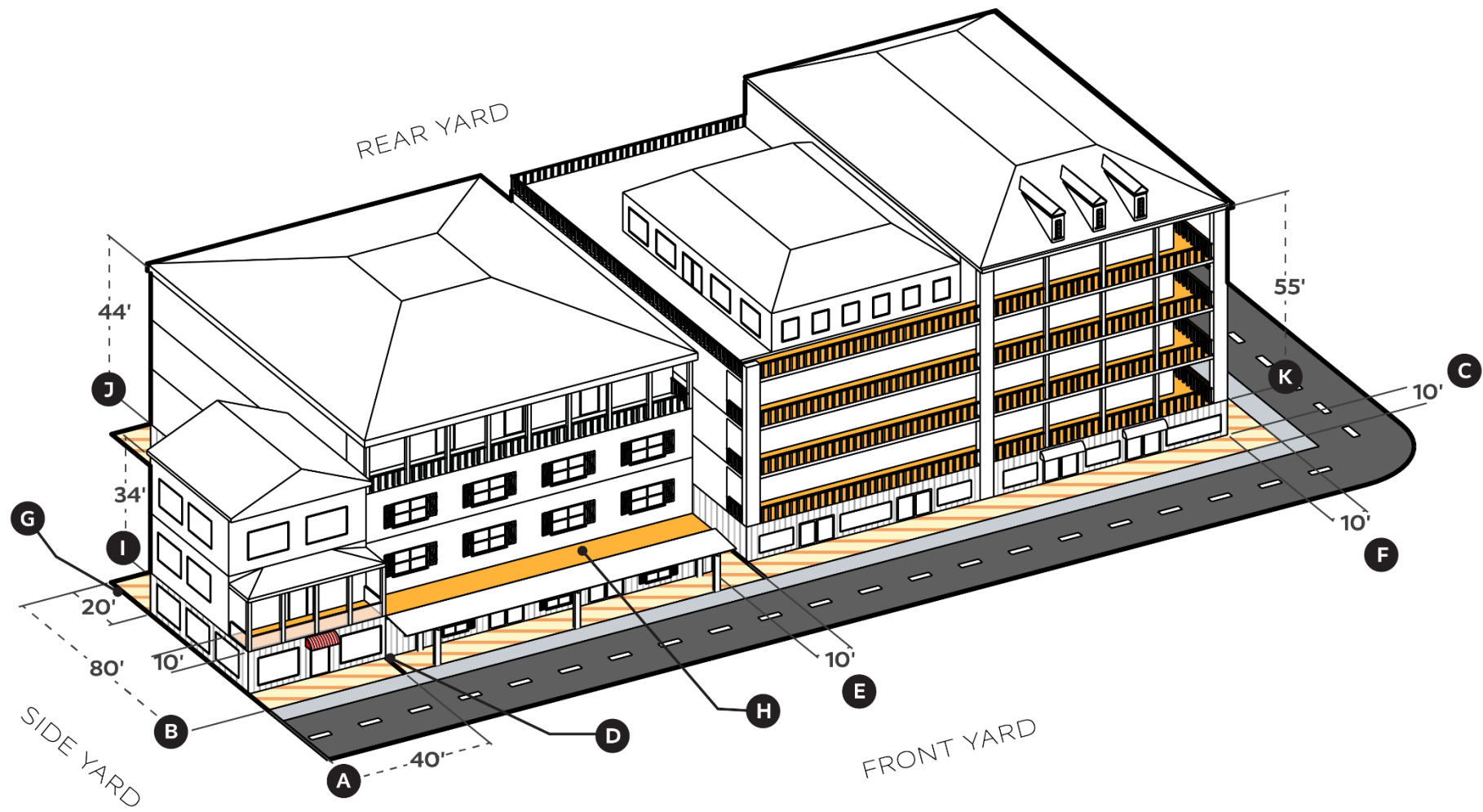
* Structured arcades, awnings, or covered walkways allowed in the setback. Awnings may protrude 4 feet into the public right-of-way.

** Awnings may protrude 4 feet into the public right-of-way along street sides.

*** Open structured porches, walkways, enclosed stairways, and elevator shafts are allowed within the step-back.

**** Height lines are measured from Design Flood Elevation (DFE) to the eave of the building and is calculated as Base Flood Elevation (BFE) plus 4 feet of freeboard.





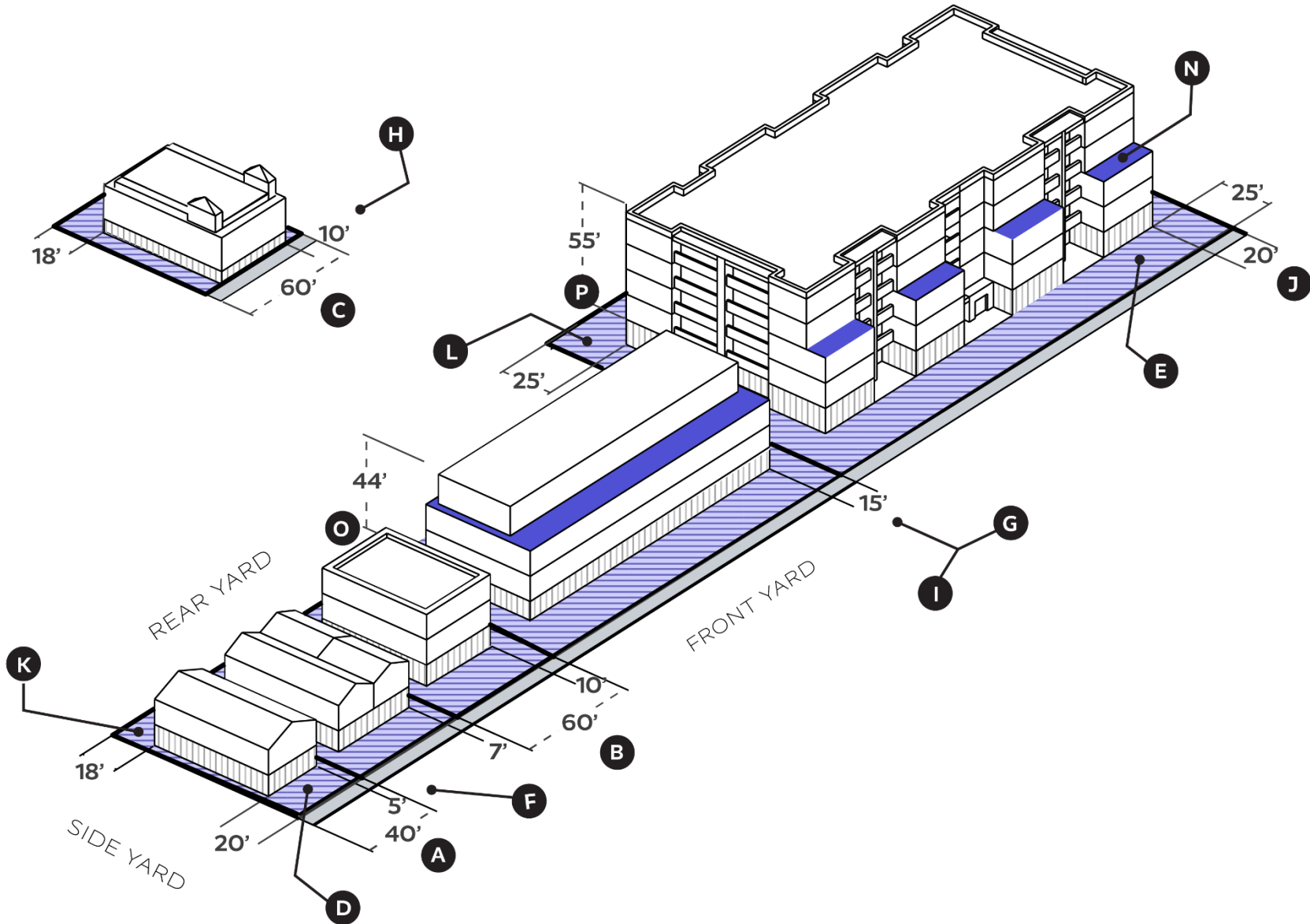
#3. JOHN'S PASS RESORT CHARACTER DISTRICT

BUILDING SITE AREA REQUIREMENTS			
LOT SIZE	Single-family, duplex, triplex	40 feet wide minimum	A
	Multifamily and temporary lodging	60 feet wide minimum	B
	Stand-alone commercial	60 feet wide minimum	C
FRONT YARD SETBACK	Single-family, duplex, and triplex	20 feet	D
	Multifamily and temporary lodging	25 feet	E
SIDE YARD SETBACK	Single-family, duplex, and triplex		
	Lots ≤ 50 feet wide	5 feet minimum on both sides	F
	Lots > 50 feet wide	15 feet minimum total with a minimum of 7 feet on either side	G
	Multifamily, temporary lodging, and retail commercial		
	Lots ≤ 120 feet wide	10 feet minimum on both sides	H
	Lots 121-240 feet wide	15 feet minimum on both sides	I
	Lots > 240 feet wide	20 feet minimum on both sides	J
REAR YARD SETBACK	Lots ≤ 100 feet long	18 feet	K
	Lots > 100 feet long	25 feet	L
	Waterfront lots on the Gulf of Mexico	Landward of the Coastal Construction Control Line (CCCL)	-
STEP-BACK	Multiple story buildings	10-foot minimum step-back is required for stories above the third story on the front yard façade of the building.*	N
BUILDING HEIGHT*	Lots ≤ ½ acre in size	44 feet maximum, not to exceed 4 stories over ground floor parking.**	O
	Lots > ½ acre in size	55 feet maximum, not to exceed 5 stories over ground floor parking.**	P

*Enclosed stairways and elevator shafts are allowed within the step-back.

** Height lines are measured from Design Flood Elevation (DFE) to the eave of the building and is calculated as Base Flood Elevation (BFE) plus 4 feet of freeboard.



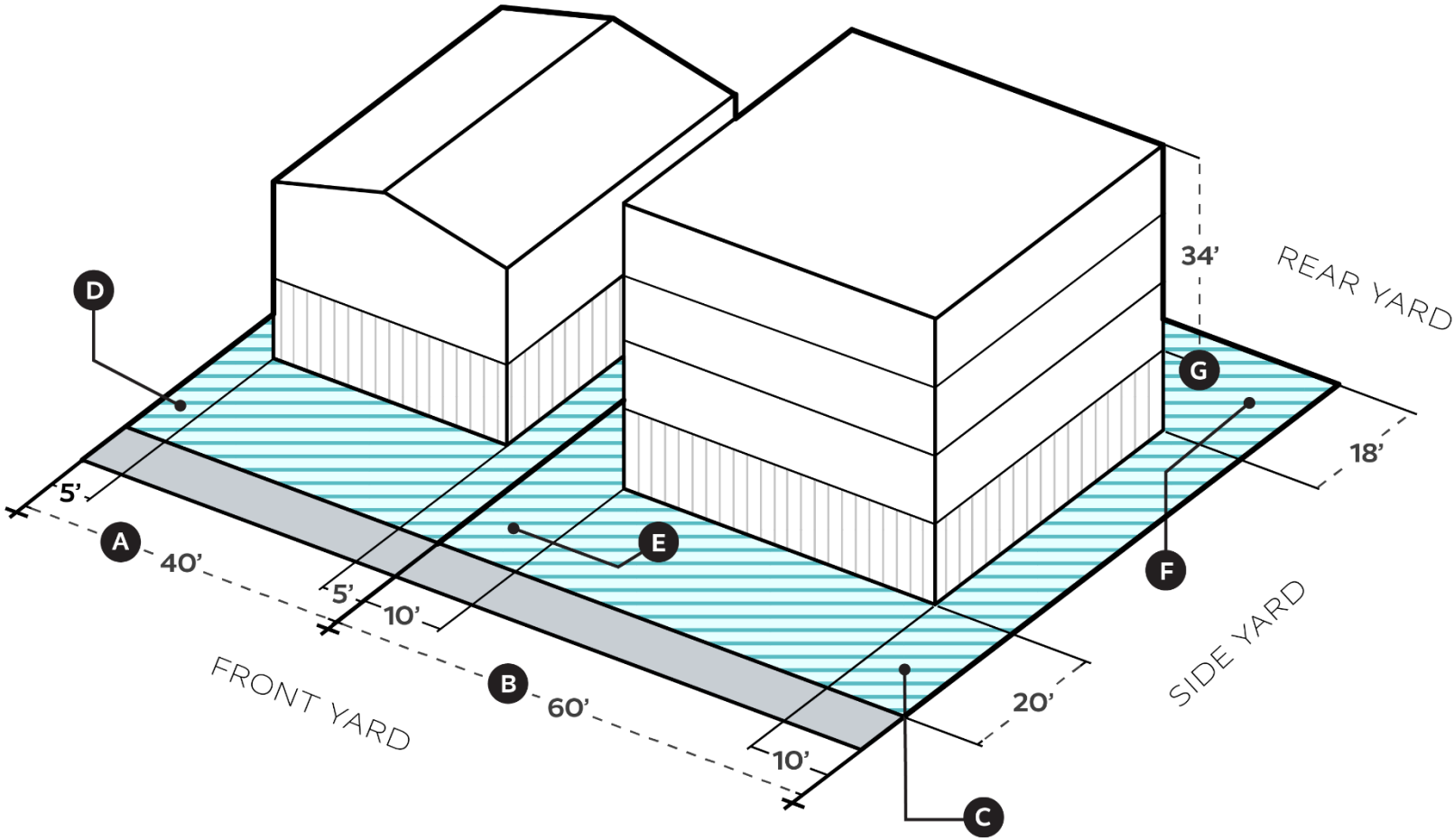


#4. LOW INTENSITY MIXED USE CHARACTER DISTRICT

BUILDING SITE AREA REQUIREMENTS			
LOT SIZE	Single-family, duplex, triplex	40 feet wide minimum	A
	Multifamily and temporary lodging	60 feet wide minimum	B
FRONT YARD SETBACK	All lots	20 feet	C
SIDE YARD SETBACK	Lots ≤ 50 ft wide	5 feet on each side	D
	Lots > 50 ft wide	10 feet on each side	E
REAR YARD SETBACK	All lots	18 feet	F
BUILDING HEIGHT	All lots	34 feet maximum, not to exceed 3 stories over ground floor parking.*	G

* Height lines are measured from Design Flood Elevation (DFE) to the eave of the building and is calculated as Base Flood Elevation (BFE) plus 4 feet of freeboard.





#5. TRADITIONAL VILLAGE CHARACTER DISTRICT

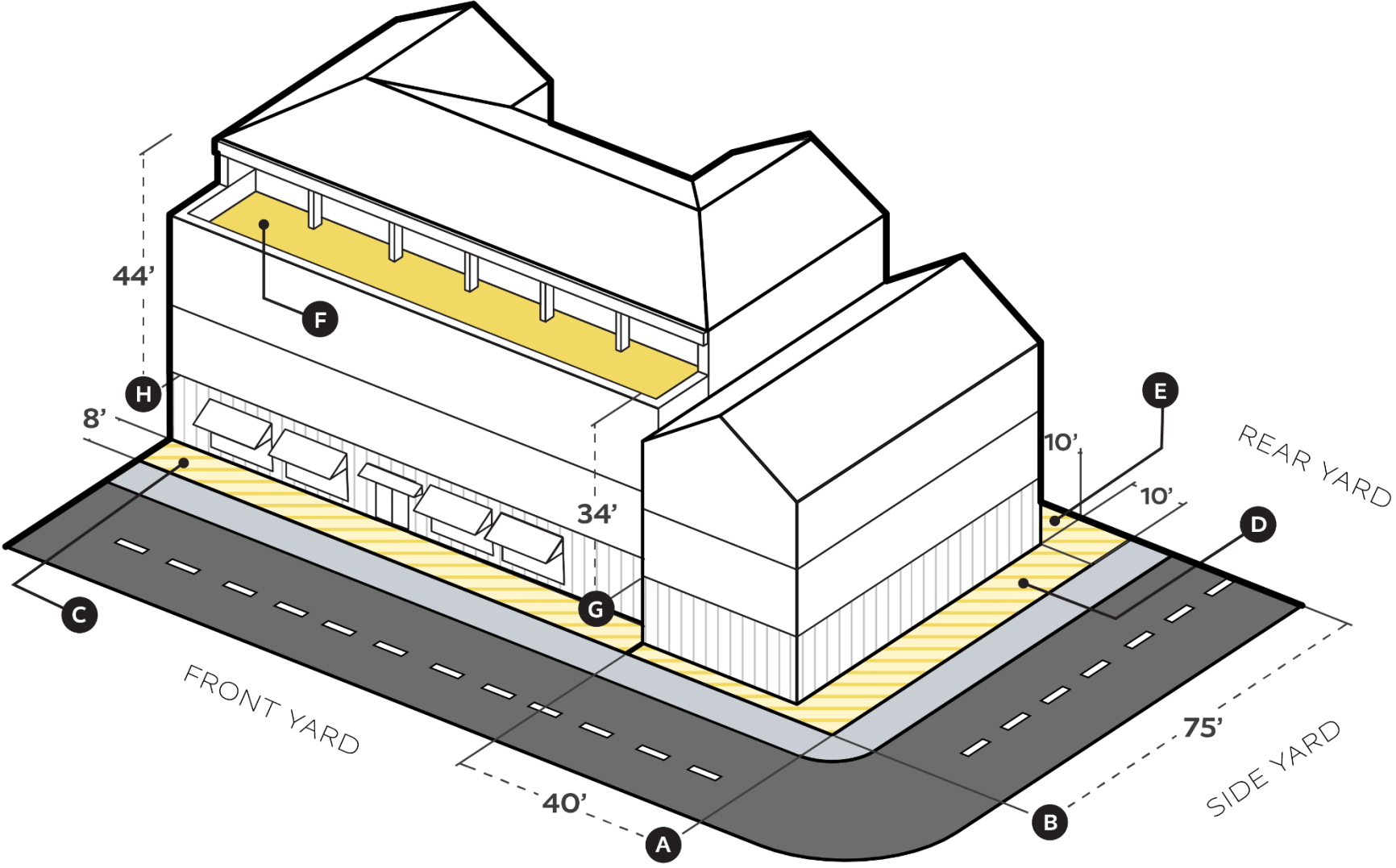
BUILDING SITE AREA REQUIREMENTS			
LOT SIZE	Lot width	40 feet minimum	A
	Lot depth	75 feet minimum	B
FRONT YARD SETBACK	All lots	0-10 feet*	C
SIDE YARD SETBACK	Lots without a side yard along a street	0 feet	-
	Lots with a side yard along a street	10 feet along the street	D
REAR YARD SETBACK	All lots	10 feet	E
STEP-BACK	Multiple story buildings	10-foot minimum step-back is required for stories above the second story on the front yard façade of the building.**	F
BUILDING HEIGHT	Lots ≤ ½ acre in size	34 feet, not to exceed 2 stories over ground floor commercial.***	G
	Lots > ½ acre in size	44 feet, not to exceed 3 stories over ground floor commercial.***	H

* Awnings may protrude in the public right-of-way a maximum of 4 feet.

** Open structured porches, walkways, enclosed stairways, and elevator shafts are allowed within the step-back.

*** Height lines are measured from Design Flood Elevation (DFE) to the eave of the building and is calculated as Base Flood Elevation (BFE) plus 4 feet of freeboard.





#6. TRANSITIONAL CHARACTER DISTRICT

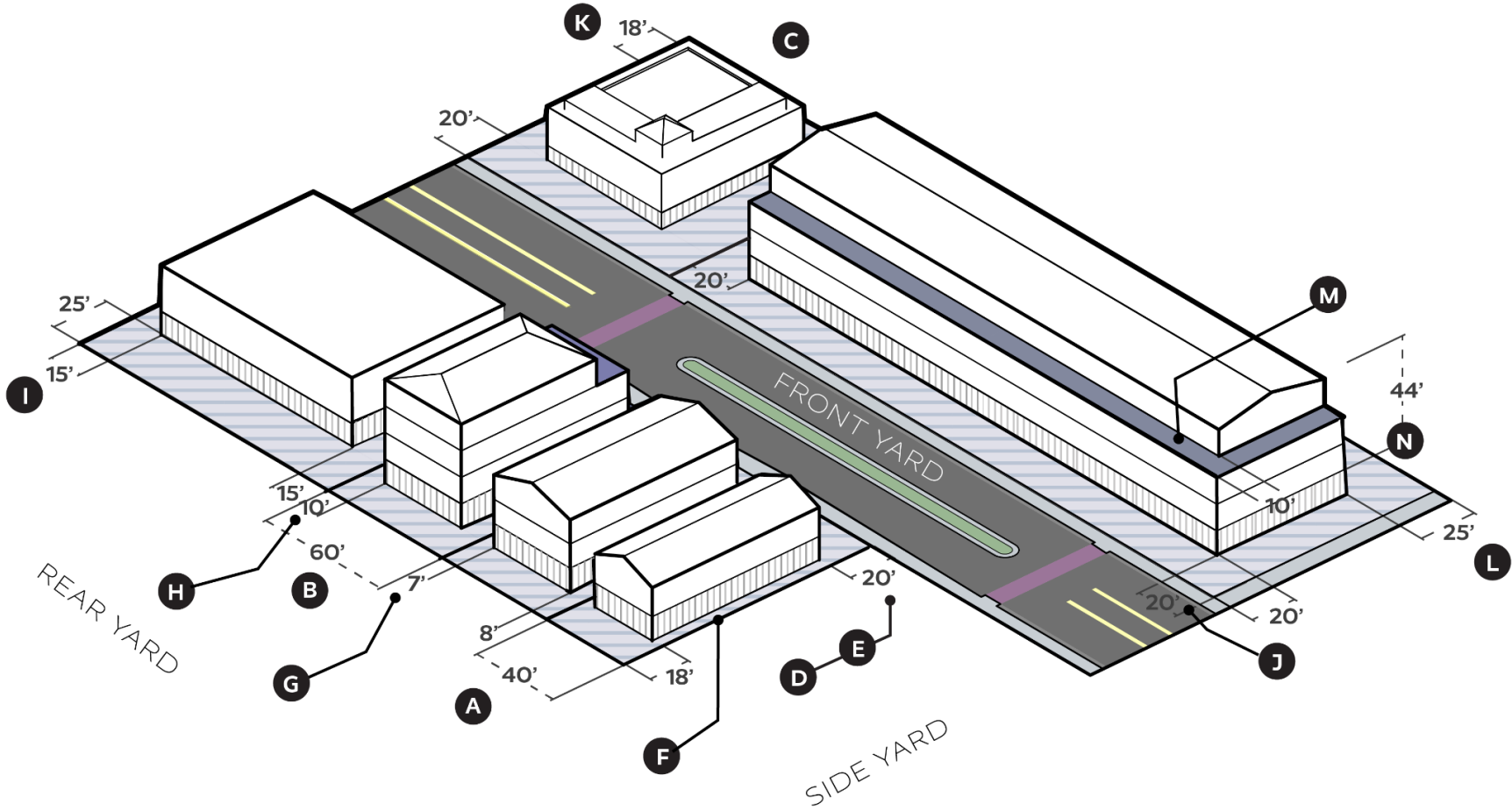
BUILDING SITE AREA REQUIREMENTS			
LOT SIZE	Single-family, duplex, triplex	40 feet wide minimum	A
	Multifamily and temporary lodging	60 feet wide minimum	B
	Stand-alone commercial	60 feet wide minimum	C
	Public service facilities	Not to exceed 5 acres (217,800 square feet)*	-
FRONT YARD SETBACK	Single-family, duplex, and triplex	20 feet	D
	Multifamily, temporary lodging, and commercial	20 feet	E
SIDE YARD SETBACK	Single-family, duplex, and triplex		
	- Lots ≤ 50 feet wide	5 feet minimum on each side	F
	- Lots > 50 feet wide	15 feet minimum total with a minimum of 7 feet on either side	G
	Multifamily, temporary lodging, and retail commercial		
	- Lots ≤ 120 feet wide	10 feet minimum on each side	H
	- Lots 121-240 feet wide	15 feet minimum on each side	I
	- Lots > 240 feet wide	20 feet minimum on each side	J
REAR YARD SETBACK	Lots ≤ 100 feet long	18 feet	K
	Lots > 100 feet long	25 feet	L
	Waterfront lots on the Gulf of Mexico	Landward of the Coastal Construction Control Line (CCCL)	-
STEP-BACK	Multi-story buildings	10-foot minimum step-back is required for stories above the third story on the front yard and street facing façade of the building.**	M
BUILDING HEIGHT	All lots	44 feet, not to exceed 4 stories over ground floor parking or commercial if located on the east side of Gulf Boulevard.***	N

* Like uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the P-SP zoning district and the appropriate land use category.



** Enclosed stairways and elevator shafts are allowed within the step-back.

*** Height lines are measured from Design Flood Elevation (DFE) to the eave of the building and is calculated as Base Flood Elevation (BFE) plus 4 feet of freeboard.





Memorandum

Meeting Details: August 14, 2024 – Board of Commissioners Regular Meeting
Prepared For: Honorable Mayor Brooks and Board of Commissioners
Staff Contact: Madeira Beach Community Development Department
Subject: Ordinance 2024-10: C-1 refer to Appendix D – 1st reading and public hearing

Background

The City of Madeira Beach Board of Commissioners adopted Ordinance 2023-01 (John’s Pass Village Activity Center Plan) and Ordinance 2023-02 (Amending FLUM to add John's Pass Village Activity Center) on March 13, 2024. These ordinances updated the Madeira Beach Comprehensive Plan and Future Land Use Map. Ordinance 2023-01 and Ordinance 2023-02 did not change the Land Development Regulations (LDRs) in the Madeira Beach Code of Ordinances or amend the Madeira Beach Zoning Map. The Madeira Beach Code of Ordinances LDRs and Madeira Beach Zoning Map must be amended within one (1) year of the adoption of the John’s Pass Village (JPV) Activity Center Plan and amendment to the City’s Future Land Use Map.

Discussion

Multiple ordinances need to be created and adopted to implement the JPV Special Area Plan: create the new development standards that corresponds with the JPV Activity Center Plan (Ordinance 2024-09), recategorize and rename the zoning district that will refer to these new development standards (Ordinance 2024-10), rezone the entire JPV Activity Center area (Ordinance 2024-11), and remove and reserve the zoning district that is no longer used (Ordinance 2024-12).

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

Zoning District and renames the district from Tourist Commercial to John’s Pass Village Activity Center Zoning District.

Fiscal Impact

N/A

Recommendation(s)

Planning Commission and staff recommends approval of Ordinance 2024-10: Amending C-1 to refer to Appendix D.

Attachments/Corresponding Documents

- Ordinance 2024-10 (Amending C-1 to refer to Appendix D)
- Forward Pinellas’ Administrative Review Letter
- Legal advertisement

ORDINANCE 2024-10

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, ARTICLE V. DISTRICTS, DIVISION 5. C-1, TOURIST COMMERCIAL OF THE CITY'S LAND DEVELOPMENT CODE TO RENAME IT AS C-1 JOHN'S PASS VILLAGE ACTIVITY CENTER; PROVIDING FURTHER INFORMATION ON PURPOSE AND INTENT OF THE JOHN'S PASS VILLAGE ACTIVITY CENTER DISTRICT; REPLACING THE DEVELOPMENT STANDARDS SET FORTH IN SECTIONS 110-257 THROUGH 110-265 WITH THE DEVELOPMENT STANDARDS SET FORTH IN APPENDIX D (JOHN'S PASS VILLAGE ACTIVITY CENTER DEVELOPMENT STANDARDS); PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The John's Pass Village Activity Center Special Area Plan requires updates to the Madeira Beach Land Development Code to have consistent development standards; and

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

WHEREAS, to accomplish the stated intent City staff has recommended changes to the C-1 Tourist Commercial District by renaming the district and replace the development standards set forth in Sections 110-257 through 110-265 with the development standards set forth in Appendix D (John's Pass Village Activity Center Development Standards); and

WHEREAS, the Planning Commission has considered the recommended changes at a public hearing and has recommended approval to the Board of Commissioners; and

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

WHEREAS, the Board of Commissioners held two public hearings to consider the approval of the recommend changes and the adoption of this ordinance.

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

Section 1. That Chapter 110 Article V. Division 5 of the Land Development Code of the City of Madeira Beach is hereby amended to read as follows:

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

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

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

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

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

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

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

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

- ~~The permitted uses in the C-1, tourist commercial district are as follows:~~
- ~~(1) Residential and vacation rental located above first floor commercial use.~~
- ~~(2) Personal service, office, and office support, excluding drive-through windows.~~

~~(3) Retail commercial, business service, and commercial, excluding drive-through windows;~~

~~(4) Restaurants, excluding drive-through windows.~~

~~(5) Temporary lodging located above first floor commercial use.~~

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

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

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

~~(1) Swimming pools or cabanas used as bath houses.~~

~~(2) Essential services.~~

~~(3) Nonresidential signs.~~

~~(4) Off-street parking and loading.~~

(Code 1983, § 20-404)

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

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

~~(1) Institutional as a religious use such as churches, synagogues or other houses of worship.~~

~~(2) Private social, recreational or fraternal clubs and organizations.~~

~~(3) Publicly owned or operated parks or recreation areas.~~

~~(4) Commercial recreation.~~

~~(5) Auditoriums.~~

~~(6) Stand-alone parking lots and parking garages as a principal use.~~

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

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

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

~~(1) Lot size:~~

~~a. Commercial uses: 4,000 square feet.~~

~~b. Residential dwelling units and vacation rental units: 3,000 square feet per unit.~~

~~(2) Lot width: All permitted uses 40 feet.~~

~~(3) Lot depth: All permitted uses 80 feet.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Secs. 110-266 258—110-285. Reserved.

Section 2. For purposes of codification of any existing section of the Madeira Beach Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

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

Section 4. In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

Section 5. The Codifier shall codify the substantive amendments to the Land Development Code of the City of Madeira Beach contained in Section 1 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 6. Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption, provided however it shall not be effective until such time as Ordinance

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

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

Anne-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____



July 9, 2024

Andrew Morris, AICP
Long Range Planner
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

RE: Administrative review notice for Tier I Amendment (Ordinances 2024-10, 2024,11 and 2024-09 Appendix D -John's Pass Village Activity Center Development Standards)

Dear Andrew:

Thank you for submitting the above referenced Tier I Amendment and providing the local Ordinances 2024-10, 2024,11 and 2024-09 Appendix D -John's Pass Village Activity Center Development Standards. This is a local amendment to regulations governing an Activity Center, which is therefore classified as a Tier I amendment per Section 6.2.2 of the Countywide Rules. Since the densities, intensities and permitted uses are consistent with the standards adopted in the Tier II Countywide Plan Map amendment CW 23-03, this amendment meets the requirements of the Tier I process.

The John's Pass Village standards fit within the general framework provided by the Countywide Rules, with specific adaptations to the local context. Specific adaptations in density, intensity, building heights, FAR, and ISR are in place to reflect the unique character and needs of the John's Pass Village area.

We recognize that the consistency process is an ongoing one and if either the City or Forward Pinellas staff has failed to note a matter governed by the consistency process in the course of this review, we will be happy to work with you to resolve any such matter as may be necessary.

If you have any questions, please feel free to call me at 727-464-5679 or email me at ewennick@forwardpinellas.org.

Sincerely,

Emma Wennick

Emma Wennick
Program Planner

NOTICE OF PUBLIC HEARING CITY OF MADEIRA BEACH PLANNING COMMISSION ACTING AS THE LOCAL PLANNING AGENCY (LPA) AND BOARD OF COMMISSIONERS (BOC) ON PROPOSED AMENDMENTS TO THE CITY'S LAND DEVELOPMENT REGULATIONS AND ZONING MAP

Item 10D.

In accordance with the City of Madeira Beach Code of Ordinances Sec. 2-6 and Sec. 2-78, Sec. 7.3 of the City Charter, and Florida Statutes Sections 166.041, 163.3167, and 163.3174:

NOTICE IS HEREBY GIVEN that the Planning Commission, acting as the Local Planning Agency (LPA) of the City of Madeira Beach, will conduct a public hearing on Monday, August 5, 2024, at 6:00 p.m. in the Patricia Shontz Commission Chambers, Madeira Beach City Center, 300 Municipal Drive, Madeira Beach, Florida 33708, for the review of proposed Ordinance 2024-09 (Creating Appendix D to establish the John's Pass Village Activity Center Development Standards), Ordinance 2024-10 (Amending C-1 to refer to Appendix D), Ordinance 2024-11 (Rezoning the John's Pass Village Activity Center area to C-1), and Ordinance 2024-12 (Deleting the C-2 zoning district).

NOTICE IS HEREBY GIVEN that the Board of Commissioners (BOC) of the City of Madeira Beach, will conduct a public hearing on Wednesday, August 14, 2024, at 6:00 p.m. in the Patricia Shontz Commission Chambers, Madeira Beach City Center, 300 Municipal Drive, Madeira Beach, Florida 33708, for the review of proposed Ordinance 2024-09 (Creating Appendix D to establish the John's Pass Village Activity Center Development Standards), Ordinance 2024-10 (Amending C-1 to refer to Appendix D), Ordinance 2024-11 (Rezoning the John's Pass Village Activity Center area to C-1), and Ordinance 2024-12 (Deleting the C-2 zoning district).

The titles of the ordinances are:

ORDINANCE 2024-09

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO ADOPT APPENDIX D TO ESTABLISH THE JOHN'S PASS VILLAGE ACTIVITY CENTER DEVELOPMENT STANDARDS; PROVIDING THAT SAID STANDARDS SHALL REGULATE DEVELOPMENT IN THE JOHN'S PASS VILLAGE DISTRICT; PROVIDING FOR PERMITTED, ACCESSORY AND SPECIAL EXCEPTION USES; PROVIDING FOR BUILDING SITE AREA REQUIREMENTS; PROVIDING FOR SETBACK REQUIREMENTS; PROVIDING FOR RESIDENTIAL, VACATION RENTAL AND TEMPORARY LODGING USE DENSITY; PROVIDING FOR MAXIMUM BUILDING HEIGHT; PROVIDING FOR MAXIMUM FLOOR AREA RATIO; PROVIDING FOR IMPERVIOUS SURFACE RATIO; PROVIDING FOR ALTERNATIVE TEMPORARY LODGING USE STANDARDS; PROVIDING FOR DESIGN STANDARDS AND GUIDELINES; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2024-10

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, ARTICLE V. DISTRICTS, DIVISION 5. C-1, TOURIST COMMERCIAL OF THE CITY'S LAND DEVELOPMENT CODE TO RENAME IT AS C-1 JOHN'S PASS VILLAGE ACTIVITY CENTER; PROVIDING FURTHER INFORMATION ON PURPOSE AND INTENT OF THE JOHN'S PASS VILLAGE ACTIVITY CENTER DISTRICT; REPLACING THE DEVELOPMENT STANDARDS SET FORTH IN SECTIONS 110-257 THROUGH 110-265 WITH THE DEVELOPMENT STANDARDS SET FORTH IN APPENDIX D (JOHN'S PASS VILLAGE ACTIVITY CENTER DEVELOPMENT STANDARDS); PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2024-11

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REZONING REAL PROPERTY FROM C-1 JOHN'S PASS VILLAGE ACTIVITY CENTER, C-2 JOHN'S PASS MARINE COMMERCIAL, C-3 RETAIL COMMERCIAL, C-4 MARINE COMMERCIAL, PD PLANNED DEVELOPMENT, AND R-3 MEDIUM DENSITY MULTIFAMILY RESIDENTIAL ZONING DISTRICTS TO C-1 JOHN'S PASS VILLAGE ACTIVITY CENTER FOR THE AREA AS SET FORTH IN THE ACCOMPANYING LEGAL DESCRIPTION IN EXHIBIT A ATTACHED HERETO AND HEREBY MADE A PART OF

THIS ORDINANCE; PROVIDING FOR FUTURE REVITALIZATION AND DEVELOPMENT WITHIN THE ACTIVITY CENTER CATEGORY TO BE CONSISTENT WITH AND PURSUANT TO THE PROCEDURES, GUIDELINES AND STANDARDS OF THE JOHN'S PASS VILLAGE ACTIVITY CENTER PLAN AS ADOPTED BY ORDINANCE 2023-01; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

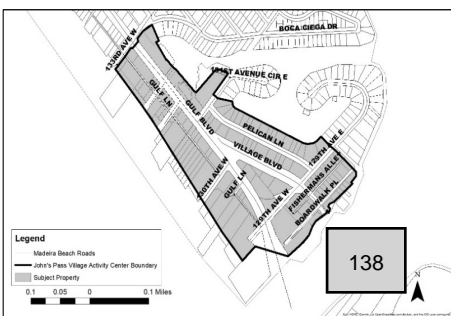
ORDINANCE 2024-12

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, DELETING DIVISION 6. JOHN'S PASS MARINE COMMERCIAL, SECTIONS 110-286 THROUGH 110-295 OF CHAPTER 110 ZONING, ARTICLE V. DISTRICTS OF THE CITY'S LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A geographic location map of the real property affected by the adoption of these ordinances is shown below.

Public Notice: Sec. 2-78. - Conduct of hearing requires a public notice to be mailed to property owners within 300 feet in any direction of the properties, which are the subject matter of the ordinances. Interested parties may appear at the meeting and be heard with respect to the proposed ordinances. Any 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 city Community Development Department not less than five days prior to the hearing. Ordinance 2024-09, Ordinance 2024-10, Ordinance 2024-11, and Ordinance 2024-12 are available for inspection in the Community Development Office, Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida 33708, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday or online at <https://madeirabeachfl.gov/johns-pass-activity-center-plan/>. If you would like more information regarding the Ordinances, please contact the Community Development Department, at 727-391-9951, ext. 244 or planning@madeirabeachfl.gov. Both meetings will be aired on Public Access TV Spectrum Channel 640 and through the City's website.

Note: One or more Elected or Appointed Officials may be in attendance. Any person who decides to appeal any decision of the Planning Commission and/or the Board of Commissioners with respect to any matter considered at these meetings will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the City to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation to participate in this meeting should call 727-391-9951 Ext. 244 or planning@madeirabeachfl.gov.



Business Impact Estimate

Proposed ordinance’s title/reference: Ordinance 2024-10: C-1 refer to Appendix D

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

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

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): *Ordinance 2024-10 amends C-1 Tourist Commercial Zoning District to refer to the new Appendix D (Ordinance 2024-09) that outlines all the development standards in the John's Pass Village Activity Center Area. The amendment to the LDRs removes all the previous standards in the Zoning District and renames the district from Tourist Commercial to John's Pass Village Activity Center Zoning District.*

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
(c) An estimate of the City of Madeira Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.
No foreseen direct economic impact of the proposed ordinance.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:
No foreseen impact on businesses with the proposed ordinance.

4. Additional information the governing body deems useful (if any):
This ordinance assures that the Madeira Beach Land Development Regulations are consistent with the John's Pass Village Activity Center Plan.



Memorandum

Meeting Details: August 14, 2024 – Board of Commissioners Regular Meeting
Prepared For: Honorable Mayor Brooks and Board of Commissioners
Staff Contact: Madeira Beach Community Development Department
Subject: Ordinance 2024-11 Rezone John’s Pass Village Activity Center area to C-1, John’s Pass Village Activity Center Zoning District – 1st reading and public hearing

Background

The City of Madeira Beach Board of Commissioners adopted Ordinance 2023-01 (John’s Pass Village Activity Center Plan) and Ordinance 2023-02 (Amending FLUM to add John's Pass Village Activity Center) on March 13, 2024. These ordinances updated the Madeira Beach Comprehensive Plan and Future Land Use Map. Ordinance 2023-01 and Ordinance 2023-02 did not change the Land Development Regulations (LDRs) in the Madeira Beach Code of Ordinances or amend the Madeira Beach Zoning Map. The Madeira Beach Code of Ordinances LDRs and Madeira Beach Zoning Map must be amended within one (1) year of the adoption of the John’s Pass Village (JPV) Activity Center Plan and amendment to the City’s Future Land Use Map.

Discussion

Multiple ordinances need to be created and adopted to implement the JPV Special Area Plan: create the new development standards (Ordinance 2024-09), recategorize and rename the zoning district that will refer to these new development standards (Ordinance 2024-10), rezone the entire JPV Activity Center area (Ordinance 2024-11), and remove and reserve the zoning district that is no longer used (Ordinance 2024-12).

Ordinance 2024-11 rezones the entire JPV Activity Center area to C-1, John’s Pass Village Activity Center Zoning District. The future land use in the Madeira Beach Comprehensive Plan is Activity Center and designated Activity Center with the Countywide Plan Map. All three maps

and plans/regulations (Countywide Plan, Madeira Beach Comprehensive Plan, and Madeira Beach Land Development Regulations) will be consistent with the John’s Pass Village Activity Center Plan (Special Area Plan) once Ordinance 2024-11 is adopted.

Fiscal Impact

N/A

Recommendation(s)

Planning Commission and staff recommends approval of Ordinance 2024-11: Rezone John’s Pass Village Activity Center area to C-1, John’s Pass Village Activity Center Zoning District.

Attachments/Corresponding Documents

- Ordinance 2024-11 (Rezoning the John’s Pass Village Activity Center area to C-1)
- Forward Pinellas’ Administrative Review Letter
- Legal advertisement
- Mailing notice
- Affidavit of posting

ORDINANCE 2024-11

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REZONING REAL PROPERTY FROM C-1 JOHN’S PASS VILLAGE ACTIVITY CENTER, C-2 JOHN’S PASS MARINE COMMERCIAL, C-3 RETAIL COMMERCIAL, C-4 MARINE COMMERCIAL, PD PLANNED DEVELOPMENT, AND R-3 MEDIUM DENSITY MULTIFAMILY RESIDENTIAL ZONING DISTRICTS TO C-1 JOHN’S PASS VILLAGE ACTIVITY CENTER FOR THE AREA AS SET FORTH IN THE ACCOMPANYING LEGAL DESCRIPTION AND PARCEL IDENTIFICATION NUMBERS LISTED IN EXHIBIT A ATTACHED HERETO AND HEREBY MADE A PART OF THIS ORDINANCE; PROVIDING FOR FUTURE REVITALIZATION AND DEVELOPMENT WITHIN THE ACTIVITY CENTER CATEGORY TO BE CONSISTENT WITH AND PURSUANT TO THE PROCEDURES, GUIDELINES AND STANDARDS OF THE JOHN’S PASS VILLAGE ACTIVITY CENTER PLAN AS ADOPTED BY ORDINANCE 2023-01; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, the City of Madeira Beach amended the Future Land Use designations in the John’s Pass Village Activity Center Area (Exhibit A) to Activity Center (Ordinance 2023-02) and adopted the John’s Pass Village Activity Center Plan (Ordinance 2023-01) in anticipation of rezoning the area and implementing development standards consistent with the John’s Pass Village Activity Center Plan; and

WHEREAS, the Forward Pinellas Countywide Rules and Countywide Plan Strategies requires a local government to prepare and adopt the standards set forth in a Special Area Plan into the Land Development Regulations within a year from when an Activity Center is adopted; and

WHEREAS, this proposed rezoning to C-1 John’s Pass Village Activity Center is consistent with and in furtherance of the John’s Pass Village Activity Center Plan (Special Area Plan) and the City’s Comprehensive Plan; and

WHEREAS, Zoning District C-1 John’s Pass Village Activity Center states all development standards are set forth in Appendix D, John’s Pass Village Activity Center Development Standards; and

WHEREAS, the corresponding amendment of the Countywide Plan Map to Activity Center will render the City and Countywide plans for John’s Pass Village consistent, as required by the Countywide Rules; and

WHEREAS, the Planning Commission has held a public hearing to consider this rezoning 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 has held two public hearings to consider the approval of this rezoning 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 the subject properties as described in Exhibit A be rezoned from C-1 John’s Pass Village Activity Center, C-2 John’s Pass Marine Commercial, C-3 Retail Commercial, C-4 Marine Commercial, PD Planned Development, and R-3 Medium Density Multifamily Residential to C-1 John’s Pass Village Activity Center.

SECTION 2: That the provisions of this Ordinance shall be deemed severable. If any part of the Ordinance is deemed unconstitutional, it shall not affect the constitutionality of other portions of the Ordinance.

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

SECTION 4: This rezoning shall take effect immediately upon adoption, provided however it shall not be effective until such time as Ordinance 2024-09 (Adoption of Appendix D) becomes effective. In the event that Ordinance 2024-09 is not approved and adopted by the Board of Commissioners then this Ordinance shall be of no further force and effect.

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

Anne-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

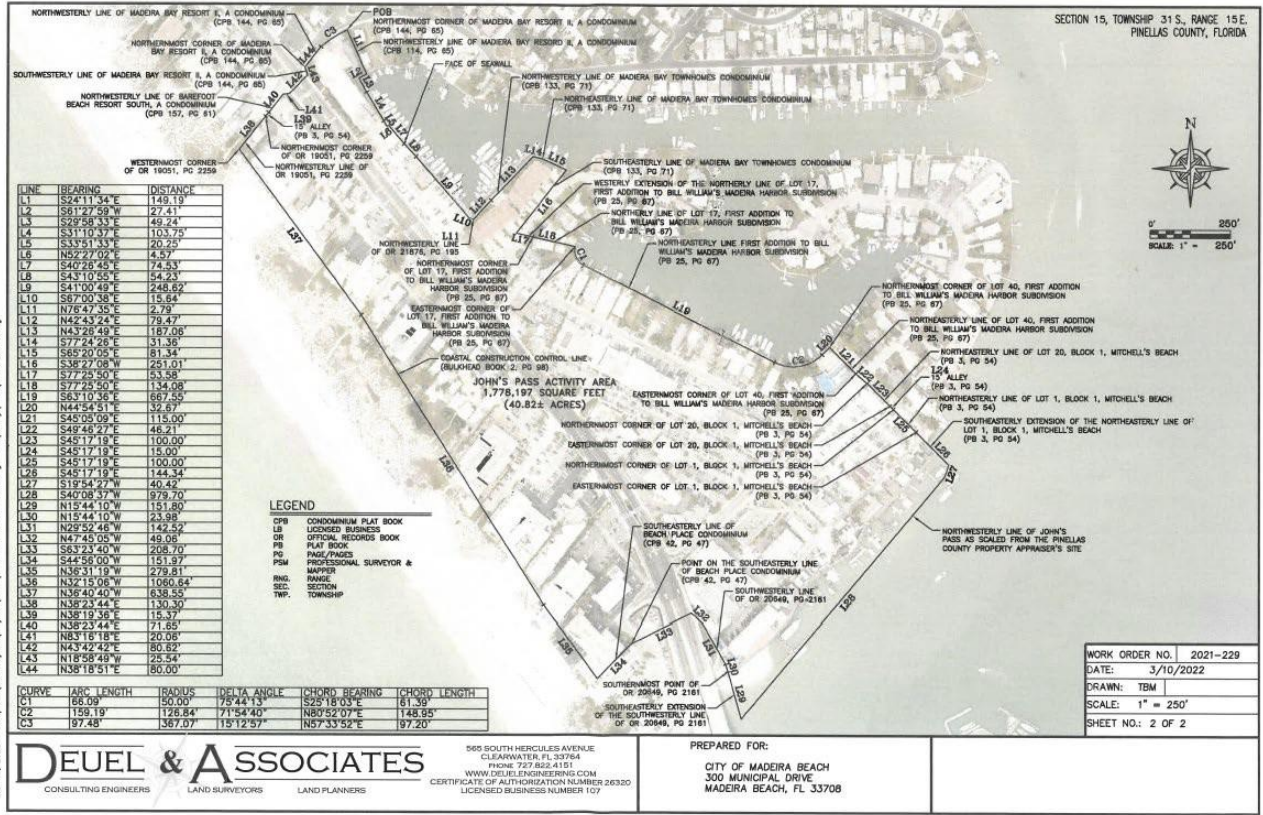
PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____

PUBLISHED: _____

EXHIBIT A



LEGAL DESCRIPTION:
A PORTION OF LAND LYING WITHIN SECTION 15, TOWNSHIP 31 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHERNMOST CORNER OF MADEIRA BAY RESORT 11, A CONDOMINIUM, AS SHOWN ON THE MAP OR PLAT THEREOF RECORDED IN CONDOMINIUM PLAT BOOK 144, PAGE 65, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE S24°11'34"E, ALONG THE NORTHWESTERLY LINE OF SAID MADEIRA BAY RESORT II, A DISTANCE OF 149.19 FEET TO THE FACE OF AN EXISTING SEAWALL; THENCE ALONG SAID FACE OF SEAWALL THE FOLLOWING NINE (9) COURSES: 1) S61°27'59"W, A DISTANCE OF 27.41 FEET; 2) S29°58'33"E, A DISTANCE OF 49.24 FEET; 3) S31°10'37"E, A DISTANCE OF 103.75 FEET; 4) S33°51'33"E, A DISTANCE OF 20.25 FEET; 5) N52°27'02"E, A DISTANCE OF 4.57 FEET; 6) S40°26'45"E, A DISTANCE OF 74.53 FEET; 7) S43°10'55"E, A DISTANCE OF 54.23 FEET; 8) S41°00'49"E, A DISTANCE OF 248.62 FEET; 9) S67°00'38"E, A DISTANCE OF 15.64 FEET TO A POINT ON THE NORTHWESTERLY LINE OF THE PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 21876, PAGE 195, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE N76°47'35"E, ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 2.79 FEET TO A POINT ON THE NORTHWESTERLY LINE OF MADEIRA BAY TOWNHOMES CONDOMINIUM AS SHOWN ON THE MAP OR PLAT THEREOF RECORDED IN CONDOMINIUM PLAT BOOK 133, PAGE 71, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE ALONG SAID NORTHWESTERLY LINE THE FOLLOWING TWO (2) COURSES: 1) N42°43'24"E, A

DISTANCE OF 79.47 FEET; 2) N43°26'49"E, A DISTANCE OF 187.06 FEET TO THE NORTHEASTERLY LINE OF SAID MADEIRA BAY TOWNHOMES CONDOMINIUM; THENCE ALONG SAID NORTHEASTERLY LINE THE FOLLOWING TWO (2) COURSES: 1) S77°24'26"E, A DISTANCE OF 31.36 FEET; 2) S65°20'05"E, A DISTANCE OF 81.34 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID MADEIRA BAY TOWNHOMES CONDOMINIUM; THENCE S38°27'08"W, ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 251.01 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE NORTHERLY LINE OF LOT 17, FIRST ADDITION TO BILL WILLIAM'S MADEIRA HARBOR SUBDIVISION AS SHOWN ON THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 25, PAGE 67, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE S77°25'50"E, ALONG SAID WESTERLY EXTENSION, A DISTANCE OF 53.58 FEET TO THE NORTHERNMOST CORNER OF SAID LOT 17; THENCE CONTINUE S77°25'50"E, ALONG THE NORTHERLY LINE OF SAID LOT 17, A DISTANCE OF 134.08 FEET TO THE EASTERNMOST CORNER OF SAID LOT 17, SAID POINT ALSO BEING ON THE NORTHEASTERLY LINE OF SAID FIRST ADDITION TO BILL WILLIAM'S MADEIRA HARBOR SUBDIVISION; THENCE ALONG SAID NORTHEASTERLY LINE THE FOLLOWING FOUR (4) COURSES: 1) ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST AN ARC LENGTH OF 66.09 FEET, SAID CURVE HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 75°44'13", AND A CHORD BEARING S25°18'03"E, A DISTANCE OF 61.39 FEET; 2) S63°10'36"E, A DISTANCE OF 667.55 FEET; 3) ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH AN ARC LENGTH OF 159.19 FEET, SAID CURVE HAVING A RADIUS OF 126.84 FEET, A CENTRAL ANGLE OF 71°54'40", AND A CHORD BEARING N80°52'07"E, A DISTANCE OF 148.95 FEET; 4) N44°54'51 "E, A DISTANCE OF 32.67 FEET TO THE NORTHERNMOST CORNER OF LOT 40 OF SAID FIRST ADDITION TO BILL WILLIAM'S MADEIRA HARBOR SUBDIVISION; THENCE S45°05'09"E, ALONG THE NORTHEASTERLY LINE OF SAID LOT 40, A DISTANCE OF 115.00 FEET TO THE EASTERNMOST CORNER OF SAID LOT 40; THENCE S49°46'27"E, A DISTANCE OF 46.21 FEET TO THE NORTHERNMOST CORNER OF LOT 20, BLOCK 1, MITCHELL'S BEACH, AS SHOWN ON THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 54, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE S45°17'19"E, ALONG THE NORTHEASTERLY LINE OF SAID LOT 20, A DISTANCE OF 100.00 FEET TO THE EASTERNMOST CORNER OF SAID LOT 20; THENCE CONTINUE S45°17'19"E, ACROSS THE 15 FOOT ALLEY BETWEEN LOT 20 AND LOT 1 , BLOCK 1 OF SAID MITCHELL'S BEACH, A DISTANCE OF 15.00 FEET TO THE NORTHERNMOST CORNER OF SAID LOT 1; THENCE S45°17'19"E, ALONG THE NORTHEASTERLY LINE OF SAID LOT 1, A DISTANCE OF 100.00 FEET TO THE EASTERNMOST CORNER OF SAID LOT 1; THENCE S45°17'19"E, ALONG THE SOUTHEASTERLY EXTENSION OF THE NORTHEASTERLY LINE OF SAID LOT 1, A DISTANCE OF 144.34 FEET TO THE NORTHWESTERLY LINE OF JOHN'S PASS AS SCALED FROM THE PINELLAS COUNTY PROPERTY APPRAISER'S WEBSITE; THENCE ALONG SAID NORTHWESTERLY LINE THE FOLLOWING TWO (2) COURSES: 1) S19°54'27"W, A DISTANCE OF 40.42 FEET; 2) S40°08'37"W, A DISTANCE OF 979.70 FEET TO A POINT ON THE SOUTHEASTERLY EXTENSION OF THE SOUTHWESTERLY LINE OF THE PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 20649, PAGE 2161, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE N15°44'10"W, ALONG SAID SOUTHEASTERLY EXTENSION, A DISTANCE OF 151.80 FEET TO THE SOUTHERNMOST CORNER OF PROPERTY RECORDED IN SAID OFFICIAL RECORDS BOOK 20649, PAGE 2161; THENCE ALONG THE SOUTHWESTERLY

LINE OF THE PROPERTY DESCRIBED IN SAID OFFICIAL RECORDS BOOK 20649, PAGE 2161, THE FOLLOWING THREE (3) COURSES: 1) N15'44'10"W, A DISTANCE OF 23.98 FEET; 2) N29'52'46"W, A DISTANCE OF 142.52 FEET; 3) N47'45'05"W, A DISTANCE OF 49.06 FEET; THENCE DEPARTING SAID SOUTHWESTERLY LINE, S63'23'40"W, A DISTANCE OF 208.70 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF BEACH PLACE CONDOMINIUM AS SHOWN ON THE MAP OR PLAT THEREOF RECORDED IN CONDOMINIUM PLAT BOOK 42, PAGE 47, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE S44'56'00"W, ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 151.97 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE AS RECORDED IN BULKHEAD BOOK 2, PAGE 98, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE ALONG SAID COASTAL CONSTRUCTION CONTROL LINE THE FOLLOWING THREE (3) COURSES: 1) N36'31'19"W, A DISTANCE OF 279.81 FEET; 2) N32'15'06"W, A DISTANCE OF 1060.64 FEET; 3) N36'40'40"W, A DISTANCE OF 638.55 FEET TO THE WESTERNMOST CORNER OF THE PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 19051 , PAGE 2259, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE N38'23'44"E, ALONG THE NORTHWESTERLY LINE OF THE PROPERTY DESCRIBED IN SAID OFFICIAL RECORDS BOOK 19051, PAGE 2259, A DISTANCE OF 130.30 FEET TO THE NORTHERNMOST CORNER OF SAID PROPERTY; THENCE N38'19'36"E, ACROSS A 15' ALLEY BETWEEN LOT 10 AND LOT 11, BLOCK 6, MITCHELL'S BEACH AS SHOWN ON THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 54, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, A DISTANCE OF 15.37 FEET TO A POINT ON THE NORTHWESTERLY LINE OF BAREFOOT BEACH RESORT SOUTH, A CONDOMINIUM, AS SHOWN ON THE MAP OR PLAT THEREOF RECORDED IN CONDOMINIUM PLAT BOOK 157, PAGE 61, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE ALONG SAID NORTHWESTERLY LINE THE FOLLOWING TWO (2) COURSES: 1) N38'23'44"E, A DISTANCE OF 71.65 FEET; 2) N83'16'18"E, A DISTANCE OF 20.06 FEET; THENCE DEPARTING SAID NORTHWESTERLY LINE, N43'42'42"E, A DISTANCE OF 80.62 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF MADEIRA BAY RESORT II, A CONDOMINIUM AS SHOWN ON THE MAP OR PLAT THEREOF RECORDED IN CONDOMINIUM PLAT BOOK 144, PAGE 65, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE N18'58'49"W, ALONG SAID SOUTHWESTERLY LINE, A DISTANCE OF 25.54 FEET TO THE WESTERNMOST CORNER OF SAID MADEIRA BAY RESORT II; THENCE ALONG THE NORTHWESTERLY LINE OF SAID MADEIRA BAY RESORT II THE FOLLOWING TWO (2) COURSES: 1) N38' 18'51 "E, A DISTANCE OF 80.00 FEET; 2) ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST AN ARC LENGTH OF 97.48 FEET, SAID CURVE HAVING A RADIUS OF 367.07 FEET, A CENTRAL ANGLE OF 15'12'57", AND A CHORD BEARING N57'33'52"E, A DISTANCE OF 97.20 FEET TO THE POING OF BEGINNING.

CONTAINING 1,778, 197 SQUARE FEET, (40.82 ACRES) MORE OR LESS.

Properties with the following Parcel Identification Numbers

15 31 15 05926 001 2030	15 31 15 54170 000 2100
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15 31 15 19246 000 2040	15 31 15 57275 000 1010
15 31 15 78644 000 3090	15 31 15 57275 000 1030
15 31 15 05926 001 3030	15 31 15 57275 000 2010
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15 31 15 54170 000 3140	15 31 15 57275 000 3010
15 31 15 78644 000 3100	15 31 15 57275 000 3070
15 31 15 54170 000 3020	15 31 15 57275 000 3050
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15 31 15 88552 004 2200	15 31 15 54169 000 1505
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15 31 15 54297 000 5160	15 31 15 54170 000 3100
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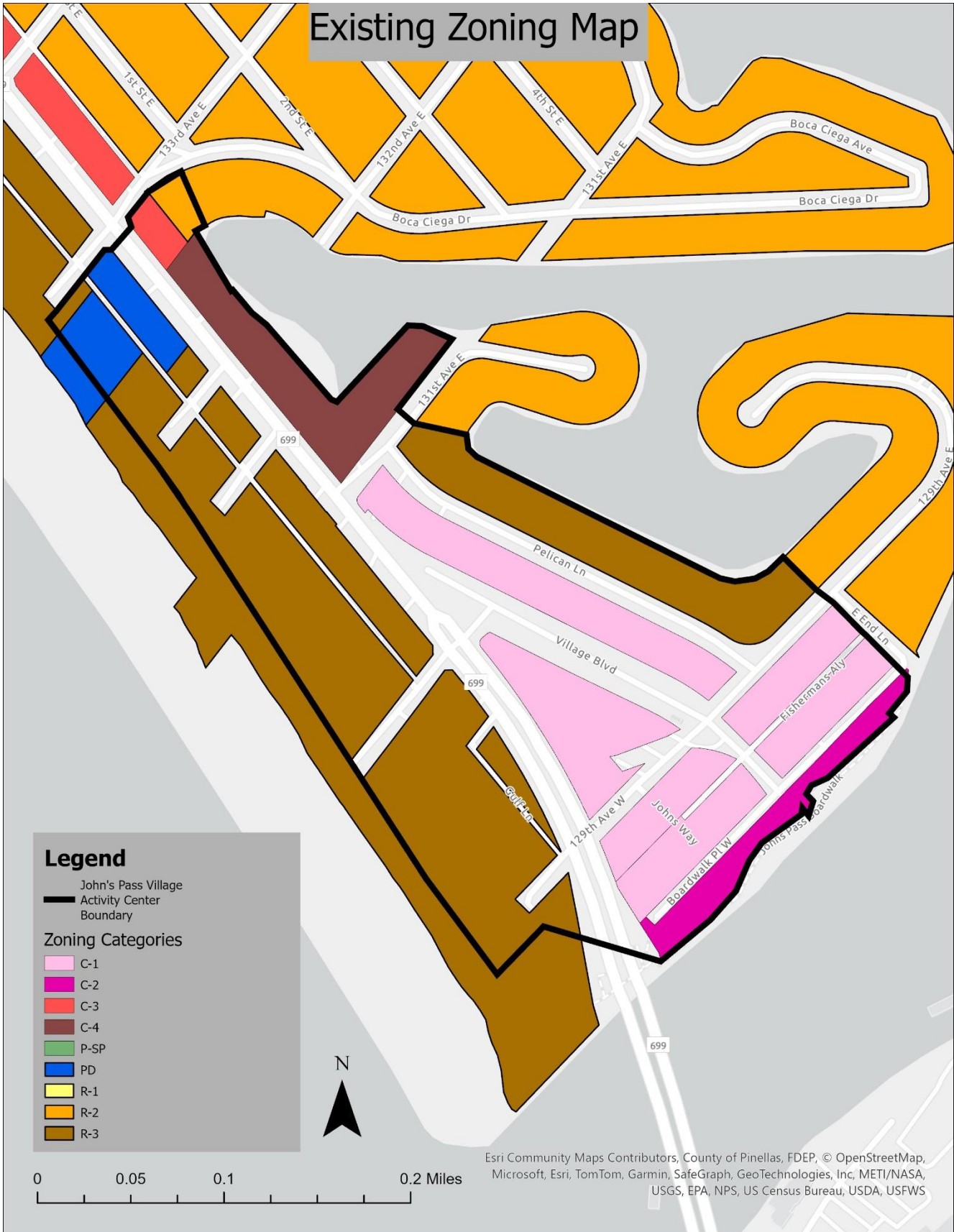
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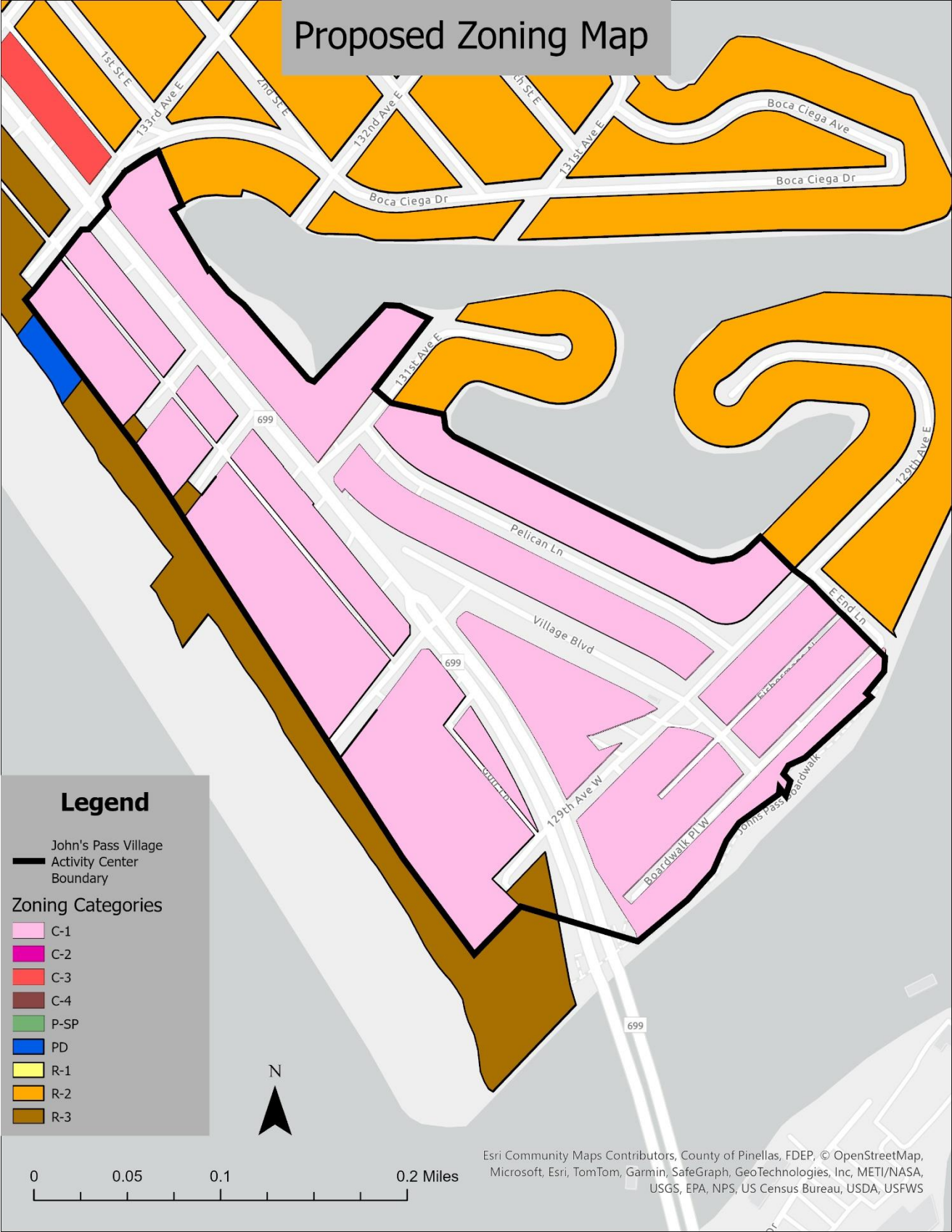
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EXHIBIT B







July 9, 2024

Andrew Morris, AICP
Long Range Planner
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

RE: Administrative review notice for Tier I Amendment (Ordinances 2024-10, 2024,11 and 2024-09 Appendix D -John's Pass Village Activity Center Development Standards)

Dear Andrew:

Thank you for submitting the above referenced Tier I Amendment and providing the local Ordinances 2024-10, 2024,11 and 2024-09 Appendix D -John's Pass Village Activity Center Development Standards. This is a local amendment to regulations governing an Activity Center, which is therefore classified as a Tier I amendment per Section 6.2.2 of the Countywide Rules. Since the densities, intensities and permitted uses are consistent with the standards adopted in the Tier II Countywide Plan Map amendment CW 23-03, this amendment meets the requirements of the Tier I process.

The John's Pass Village standards fit within the general framework provided by the Countywide Rules, with specific adaptations to the local context. Specific adaptations in density, intensity, building heights, FAR, and ISR are in place to reflect the unique character and needs of the John's Pass Village area.

We recognize that the consistency process is an ongoing one and if either the City or Forward Pinellas staff has failed to note a matter governed by the consistency process in the course of this review, we will be happy to work with you to resolve any such matter as may be necessary.

If you have any questions, please feel free to call me at 727-464-5679 or email me at ewennick@forwardpinellas.org.

Sincerely,

Emma Wennick

Emma Wennick
Program Planner

NOTICE OF PUBLIC HEARING

CITY OF MADEIRA BEACH PLANNING COMMISSION

Item 10E.

ACTING AS THE LOCAL PLANNING AGENCY (LPA) AND BOARD OF COMMISSIONERS (BOC) ON PROPOSED AMENDMENTS TO THE CITY'S LAND DEVELOPMENT REGULATIONS AND ZONING MAP

In accordance with the City of Madeira Beach Code of Ordinances Sec. 2-6 and Sec. 2-78, Sec. 7.3 of the City Charter, and Florida Statutes Sections 166.041, 163.3167, and 163.3174:

NOTICE IS HEREBY GIVEN that the Planning Commission, acting as the Local Planning Agency (LPA) of the City of Madeira Beach, will conduct a public hearing on Monday, August 5, 2024, at 6:00 p.m. in the Patricia Shontz Commission Chambers, Madeira Beach City Center, 300 Municipal Drive, Madeira Beach, Florida 33708, for the review of proposed Ordinance 2024-09 (Creating Appendix D to establish the John's Pass Village Activity Center Development Standards), Ordinance 2024-10 (Amending C-1 to refer to Appendix D), Ordinance 2024-11 (Rezoning the John's Pass Village Activity Center area to C-1), and Ordinance 2024-12 (Deleting the C-2 zoning district).

NOTICE IS HEREBY GIVEN that the Board of Commissioners (BOC) of the City of Madeira Beach, will conduct a public hearing on Wednesday, August 14, 2024, at 6:00 p.m. in the Patricia Shontz Commission Chambers, Madeira Beach City Center, 300 Municipal Drive, Madeira Beach, Florida 33708, for the review of proposed Ordinance 2024-09 (Creating Appendix D to establish the John's Pass Village Activity Center Development Standards), Ordinance 2024-10 (Amending C-1 to refer to Appendix D), Ordinance 2024-11 (Rezoning the John's Pass Village Activity Center area to C-1), and Ordinance 2024-12 (Deleting the C-2 zoning district).

The titles of the ordinances are:

ORDINANCE 2024-09

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO ADOPT APPENDIX D TO ESTABLISH THE JOHN'S PASS VILLAGE ACTIVITY CENTER DEVELOPMENT STANDARDS; PROVIDING THAT SAID STANDARDS SHALL REGULATE DEVELOPMENT IN THE JOHN'S PASS VILLAGE DISTRICT; PROVIDING FOR PERMITTED, ACCESSORY AND SPECIAL EXCEPTION USES; PROVIDING FOR BUILDING SITE AREA REQUIREMENTS; PROVIDING FOR SETBACK REQUIREMENTS; PROVIDING FOR RESIDENTIAL, VACATION RENTAL AND TEMPORARY LODGING USE DENSITY; PROVIDING FOR MAXIMUM BUILDING HEIGHT; PROVIDING FOR MAXIMUM FLOOR AREA RATIO; PROVIDING FOR IMPERVIOUS SURFACE RATIO; PROVIDING FOR ALTERNATIVE TEMPORARY LODGING USE STANDARDS; PROVIDING FOR DESIGN STANDARDS AND GUIDELINES; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2024-10

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, ARTICLE V. DISTRICTS, DIVISION 5. C-1, TOURIST COMMERCIAL OF THE CITY'S LAND DEVELOPMENT CODE TO RENAME IT AS C-1 JOHN'S PASS VILLAGE ACTIVITY CENTER; PROVIDING FURTHER INFORMATION ON PURPOSE AND INTENT OF THE JOHN'S PASS VILLAGE ACTIVITY CENTER DISTRICT; REPLACING THE DEVELOPMENT STANDARDS SET FORTH IN SECTIONS 110-257 THROUGH 110-265 WITH THE DEVELOPMENT STANDARDS SET FORTH IN APPENDIX D (JOHN'S PASS VILLAGE ACTIVITY CENTER DEVELOPMENT STANDARDS); PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2024-11

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REZONING REAL PROPERTY FROM C-1 JOHN'S PASS VILLAGE ACTIVITY CENTER, C-2 JOHN'S PASS MARINE COMMERCIAL, C-3 RETAIL COMMERCIAL, C-4 MARINE COMMERCIAL, PD PLANNED DEVELOPMENT, AND R-3 MEDIUM DENSITY MULTIFAMILY RESIDENTIAL ZONING DISTRICTS TO C-1 JOHN'S PASS VILLAGE ACTIVITY CENTER FOR THE AREA AS SET FORTH IN THE ACCOMPANYING LEGAL DESCRIPTION IN EXHIBIT A ATTACHED HERETO AND HEREBY MADE A PART OF

THIS ORDINANCE; PROVIDING FOR FUTURE REVITALIZATION AND DEVELOPMENT WITHIN THE ACTIVITY CENTER CATEGORY TO BE CONSISTENT WITH AND PURSUANT TO THE PROCEDURES, GUIDELINES AND STANDARDS OF THE JOHN'S PASS VILLAGE ACTIVITY CENTER PLAN AS ADOPTED BY ORDINANCE 2023-01; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

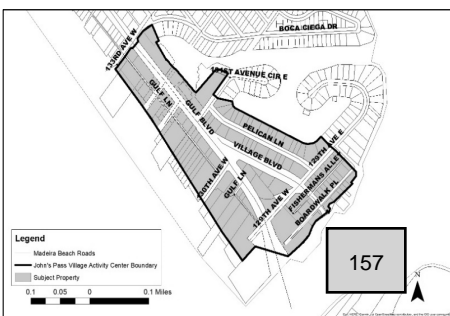
ORDINANCE 2024-12

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, DELETING DIVISION 6. JOHN'S PASS MARINE COMMERCIAL, SECTIONS 110-286 THROUGH 110-295 OF CHAPTER 110 ZONING, ARTICLE V. DISTRICTS OF THE CITY'S LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A geographic location map of the real property affected by the adoption of these ordinances is shown below.

Public Notice: Sec. 2-78. - Conduct of hearing requires a public notice to be mailed to property owners within 300 feet in any direction of the properties, which are the subject matter of the ordinances. Interested parties may appear at the meeting and be heard with respect to the proposed ordinances. Any 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 city Community Development Department not less than five days prior to the hearing. Ordinance 2024-09, Ordinance 2024-10, Ordinance 2024-11, and Ordinance 2024-12 are available for inspection in the Community Development Office, Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida 33708, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday or online at <https://madeirabeachfl.gov/johns-pass-activity-center-plan/>. If you would like more information regarding the Ordinances, please contact the Community Development Department, at 727-391-9951, ext. 244 or planning@madeirabeachfl.gov. Both meetings will be aired on Public Access TV Spectrum Channel 640 and through the City's website.

Note: One or more Elected or Appointed Officials may be in attendance. Any person who decides to appeal any decision of the Planning Commission and/or the Board of Commissioners with respect to any matter considered at these meetings will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the City to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation to participate in this meeting should call 727-391-9951 Ext. 244 or planning@madeirabeachfl.gov.



**NOTICE OF PUBLIC HEARING
CITY OF MADEIRA BEACH PLANNING COMMISSION ACTING AS THE LOCAL
PLANNING AGENCY (LPA) AND BOARD OF COMMISSIONERS (BOC) ON
PROPOSED AMENDMENTS TO THE CITY’S LAND DEVELOPMENT
REGULATIONS AND ZONING MAP**

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The titles of the ordinances are:

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AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO ADOPT APPENDIX D TO ESTABLISH THE JOHN’S PASS VILLAGE ACTIVITY CENTER DEVELOPMENT STANDARDS; PROVIDING THAT SAID STANDARDS SHALL REGULATE DEVELOPMENT IN THE JOHN’S PASS VILLAGE DISTRICT; PROVIDING FOR PERMITTED, ACCESSORY AND SPECIAL EXCEPTION USES; PROVIDING FOR BUILDING SITE AREA REQUIREMENTS; PROVIDING FOR SETBACK REQUIREMENTS; PROVIDING FOR RESIDENTIAL, VACATION RENTAL AND TEMPORARY LODGING USE DENSITY; PROVIDING FOR MAXIMUM BUILDING HEIGHT; PROVIDING FOR MAXIMUM FLOOR AREA RATIO; PROVIDING FOR IMPERVIOUS SURFACE RATIO; PROVIDING FOR ALTERNATIVE TEMPORARY LODGING USE STANDARDS; PROVIDING FOR DESIGN STANDARDS AND GUIDELINES; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2024-10

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, ARTICLE V. DISTRICTS, DIVISION 5. C-1, TOURIST COMMERCIAL OF THE CITY'S LAND DEVELOPMENT CODE TO RENAME IT AS C-1 JOHN'S PASS VILLAGE ACTIVITY CENTER; PROVIDING FURTHER INFORMATION ON PURPOSE AND INTENT OF THE JOHN'S PASS VILLAGE ACTIVITY CENTER DISTRICT; REPLACING THE DEVELOPMENT STANDARDS SET FORTH IN SECTIONS 110-257 THROUGH 110-265 WITH THE DEVELOPMENT STANDARDS SET FORTH IN APPENDIX D (JOHN'S PASS VILLAGE ACTIVITY CENTER DEVELOPMENT STANDARDS); PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

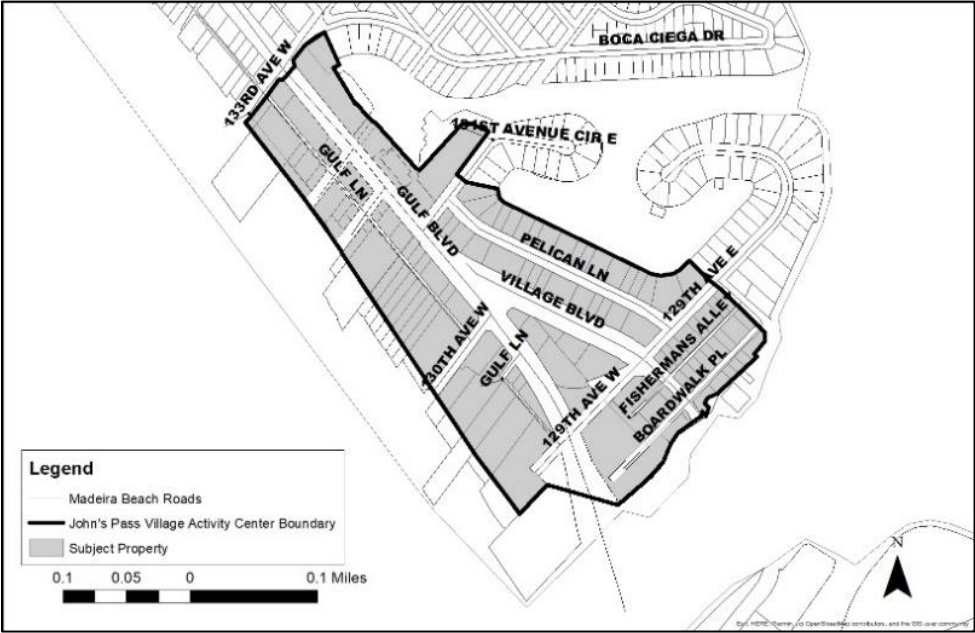
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AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, DELETING DIVISION 6. JOHN'S PASS MARINE COMMERCIAL, SECTIONS 110-286 THROUGH 110-295 OF CHAPTER 110 ZONING, ARTICLE V. DISTRICTS OF THE CITY'S LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A geographic location map of the real property affected by the adoption of these ordinances is shown below.



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AFFIDAVIT OF POSTING

Date: 7/23/2024

Postings for Ord(s) 2024-09, 2024-10, 2024-11, 2024-12, 2024-13, 2024-14, 2024-15

Before me this day Lisa Sherman personally appeared. He/she has posted public notices at the locations indicated in the notice document(s).

Lisa Sherman
Signature

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to and subscribed before me this 23rd day of JULY, 20 24.

Personally known or produced _____ as identification.



[Signature]
Notary Public

7/23/24
Date

*Copy of public notice is attached.

United States Postal Service
Postage Statement -- First-Class Mail
and USPS Ground Advantage

Processed By: BAH on 07/24 PM
Item 10E.

Transaction Number: 202420611014212 M0	CAPS/EPS Transaction Number:	Postage Statement Number: 621871506
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Mailing Group	Mailing Group ID 481190628	Mailing Job Number 52775A	Open Date 07-24-2024
	Preparer DIRECT RESPONSE MARKETING 33762	Origin Mail.dat	Close Date
	Job Description CITY OF MADEIRA BEACH		

Mailer	Permit Holder's Name and Address and Email Address, if Any DIRECT RESPONSE MARKETING 33762 1551 102ND AVE N STE A SAINT PETERSBURG, FL 33716-5050 Contact Name: BRIAN DOUGLAS (727)573-1985 BRIAND@DIRECT-MAIL-SYSTEMS.COM	Name and Address of Mailing Agent <i>(If other than permit holder)</i> DIRECT RESPONSE MARKETING 33762 1551 102ND AVE N STE A SAINT PETERSBURG, FL 33716-5050 CRID: 3599240	Name and Address of Individual or Organization for Which Mailing is Prepared <i>(If other than permit holder)</i> DIRECT MAIL SYSTEMS 12450 AUTOMOBILE BLVD CLEARWATER, FL 33762-4427 CRID: 2438991
	EPS Cust. Ref. No: 52775a City of Maderia Public Hea CRID: 3599240		

Mailing	Post Office of Mailing TAMPA FL 33634-9651	Processing Category Letters <i>(may include Cards)</i>	Parcels Only Hold For Pickup (HFPU): No. of Pieces 0	Mailer's Mailing Date 07/24/24	Federal Agency Cost Code	Statement Seq. No.	No. & type of Containers Sacks: 0 1 ft. Letter Trays: 2 2 ft. Letter Trays: 1 EMM Letter Trays: 0 Flat Trays: 0 Pallets: 0 Other: 0	
	Type of Postage Permit Imprint			Weight of a Single Piece 0.0188 lbs.	Combined Mailing <input type="checkbox"/> Single Class	SSF Transaction ID #		
	Permit # 3443	For Mail Enclosed Within Another Class <input type="checkbox"/> Marketing Mail <input type="checkbox"/> Bound Printed Matter <input type="checkbox"/> Library Mail <input type="checkbox"/> Media Mail <input type="checkbox"/> Periodicals				Customer Generated Electronic Labels <input type="checkbox"/> SigCon		Total Pieces 509
	For Automation Rate Pieces, Enter Date of Address Matching and Coding 07/18/24	Move Update Method: NCOALink		Total Weight 9.5692 lbs.				

Postage	Letter-size mailpieces contain: <input type="checkbox"/> Round Trip Only: One DVD/CD or other disk	Parts Completed B		
	Political Campaign Mailing - No	Subtotal Postage (Add parts totals)		
	Election Mail - Official Ballots - No	\$320.96		
	Election Mail - Non-Ballot Materials - No			
	Complete if the mailing includes pieces bearing metered/PC Postage or precanceled stamps. Rate at Which Postage Affixed (Check one) <input type="checkbox"/> Correct <input type="checkbox"/> Lowest <input type="checkbox"/> Neither	_____ pcs. x \$ _____ = Postage Affixed		\$0.000
		Incentive/Discount _____	\$0.00	
		Fee _____	\$0.00	
		Net Postage Due	\$320.96	
For USPS Use Only: Additional Postage Payment (State reason)				
Total USPS Adjusted Postage		\$320.96		

Certification	Incentive/Discount Claimed: N/A	Type of Fee: N/A
	The mailer certifies acceptance of liability for and agreement to pay any revenue deficiencies assessed on this mailing, subject to appeal. If an agent certifies that he or she is authorized on behalf of the mailer then that mailer is bound by the certification and agrees to pay any deficiencies. In addition, agents may be liable for any deficiencies resulting from matters within their responsibility, knowledge, or control. The mailer hereby certifies that all information furnished on this form is accurate, truthful, and complete; that the mail and the supporting documentation comply with all postal standards and the mailing qualifies for the prices and fees claimed; and that the mailing does not contain any matter prohibited by law or postal regulation. I understand that anyone who furnishes false or misleading information on this form or who omits information requested on this form may be subject to criminal and/or civil penalties, including fines and imprisonment.	
Privacy Notice: For information regarding our Privacy Policy visit www.usps.com		

Part B - Nonautomation Prices

Item 10E.

Machinable Letters

		Price	No. of Pieces	Subtotal Postage	Discount Total	Fee Total	Total Postage
B3	AADC	\$0.596	69	\$41.1240	\$0.0000	\$0.0000	\$41.1240
B4	Mixed AADC	\$0.636	440	\$279.8400	\$0.0000	\$0.0000	\$279.8400
B22	Part B Total (Add lines B1-B21)						\$320.96

Business Impact Estimate

Proposed ordinance's title/reference: Ordinance 2024-11 Rezone John's Pass Village Activity Center area to C-1, John's Pass Village Activity Center Zoning District

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

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

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): *Ordinance 2024-11 rezones the entire JPV Activity Center area to C-1, John's Pass Village Activity Center Zoning District. The future land use in the Madeira Beach Comprehensive Plan is Activity Center and designated Activity Center with the Countywide Plan Map. All three maps and plans/regulations (Countywide Plan, Madeira Beach Comprehensive Plan, and Madeira Beach Land Development Regulations) will be consistent with the John's Pass Village Activity Center Plan (Special Area Plan) once Ordinance 2024-11 is adopted.*

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
(c) An estimate of the City of Madeira Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

No foreseen direct economic impact of the proposed ordinance.

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

No foreseen impact on businesses with the proposed ordinance.

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

This ordinance assures that the Madeira Beach Land Development Regulations are consistent with the John's Pass Village Activity Center Plan.



Memorandum

Meeting Details: August 14, 2024 – Board of Commissioners Regular Meeting
Prepared For: Honorable Mayor Brooks and Board of Commissioners
Staff Contact: Madeira Beach Community Development Department
Subject: Ordinance 2024-12: Amending C-2 to reserve -1st reading and public hearing

Background

The City of Madeira Beach Board of Commissioners adopted Ordinance 2023-01 (John’s Pass Village Activity Center Plan) and Ordinance 2023-02 (Amending FLUM to add John's Pass Village Activity Center) on March 13, 2024. These ordinances updated the Madeira Beach Comprehensive Plan and Future Land Use Map. Ordinance 2023-01 and Ordinance 2023-02 did not change the Land Development Regulations (LDRs) in the Madeira Beach Code of Ordinances or amend the Madeira Beach Zoning Map. The Madeira Beach Code of Ordinances LDRs and Madeira Beach Zoning Map must be amended within one (1) year of the adoption of the John’s Pass Village (JPV) Activity Center Plan and amendment to the City’s Future Land Use Map.

Discussion

Multiple ordinances need to be created and adopted to implement the JPV Special Area Plan: create the new development standards that corresponds with the JPV Activity Center Plan (Ordinance 2024-09), recategorize and rename the zoning district that will refer to these new development standards (Ordinance 2024-10), rezone the entire JPV Activity Center area (Ordinance 2024-11), and remove and reserve the zoning district that is no longer used (Ordinance 2024-12).

Ordinance 2024-12 removes all standards in the C-2 John’s Pass Marine Commercial Zoning District and relabels the district as reserved. C-2 Zoning District encompassed all the land along

the boardwalk in the JPV area which will be designated C-1 JPV Activity Center Zoning District that has its own standards within Appendix D.

Fiscal Impact

N/A

Recommendation(s)

Planning Commission and staff recommends approval of Ordinance 2024-12: Amending C-2 to reserve.

Attachments/Corresponding Documents

- Ordinance 2024-12 (Amending to C-2 to reserved)
- Legal advertisement

ORDINANCE 2024-12

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, DELETING DIVISION 6. JOHN’S PASS MARINE COMMERCIAL, SECTIONS 110-286 THROUGH 110-295 OF CHAPTER 110 ZONING, ARTICLE V. DISTRICTS OF THE CITY’S LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the John’s Pass Village Activity Center Special Area Plan requires updates to the Madeira Beach Land Development Code to have consistent development standards; and

WHEREAS, to accomplish the stated intent City staff has recommended changes to the C-1 Tourist Commercial District by renaming the district, replace the development standards set forth in Sections 110-257 through 110-265 with the development standards set forth in Appendix D (John’s Pass Village Activity Center Development Standards), and rezone the John’s Pass Village Activity Center area C-1; and

WHEREAS, the C-2, John’s Pass Marine Commercial zoning district will no longer be used and should be deleted; and

WHEREAS, the Planning Commission has considered the recommended changes at a public hearing and has recommended approval to the Board of Commissioners; and

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

WHEREAS, the Board of Commissioners held two public hearings to consider the approval of the recommend change and the adoption of this ordinance.

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

Section 1 That sections 110-286 through 110-295 of Division 6 of Article 5 of Chapter 110 of the Land Development Code of the City of Madeira Beach are hereby deleted.

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

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

~~The purpose of the C-2, John's Pass marine commercial district is to recognize the unique commercial, marine, tourist and historic value of this area. The C-2, John's Pass marine commercial district correlates with the commercial general (CG) future land use category of the City of Madeira Beach Comprehensive Plan and the Retail and Services (R&S) plan category of the Countywide Plan. It is the intent of the comprehensive land use plan to retain the nautical theme and important character of the waterfront area and of John's Pass Village.~~

~~(Code 1983, § 20-404; Ord. No. 1138, § 6, 12-9-08; Ord. No. 2022-09, § 1, 5-11-22; Ord. No. 2023-28, § 1, 12-13-23)~~

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

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

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

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

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

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

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

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

~~(Code 1983, § 20-404)~~

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

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

~~(Code 1983, § 20-404)~~

Sec. 110-290. Building site area requirements.

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

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

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

Sec. 110-291. Setback requirements.

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

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

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

Sec. 110-292. Maximum building height.

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

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

Sec. 110-293. Maximum lot coverage.

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

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

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

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

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

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

Sec. 110-295. Special requirements.

- ~~(a) Due to the unique character of the C-2, John's Pass marine commercial district, a nautical theme should be emphasized within all renovations or new construction.~~
 - ~~(b) Mechanical units must be located on the roof and not visible or shielded from public right-of-way.~~
 - ~~(c) Walls constructed or renovated on the property lines must comply with the current Florida Building Codes including occupancy ratings and current fire codes.~~
- ~~(Code 1983, § 20-404; Ord. No. 2022-09, § 5, 5-11-22; Ord. No. 2023-28, § 1, 12-13-23)~~

Section 2. For purposes of codification of any existing section of the Madeira Beach Code herein amended, words **underlined** represent additions to original text, words **stricken** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

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

Section 4. In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

Section 5. The Codifier shall codify the substantive amendments to the Land Development Code of the City of Madeira Beach contained in Section 1 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 6. Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption, provided however it shall not be effective until such time as Ordinance 2024-09 (Adoption of Appendix D) becomes effective. In the event that Ordinance 2024-09 is not approved and adopted by the Board of Commissioners then this Ordinance shall be of no further force and effect.

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

Anne-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____

NOTICE OF PUBLIC HEARING

CITY OF MADEIRA BEACH PLANNING COMMISSION

Item 10F.

ACTING AS THE LOCAL PLANNING AGENCY (LPA) AND BOARD OF COMMISSIONERS (BOC) ON PROPOSED AMENDMENTS TO THE CITY'S LAND DEVELOPMENT REGULATIONS AND ZONING MAP

In accordance with the City of Madeira Beach Code of Ordinances Sec. 2-6 and Sec. 2-78, Sec. 7.3 of the City Charter, and Florida Statutes Sections 166.041, 163.3167, and 163.3174:

NOTICE IS HEREBY GIVEN that the Planning Commission, acting as the Local Planning Agency (LPA) of the City of Madeira Beach, will conduct a public hearing on Monday, August 5, 2024, at 6:00 p.m. in the Patricia Shontz Commission Chambers, Madeira Beach City Center, 300 Municipal Drive, Madeira Beach, Florida 33708, for the review of proposed Ordinance 2024-09 (Creating Appendix D to establish the John's Pass Village Activity Center Development Standards), Ordinance 2024-10 (Amending C-1 to refer to Appendix D), Ordinance 2024-11 (Rezoning the John's Pass Village Activity Center area to C-1), and Ordinance 2024-12 (Deleting the C-2 zoning district).

NOTICE IS HEREBY GIVEN that the Board of Commissioners (BOC) of the City of Madeira Beach, will conduct a public hearing on Wednesday, August 14, 2024, at 6:00 p.m. in the Patricia Shontz Commission Chambers, Madeira Beach City Center, 300 Municipal Drive, Madeira Beach, Florida 33708, for the review of proposed Ordinance 2024-09 (Creating Appendix D to establish the John's Pass Village Activity Center Development Standards), Ordinance 2024-10 (Amending C-1 to refer to Appendix D), Ordinance 2024-11 (Rezoning the John's Pass Village Activity Center area to C-1), and Ordinance 2024-12 (Deleting the C-2 zoning district).

The titles of the ordinances are:

ORDINANCE 2024-09

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO ADOPT APPENDIX D TO ESTABLISH THE JOHN'S PASS VILLAGE ACTIVITY CENTER DEVELOPMENT STANDARDS; PROVIDING THAT SAID STANDARDS SHALL REGULATE DEVELOPMENT IN THE JOHN'S PASS VILLAGE DISTRICT; PROVIDING FOR PERMITTED, ACCESSORY AND SPECIAL EXCEPTION USES; PROVIDING FOR BUILDING SITE AREA REQUIREMENTS; PROVIDING FOR SETBACK REQUIREMENTS; PROVIDING FOR RESIDENTIAL, VACATION RENTAL AND TEMPORARY LODGING USE DENSITY; PROVIDING FOR MAXIMUM BUILDING HEIGHT; PROVIDING FOR MAXIMUM FLOOR AREA RATIO; PROVIDING FOR IMPERVIOUS SURFACE RATIO; PROVIDING FOR ALTERNATIVE TEMPORARY LODGING USE STANDARDS; PROVIDING FOR DESIGN STANDARDS AND GUIDELINES; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2024-10

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, ARTICLE V. DISTRICTS, DIVISION 5. C-1, TOURIST COMMERCIAL OF THE CITY'S LAND DEVELOPMENT CODE TO RENAME IT AS C-1 JOHN'S PASS VILLAGE ACTIVITY CENTER; PROVIDING FURTHER INFORMATION ON PURPOSE AND INTENT OF THE JOHN'S PASS VILLAGE ACTIVITY CENTER DISTRICT; REPLACING THE DEVELOPMENT STANDARDS SET FORTH IN SECTIONS 110-257 THROUGH 110-265 WITH THE DEVELOPMENT STANDARDS SET FORTH IN APPENDIX D (JOHN'S PASS VILLAGE ACTIVITY CENTER DEVELOPMENT STANDARDS); PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2024-11

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REZONING REAL PROPERTY FROM C-1 JOHN'S PASS VILLAGE ACTIVITY CENTER, C-2 JOHN'S PASS MARINE COMMERCIAL, C-3 RETAIL COMMERCIAL, C-4 MARINE COMMERCIAL, PD PLANNED DEVELOPMENT, AND R-3 MEDIUM DENSITY MULTIFAMILY RESIDENTIAL ZONING DISTRICTS TO C-1 JOHN'S PASS VILLAGE ACTIVITY CENTER FOR THE AREA AS SET FORTH IN THE ACCOMPANYING LEGAL DESCRIPTION IN EXHIBIT A ATTACHED HERETO AND HEREBY MADE A PART OF

THIS ORDINANCE; PROVIDING FOR FUTURE REVITALIZATION AND DEVELOPMENT WITHIN THE ACTIVITY CENTER CATEGORY TO BE CONSISTENT WITH AND PURSUANT TO THE PROCEDURES, GUIDELINES AND STANDARDS OF THE JOHN'S PASS VILLAGE ACTIVITY CENTER PLAN AS ADOPTED BY ORDINANCE 2023-01; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

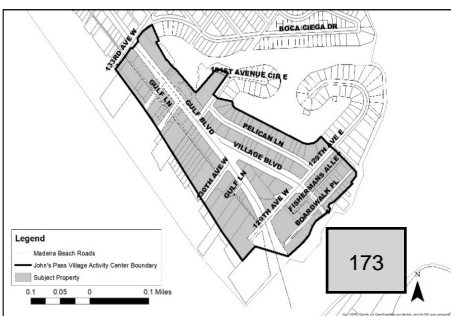
ORDINANCE 2024-12

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, DELETING DIVISION 6. JOHN'S PASS MARINE COMMERCIAL, SECTIONS 110-286 THROUGH 110-295 OF CHAPTER 110 ZONING, ARTICLE V. DISTRICTS OF THE CITY'S LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A geographic location map of the real property affected by the adoption of these ordinances is shown below.

Public Notice: Sec. 2-78. - Conduct of hearing requires a public notice to be mailed to property owners within 300 feet in any direction of the properties, which are the subject matter of the ordinances. Interested parties may appear at the meeting and be heard with respect to the proposed ordinances. Any 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 city Community Development Department not less than five days prior to the hearing. Ordinance 2024-09, Ordinance 2024-10, Ordinance 2024-11, and Ordinance 2024-12 are available for inspection in the Community Development Office, Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida 33708, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday or online at <https://madeirabeachfl.gov/johns-pass-activity-center-plan/>. If you would like more information regarding the Ordinances, please contact the Community Development Department, at 727-391-9951, ext. 244 or planning@madeirabeachfl.gov. Both meetings will be aired on Public Access TV Spectrum Channel 640 and through the City's website.

Note: One or more Elected or Appointed Officials may be in attendance. Any person who decides to appeal any decision of the Planning Commission and/or the Board of Commissioners with respect to any matter considered at these meetings will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the City to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation to participate in this meeting should call 727-391-9951 Ext. 244 or planning@madeirabeachfl.gov.



Business Impact Estimate

Proposed ordinance's title/reference: Ordinance 2024-12: Amending C-2 to reserve

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

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

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): *Ordinance 2024-12 removes all standards in the C-2 John's Pass Marine Commercial Zoning District and relabels the district as reserved. C-2 Zoning District encompassed all the land along the boardwalk in the JPV area which will be designated C-1 JPV Activity Center Zoning District that has it's own standards within Appendix D.*

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
(c) An estimate of the City of Madeira Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.
No foreseen direct economic impact of the proposed ordinance.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:
No foreseen impact on businesses with the proposed ordinance.

4. Additional information the governing body deems useful (if any):
This ordinance assures that the Madeira Beach Land Development Regulations are consistent with the John's Pass Village Activity Center Plan.



Memorandum

Meeting Details: August 14, 2024 – Board of Commissioners Regular Meeting
Prepared For: Honorable Mayor Brooks and Board of Commissioners
Staff Contact: Madeira Beach Community Development Department
Subject: Ordinance 2024-13: C-3 to be consistent with MBTC SAP-1st reading and public hearing

Background

The city amended the Madeira Beach Comprehensive Plan in 2007 to include the Future Land Use category of Planned Redevelopment – Mixed Use (PR-MU) and adopted the Madeira Beach Town Center (MBTC) Special Area Plan (SAP) in 2009 (Ordinance 1151) which placed PR-MU on the Future Land Use Map. MBTC is a designated Activity Center and required to have an SAP. In 2014, the MBTC SAP was updated (Ordinance 2014-07).

The MBTC SAP outlines distinct Character Districts within the Activity Center (PR-MU land use in the Madeira Beach Comprehensive Plan) that have different development standards. The Character District standards include requirements for density, intensity, impervious surface ratio, and height. These standards in the MBTC SAP are not reflected in the Madeira Beach Land Development Regulations (LDRs). The Zoning Districts that need to be amended to reference these standards are C-3, C-4, and R-3 in the LDRs.

Discussion

Ordinance 2024-13: C-3 to be consistent with MBTC SAP amends the C-3, Retail Commercial Zoning District to reference properties within the PR-MU Future Land Use Category and other minor updates (including townhomes as an allowed use and open rooftop uses as a special exception).

Fiscal Impact

N/A

Recommendation(s)

Staff and Planning Commission recommends approval of Ordinance 2024-13: C-3 to be consistent with MBTC SAP.

Attachments/Corresponding Documents

- Ordinance 2024-13: C-3 to be consistent with MBTC SAP
- Business Impact Estimate
- Forward Pinellas Administrative Review Letter
- Development Standards and Character District Map from MBTC SAP
- Madeira Beach Zoning Map

ORDINANCE 2024-13

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, ARTICLE V. DISTRICTS, DIVISION 7. C-3, RETAIL COMMERCIAL, OF THE CITY’S LAND DEVELOPMENT CODE PROVIDING FURTHER INFORMATION ON DEFINITION; PURPOSE AND INTENT; ALLOWING TOWNHOUSES AS AN ALLOWED USE; INCLUDING OPEN ROOFTOP USES AS A SPECIAL EXCEPTION USE; INCLUDING DEVELOPMENT STANDARDS THAT REFERENCES DENSITY AND INTENSITY, HEIGHT, FLOOR AREA RATIO, AND IMPERVIOUS SURFACE RATIO REGULATIONS IN THE COMMERCIAL CORE AND TRANSITIONAL CHARACTER DISTRICTS FROM THE MADEIRA BEACH TOWN CENTER SPECIAL AREA PLAN; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Madeira Beach Town Center Special Area Plan requires updates to the Madeira Beach Land Development Code to have consistent development standards; and

WHEREAS, certain properties zoned C-3, Retail Commercial have a future land use category of Planned Redevelopment Mixed Use in the Madeira Beach Comprehensive Plan and a plan category of Activity Center with the Countywide Plan; and

WHEREAS, townhouses are compatible with the future land use categories Commercial General, Residential/Office/Retail, and Planned Redevelopment-Mixed Use; and

WHEREAS, open rooftop uses are appropriate in certain areas within the zoning district and in other cases may disturb residential neighborhoods, therefore are appropriate to require a public hearing process; 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 Article V. Division 7 of the Land Development Code of the City of Madeira Beach is hereby amended to read as follows:

DIVISION 7. C-3, RETAIL COMMERCIAL

Sec. 110-316. Definition; purpose and intent.

The C-3, retail commercial district provides service to both permanent and transient residents where a full range of urban services and a high degree of accessibility is required. The C-3, retail commercial district correlates with the Commercial General (CG), ~~future land use category and the R~~esidential/~~O~~ffice/~~R~~etail (R/O/R), and Planned Redevelopment-Mixed Use (PR-MU) future land use categories of the City of Madeira Beach Comprehensive Plan and the Retail and Services (R&S) and Activity Center (AC) plan categories in the Countywide Plan.

Sec. 110-317. Permitted uses.

The permitted uses in the C-3, retail commercial district are as follows:

- (1) Retail commercial, and personal service/office support.
- (2) Office and business service.
- (3) Multifamily residential and vacation rental.
- (4) Temporary lodging.
- (5) Restaurants.
- (6) Adult entertainment establishments (article VI, division 13 of this chapter).
- (7) Townhouses (see Chapter 110 - Zoning, Article VI. - Supplementary District Regulations, Division 10. - Specific Development Standards, Subdivision III. - Townhouses for additional standards)

Sec. 110-318. Accessory uses.

The accessory uses in the C-3, retail commercial district are as follows:

- (1) Off-street parking and loading/unloading.
- (2) Nonresidential signs.
- (3) Essential services.
- (4) Other accessory uses customarily permitted.
- (5) Boat slips associated with a permitted business use, not for rental or commercial marine activities.

Sec. 110-319. Special exception uses.

Upon application for a special exception to the special magistrate and favorable action thereon, the following uses may be permitted in the C-3, retail commercial district:

- (1) Service stations.
- (2) Commercial recreation provided that such facilities shall not be permissible when the underlying future land use category is R/O/R.
- (3) Institutional as religious use such as churches, synagogues or other houses of worship.
- (4) Public service facilities.
- (5) Drive-in or drive-through retail commercial, and personal service
- (6) Private fraternal, social and recreational clubs.
- (7) Outdoor storage areas, provided that the outdoor storage use is an accessory, is limited to areas in the CG land use category, and does not exceed 20 percent of the area of the building which is the principal use on the site.
- (8) Single-family or duplex.
- (9) Private schools.
- (10) Exhibition of reptiles by permit.
- (11) Open rooftop, balcony and elevated terrace use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit.

Sec. 110-320. Building site area requirements.

The minimum building site area requirements in the C-3, retail commercial district are as follows:

- (1) Lot size:
 - a. For all uses except multifamily, vacation rental and temporary lodging units: 4,000 square feet.
 - b. Duplex and triplex units: 3,000 square feet per dwelling unit.
 - c. Multifamily and vacation rental units and above: 2,420 square feet per dwelling unit.
 - d. Public service facilities: Shall not exceed a maximum area of five acres. Like uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the P-SP zoning district and the appropriate land use category.
- (2) Lot width:
 - a. All permitted uses except multifamily, vacation rental and temporary lodging units: 40 feet.
 - b. Multifamily, vacation rental and temporary lodging units: 60 feet.
- (3) Lot depth: All permitted uses: 80 feet.
- (4) Within For properties located in the Commercial General (CG) future land use category in the Comprehensive Plan, the density is a maximum of 15 residential dwelling units 15 vacation rental units, or 40 temporary lodging units per acre. Alternative temporary lodging use standards are allowed as detailed in subsection 110-326(f).
- (5) For properties located in the Residential/Office/Retail (R/O/R) future land use category in the Comprehensive Plan, the ~~density is a maximum of~~ maximum density is 18 residential dwelling units, 18 vacation rental units, or 40 temporary lodging units per acre. Alternative temporary lodging use standards are allowed as detailed in subsection 110-326(g).
- (6) For properties located in the Commercial Core District of the Planned Redevelopment-Mixed Use (PR-MU) future land use category of the Comprehensive Plan, the maximum density is 15 residential dwelling units, 15 vacation rental units, and 60 temporary lodging units per acre.

(7) For properties located in the Transition District of the Planned Redevelopment-Mixed Use (PR-MU) future land use category of the Comprehensive Plan, the maximum density is 15 residential dwelling units, 15 vacation rental units, and 60 temporary lodging units per acre.

Sec. 110-321. Setback requirements.

The following minimum setbacks shall apply in the C-3, retail commercial district:

- (1) Front yard: 25 feet, measured from right-of-way to structure.
- (2) Rear yard: ten feet, except waterfront lots which will have a rear setback of 18 feet.
- (3) Side yard:
 - a. All permitted uses except multifamily/tourist dwelling units will have a side setback of ten feet.
 - b. Multifamily/tourist dwelling units:
 1. For proposed uses located on properties between 60 and 80 feet in width, the minimum side yard setback shall be ten feet.
 2. For lots greater than 80 feet in width, the minimum side yard setback is as follows:
 3. A total of 33 percent of the lot width shall be reserved for side yard setbacks. In no event shall one side be less than the following:
 - i. Lots less than 120 feet: ten feet.
 - ii. Lots less than 240 feet: 15 feet.
 - iii. Lots 240 feet or greater: 20 feet.

Sec. 110-322. Maximum building height.

- (1a) Properties in the Commercial General (CG) or Residential/Office/Retail (R/O/R) future land use category of the Comprehensive Plan other than multifamily or temporary lodging uses shall have a maximum building height shall be of 34 feet from design flood elevation (DFE).
- (2b) Properties in the Commercial General (CG) or Residential/Office/Retail (R/O/R) future land use category of the Comprehensive Plan with a multifamily or temporary lodging use shall have a maximum building height of 44 feet from design flood elevation (DFE). Multifamily/tourist dwelling units in the C-3, retail commercial district shall not exceed 44 feet in height
- (3) Properties located in the Planned Redevelopment-Mixed Use (PR-MU) future land use category of the Comprehensive Plan shall have a maximum building height of:
- a. Commercial Core: three (3) stories from base flood elevation (BFE)
 - b. Transition District: two (2) stories from base flood elevation (BFE)

Sec. 110-323. Maximum lot coverage.

The maximum lot coverage in the C-3, retail commercial district is based on the use and future land use categories in the Comprehensive Plan as follows:

- (1) Commercial General (CG) Commercial use: the floor area ratio (FAR) is 0.55.
- (2) Residential/Office/Retail (R/O/R) Commercial Use: the floor area ratio (FAR) is 0.55.
- (3) Planned Redevelopment-Mixed Use (PR-MU) Commercial Core District: the floor area ratio (FAR) is 1.2.

(4) Planned Redevelopment-Mixed Use (PR-MU) Transition District: the floor area ratio (FAR) is 1.2.

Sec. 110-324. Impervious surface ratio (ISR).

(a) For properties located in the Commercial General (CG) or Residential/Office/Retail (R/O/R) future land use categories of the Comprehensive plan the impervious surface ratios (ISR) are:

(1)The impervious surface ratio (ISR) in the C-3, retail commercial district for The impervious surface ratio (ISR) for all uses, other than temporary lodging units, is 0.70.

- (2) The impervious surface ratio (ISR) for temporary lodging units is 0.85.

(b) For properties located in the Planned Redevelopment-Mixed Use (PR-MU) Future Land Use Category the impervious surface ratios (ISR) are:

(1) Commercial Core District: the impervious surface ratio (ISR).is 0.85.

(2) Transition District: the impervious surface ratio (ISR) is 0.70.

Sec. 110-325. Buffering requirements.

- (a) Parking lots/garages for temporary lodging and nonresidential uses in the C-3, retail commercial district shall be designed to minimize their impacts to any adjacent residential uses as established in the land development regulations.
- (b) During the development process, existing curb cuts in the C-3, retail commercial district shall be reoriented, if necessary, to minimize the negative impact on adjacent properties.
- (c) All development within the C-3, retail commercial district in this category will meet or exceed the buffering/landscape requirements as outlined in chapter 106, article II.

Sec. 110-326. Special requirements.

- (a) In the C-3, retail commercial district residential dwelling units, vacation rental units, and temporary lodging units are permitted above first-floor commercial or office units.
- (b) No structure in the C-3, retail commercial district may be wider than 150 feet parallel to the front yard right-of-way. If two structures are proposed on the same lot or parcel, the buildings shall be separated by a minimum of ten feet.
- (c) When a proposed nonresidential use in the C-3, retail commercial district abuts a residential use an additional five-foot setback is required along the length of the entire shared lot line. This additional setback will be utilized to provide additional landscaped screening.
- (d) Mixed uses in a single development shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.
- (e) Institutional, other than public educational facilities shall not exceed a maximum area of five acres. Transportation and/or utility uses shall not exceed a maximum area of three acres.
- (f) In the Commercial General (CG) future land use category of the Comprehensive Plan, alternative temporary lodging use standards allows 60 temporary lodging units per acre and a FAR of 1.2. A development agreement is required by the city's land development regulations and Forward Pinellas' Countywide Rules to use the alternative temporary lodging use standard. The development agreement must follow all required standards in Forward Pinellas Countywide Rules to use the alternative temporary lodging use standards.
- (g) In the Residential/Office/Retail (R/O/R) future land use category of the Comprehensive Plan, alternative temporary lodging use standards allows 60 temporary lodging units per acre and a FAR of

1.2. A development agreement is required by the city's land development regulations and Forward Pinellas' Countywide Rules to use the alternative temporary lodging use standard. The development agreement must follow all required standards in Forward Pinellas Countywide Rules to use the alternative temporary lodging use standards.

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 _____, 2024.**

Anne-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____



July 23, 2024

Andrew Morris, AICP
Long Range Planner
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

RE: Administrative review notice for Tier I Amendment (Ordinances 2024-13, 2024-14, and 2024-15 Madeira Beach Town Center Special Area Plan Zoning Amendments)

Dear Andrew:

Thank you for submitting the above-referenced Tier I Amendment and providing the local Ordinances 2024-13, 2024-14, and 2024-15 for review. These ordinances pertain to the Madeira Beach Special Area Plan and meet the requirements for a Tier I amendment per Section 6.2.2 of the Countywide Rules.

The amendments reference previously adopted standards for the C-3, C-4, and R-3 Zoning Districts within the Madeira Beach Special Area Plan, which were in effect but not clearly stated in the Land Development Regulations. These standards align with the general framework provided by the Countywide Rules, with specific adaptations to the local context of the Madeira Beach area. The adaptations in density, intensity, building heights, FAR, and ISR reflect the unique character and needs of the Madeira Beach Special Area Plan and ensure consistency with the Countywide Plan Map category of Activity Center.

We recognize that the consistency process is an ongoing one and if either the City or Forward Pinellas staff has failed to note a matter governed by the consistency process in the course of this review, we will be happy to work with you to resolve any such matter as may be necessary.

If you have any questions, please feel free to call me at 727-464-5679 or email me at ewennick@forwardpinellas.org.

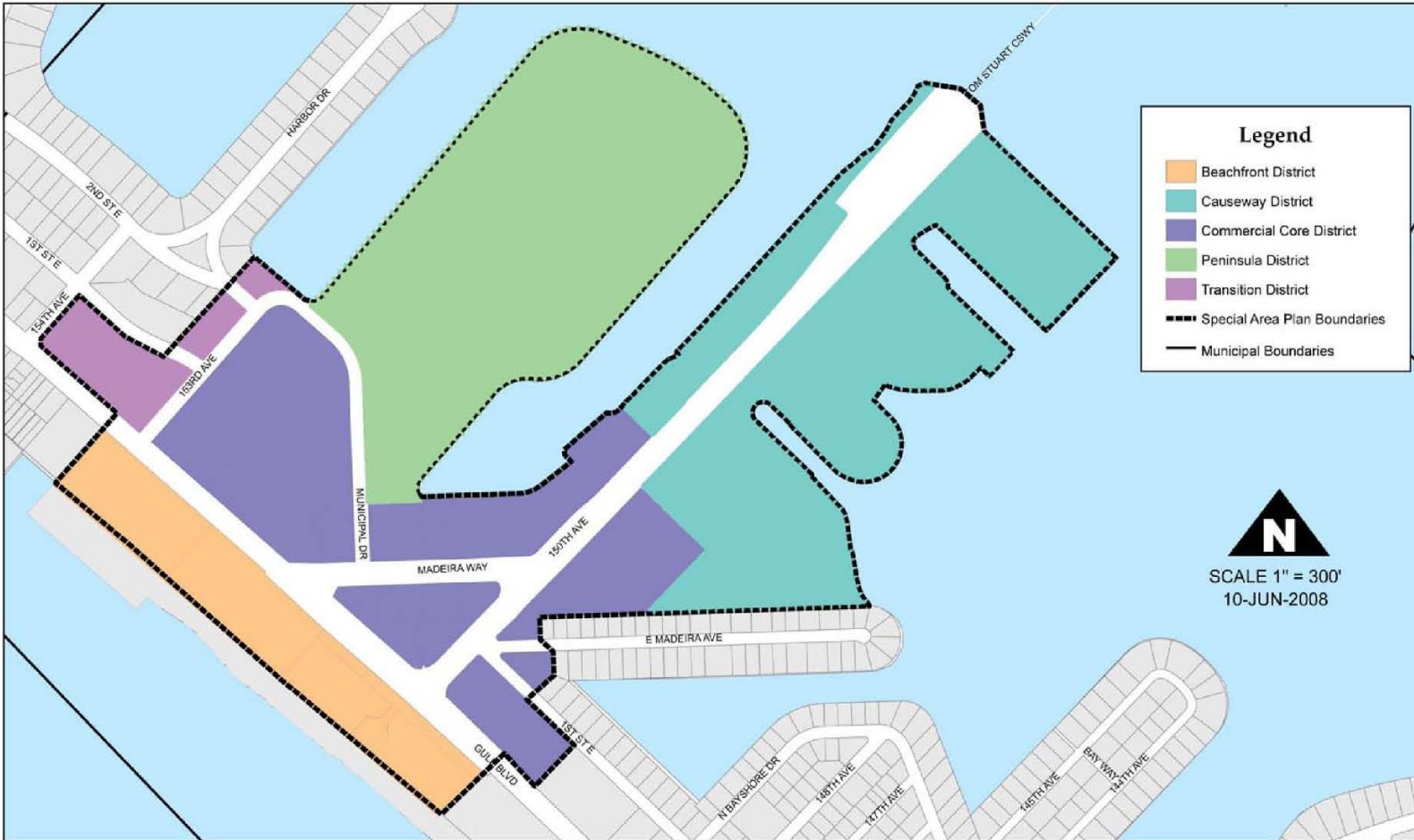
Sincerely,

Emma Wennick

Emma Wennick
Program Planner



City of Madeira Beach Special Area Plan Town Center Character Districts



Prepared by the Pinellas Planning Council with data provided by the Pinellas County Information Systems Department and the City of Madeira Beach. The data contained herein is offered "as is", with no claim or warranty as to its accuracy or completeness. The data is for reference only and should not be considered to be of survey precision. None of the information is official source documentation. While considerable effort is made to verify the information, due to its volume and highly dynamic nature, only the official source documents should be used where accuracy, completeness and currency are required.



Development Standards

The following table describes the maximum density and intensity of development, and other development standards, in each of the districts within the Town Center.

Table 1: Development Standards

District	Density		Floor Area Ratio		ISR ²	Stories above BFE ³
	Residential units	Temporary Lodging units	Commercial only	Mixed Uses		
Causeway	15	60	0.55	*	0.70	3
Commercial Core	15	60	1.2	Permitted	0.85	3
Beachfront	15	30	0.55	*	0.70	3
Peninsula	15	15	0.30	*	0.70	3
Transition	15	60	1.2	*	0.70	2

* Shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.

The development standards for a Temporary lodging Use in the Commercial Core and C-3 and C-4 zoning districts of the Causeway districts may be increased consistent with the standards set forth in the Resort Facilities High (RFH) plan category when part of a zoning amendment

Calculating Proportionate Share and Mixed Uses

Within the Beachfront, Peninsula, and Transition districts, and any portion of the Causeway district other than that zoned C-3 and C-4, when mixed uses are proposed on one parcel or within one building, the combined uses shall not exceed the number of units per acre or floor area ratio (FAR) in proportion to the development site. The proposed development must identify the specific uses proposed, the maximum density or intensity of each specific use, and the proportion of the development site to be devoted to that use. The proposed development shall demonstrate that the combined uses do not exceed the units or FAR in proportion to the development site. The City will implement this requirement through existing land development regulations to ensure that mixed uses comply with the Pinellas Planning Council Countywide Plan rules as well as any new mixed use zoning districts that may be created to implement the Town Center Special Area Plan.

² ISR – impervious surface ratio

³ BFE – base flood elevation



Development Standards

The following table describes the maximum density and intensity of development, and other development standards, in each of the districts within the Town Center.

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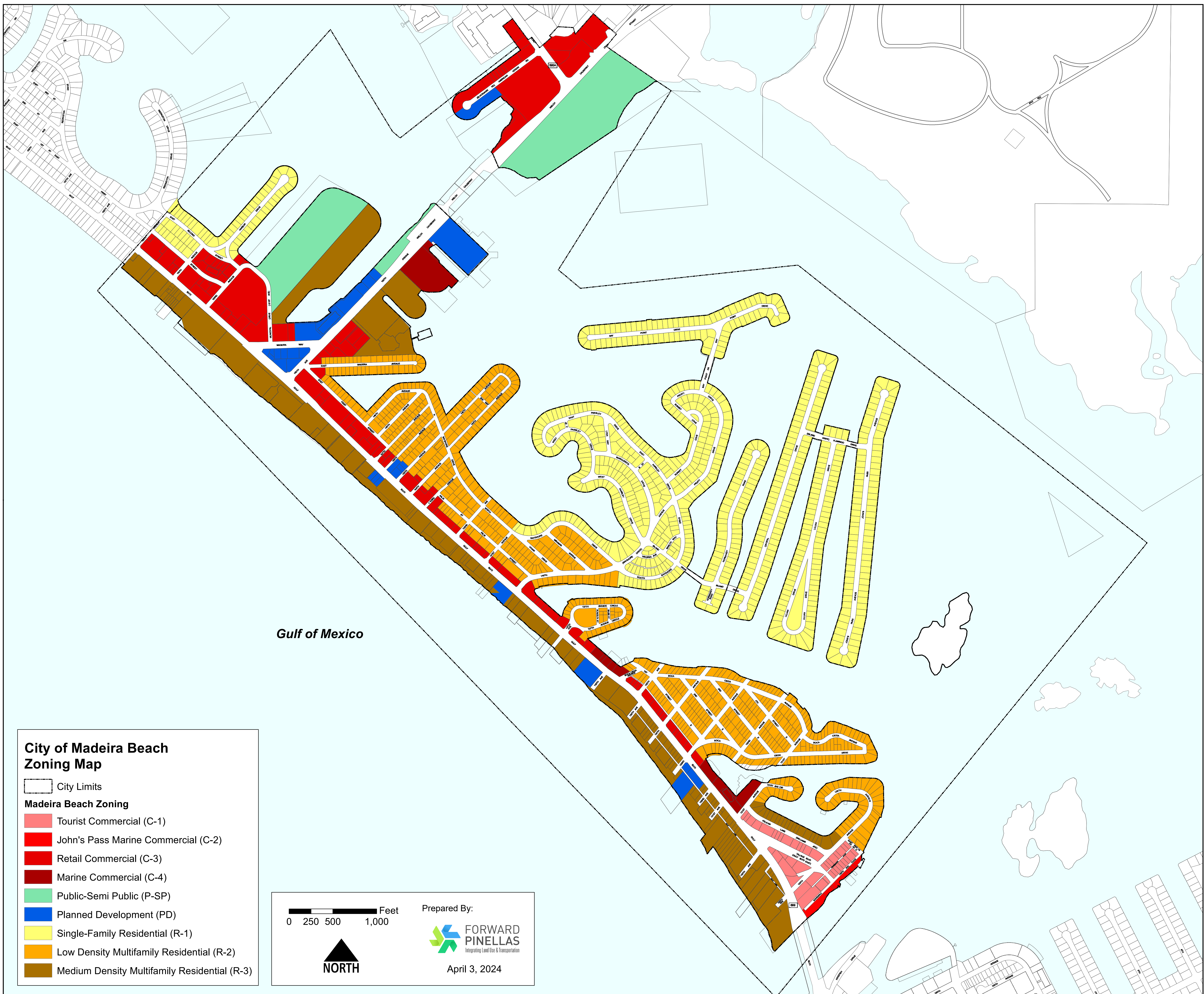
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**City of Madeira Beach
Zoning Map**

- City Limits
- Madiera Beach Zoning**
- Tourist Commercial (C-1)
- John's Pass Marine Commercial (C-2)
- Retail Commercial (C-3)
- Marine Commercial (C-4)
- Public-Semi Public (P-SP)
- Planned Development (PD)
- Single-Family Residential (R-1)
- Low Density Multifamily Residential (R-2)
- Medium Density Multifamily Residential (R-3)

0 250 500 1,000 Feet



Prepared By:
 FORWARD PINELLAS
 Integrating Land Use & Transportation
 April 3, 2024

Business Impact Estimate

Proposed ordinance's title/reference:
Ordinance 2024-13: C-3 to be consistent with MBTC SAP

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

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

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

Ordinance 2024-13: C-3 to be consistent with MBTC SAP amends the C-3, Retail Commercial Zoning District to reference properties within the PR-MU Future Land Use Category and other minor updates (including townhomes as an allowed use and open rooftop uses as a special exception).

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Madeira Beach’s regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

No foreseen direct economic impact of the proposed ordinance.

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

No foreseen impact on businesses with the proposed ordinance.

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

This ordinance assures that the Madeira Beach Land Development Regulations are consistent with the adopted development standards from the MBTC SAP.



Memorandum

Meeting Details: August 14, 2024 – Board of Commissioners Regular Meeting
Prepared For: Honorable Mayor Brooks and Board of Commissioners
Staff Contact: Madeira Beach Community Development Department
Subject: Ordinance 2024-14: C-4 to be consistent with MBTC SAP -1st reading and public hearing

Background

The city amended the Madeira Beach Comprehensive Plan in 2007 to include the Future Land Use category of Planned Redevelopment – Mixed Use (PR-MU) and adopted the Madeira Beach Town Center (MBTC) Special Area Plan (SAP) in 2009 (Ordinance 1151) which placed PR-MU on the Future Land Use Map. MBTC is a designated Activity Center and required to have an SAP. In 2014, the MBTC SAP was updated (Ordinance 2014-07).

The MBTC SAP outlines distinct Character Districts within the Activity Center (PR-MU land use in the Madeira Beach Comprehensive Plan) that have different development standards. The Character District standards include requirements for density, intensity, impervious surface ratio, and height. These standards in the MBTC SAP are not reflected in the Madeira Beach Land Development Regulations (LDRs). The Zoning Districts that need to be amended to reference these standards are C-3, C-4, and R-3 in the LDRs.

Discussion

Ordinance 2024-14: C-4 to be consistent with MBTC SAP amends the C-4, Marine Commercial Zoning District to reference properties within the PR-MU Future Land Use Category and other minor updates (including townhomes as an allowed use and open rooftop uses as a special exception).

Fiscal Impact

N/A

Recommendation(s)

Planning Commission and staff recommends approval of Ordinance 2024-14: C-4 to be consistent with MBTC SAP.

Attachments/Corresponding Documents

- Ordinance 2024-14: C-4 to be consistent with MBTC SAP
- Business Impact Estimate
- Forward Pinellas Administrative Review Letter
- Development Standards and Character District Map from MBTC SAP
- Madeira Beach Zoning Map

ORDINANCE 2024-14

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, ARTICLE V. DISTRICTS, DIVISION 8. C-4, MARINE COMMERCIAL, OF THE CITY’S LAND DEVELOPMENT CODE PROVIDING FURTHER INFORMATION ON DEFINITION; PURPOSE AND INTENT; ALLOWING TOWNHOUSES AS AN ALLOWED USE; INCLUDING OPEN ROOFTOP USES AS A SPECIAL EXCEPTION USE; INCLUDING DEVELOPMENT STANDARDS THAT REFERENCES DENSITY AND INTENSITY, HEIGHT, FLOOR AREA RATIO, AND IMPERVIOUS SURFACE RATIO REGULATIONS IN THE CAUSEWAY CHARACTER DISTRICT FROM THE MADEIRA BEACH TOWN CENTER SPECIAL AREA PLAN; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Madeira Beach Town Center Special Area Plan requires updates to the Madeira Beach Land Development Code to have consistent development standards; and

WHEREAS, certain properties zoned C-4, Marine Commercial have a future land use category of Planned Redevelopment Mixed Use in the Madeira Beach Comprehensive Plan and a plan category of Activity Center with the Countywide Plan; and

WHEREAS, townhouses are compatible with the future land use categories Commercial General, Residential//Office/Retail, and Planned Redevelopment-Mixed Use; and

WHEREAS, open rooftop uses are appropriate in certain areas within the zoning district and in other cases may disturb residential neighborhoods, therefore are appropriate to require a public hearing process; 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 recommend changes and the adoption of this ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY

OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:

Section 1. That Chapter 110 Article V. Division 8 of the Land Development Code of the City of Madeira Beach is hereby amended to read as follows:

DIVISION 8. C-4, MARINE COMMERCIAL

Sec. 110-346. Definition; purpose and intent.

The purpose of the C-4, marine commercial district is to provide for those commercial uses which are directly related to commercial and marine uses and associated services. The C-4, marine commercial district correlates with the commercial general (CG) future land use category, ~~and~~ the residential office retail (R/O/R) future land use category, and the Planned Redevelopment-Mixed-Use (PR-MU) future land use category of the City of Madeira Beach Comprehensive Plan and Retail and Services (R&S) and Activity Center plan category categories in the Countywide Plan.

Sec. 110-347. Permitted uses.

The permitted uses in the C-4, marine commercial district are as follows:

- (1) Marina and commercial docks.
- (2) Boat repair and sales.
- (3) Retail commercial.
- (4) Temporary lodging units.
- (5) Commercial/business service use, offices and personal service.
- (6) Commercial fishing activities and working waterfront.
- (7) Charter and party boat operations.
- (8) Adult entertainment establishments (article VI, division 13 of this chapter).
- (9) Residential dwelling units and vacation rental dwelling units located above first floor commercial or office units within this district.
- (10) Townhouses (see Chapter 110 - Zoning, Article VI. - Supplementary District Regulations, Division 10. – Specific Development Standards, Subdivision III. - Townhouses for additional standards)

Sec. 110-348. Accessory uses.

The accessory uses in the C-4, marine commercial district are as follows:

- (1) Off-street parking.
- (2) Marine and boat storage.
- (3) Essential services.
- (4) Other accessory uses, customarily incidental to the permitted use.
- (5) Wireless communication antennas as regulated by article VI, division 12, subdivisions I, II and IV of this chapter.

- (6) Wireless communication towers shall be allowed, through special permit granted by the board of commissioners, as an alternative to prohibiting towers and only in the event substantial proof is submitted by an applicant which demonstrates that no existing tower, structure, or building can accommodate the applicant's proposed antenna. Wireless communication towers must further comply with the provisions of article VI, division 12, subdivisions I, II and IV of this chapter.

Sec. 110-349. Special exception uses.

Upon application for a special exception to the special magistrate and favorable action thereon, the following uses may be permitted in the C-4, marine commercial district:

- (1) Service stations.
- (2) Commercial recreation.
- (3) Public administration and service facilities.
- (4) Drive-in or drive-through retail commercial, personal service, and business service.
- (5) Institutional as religious use such as churches, synagogues and other houses of worship.
- (6) Outdoor storage areas provided that the outdoor storage use is an accessory, is limited to areas in the CG land use category, and does not exceed 20 percent of the area of the building which is the principal use on the site.
- (7) Open rooftop, balcony and elevated terrace use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit.

Sec. 110-350. Building site area requirements.

The minimum building site area requirements in the C-4, marine commercial district are as follows:

- (1) Lot size:
 - a. All permitted uses except temporary lodging units: 4,000 square feet.
 - b. Residential dwellings and vacation rental units above first floor commercial: 3,000 square feet per unit.
 - c. Public service facilities: Shall not exceed a maximum area of five acres. Like uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the P-SP zoning district and the appropriate land use category.
- (2) Lot width:
 - a. All permitted uses except temporary lodging: 40 feet.
 - b. Temporary lodging: 60 feet.
- (3) Lot depth: All permitted uses 80 feet.
- (4) Within For properties located in the Commercial General (CG) future land use category, the density is a maximum of 15 residential dwelling units, 15 vacation rental units, or 40 temporary lodging units. Alternative temporary lodging use standards are allowed as detailed in subsection 110-356(e).
- (5) Within For properties located in the Residential/Office/Retail (R/O/R) future land use category, the density is a maximum of 18 residential dwelling units, 18 vacation rental units, or 40 temporary lodging units. Alternative temporary lodging use standards are allowed as detailed in subsection 110-356(f).
- (6) For properties located in the Planned Redevelopment-Mixed Use (PR-MU) future land use category, the density is a maximum of 15 residential dwelling units, 15 vacation rental units, or 60 temporary lodging units

Sec. 110-351. Building setback requirements.

The following minimum setbacks shall apply in the C-4, marine commercial district:

- (1) Front yard: 25 feet.
- (2) Rear yard: 18 feet.
- (3) Side yard:
 - a. Minimum of ten feet except as provided in the land development regulations.
 - b. Temporary lodging units:
 - 1. For lots between 60 and 80 feet in width, the minimum side yard setback shall be ten feet.
 - 2. For lot widths greater than 80 feet, the minimum side yard setback shall be as follows: A total of 33 percent of the lot width shall be reserved for side yard setbacks. In no event shall one side be less than the following:
 - i. Lots less than 120 feet: ten feet.
 - ii. Lots less than 240 feet: 15 feet.
 - iii. Lots 240 feet or greater: 20 feet.

Sec. 110-352. Maximum building height.

- (1) ~~Properties in the Commercial General (CG) or Residential Office Retail (R/O/R) future land use of the Comprehensive plan with For commercial all uses in the C-4, marine commercial district the shall have a maximum building height shall be of 34 feet from design flood elevation.~~
- (2) ~~Properties in the Commercial General (CG) or Residential Office Retail (R/O/R) future land use of the Comprehensive Plan with residential, vacation rental, or temporary lodging use in the C-4, marine commercial district shall have a maximum building height of 44 feet from design flood elevation (DFE).~~
- (3) ~~Properties in the Planned Redevelopment-Mixed Use (PR-MU) future land use category of the Comprehensive Plan maximum building height shall be three (3) stories above base flood elevation (BFE).~~

Sec. 110-353. Maximum lot coverage.

The maximum lot coverage in the C-4, marine commercial district is as follows:

- (1) ~~(1)~~ Commercial uses
 - a. ~~Commercial General (CG) future land use category: the~~ floor area ratio (FAR) is 0.55.
 - b. ~~Residential/Office/Retail (R/O/R) future land use category: the floor area ratio (FAR) is 0.55~~
 - c. ~~Planned Redevelopment-Mixed Use (PR-MU) future land use category: the floor area ratio (FAR) is 0.55~~
- (2) Public service facilities:
 - a. Institutional: the floor area ratio (FAR) is 0.55.
 - b. Transportation/utility: the floor area ratio (FAR) is 0.55.

Sec. 110-354. Impervious surface ratio (ISR).

(a) For properties located in the Commercial General (CG) or Residential Office Retail (R/O/R) future land use category of the Comprehensive Plan, the impervious surface ratio (ISR) ~~in the C-4, marine commercial district for all uses~~ is 0.85.

(b) For properties located in the Planned Redevelopment-Mixed Use (PR-MU) Future Land Use Category, the impervious surface ratio is 0.70.

Sec. 110-355. Buffering requirements.

- (a) Parking lots/garages for temporary lodging and nonresidential uses in the C-4, marine commercial district shall be designed to minimize their impacts to any adjacent residential uses as established in the land development regulations.
- (b) During the development process, existing curb cuts in the C-4, marine commercial district shall be reoriented, if necessary, to minimize the negative impact on adjacent properties.
- (c) All development within the C-4, marine commercial district in this category will meet or exceed the buffering/landscape requirements as outlined in chapter 106, article II.

Sec. 110-356. Special requirements.

- (a) In the C-4, marine commercial district residential dwelling units, vacation rental units, and temporary lodging units are permitted above ground floor commercial or office units within this district.
- (b) No structure in the C-4, marine commercial district may be wider than 150 feet parallel to the front yard right-of-way. If two structures are proposed on the same lot or parcel, the buildings shall be separated by a minimum of ten feet or equal to 50 percent of the height of the tallest building on the same parcel, whichever is more restrictive.
- (c) Mixed uses in a single development shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.
- (d) Institutional, other than public educational facilities shall not exceed a maximum area of five acres. Transportation and/or utility uses shall not exceed a maximum area of three acres.
- (e) In the Commercial General (CG) future land use category, alternative temporary lodging use standards allows 60 temporary lodging units per acre and a FAR of 1.2. A development agreement is required by the city's land development regulations and Forward Pinellas' Countywide Rules to use the alternative temporary lodging use standard. The development agreement must follow all required standards in Forward Pinellas Countywide Rules to use the alternative temporary lodging use standards.
- (f) In the Residential/Office/Retail (R/O/R) future land use category, alternative temporary lodging use standards allows 60 temporary lodging units per acre and a FAR of 1.2. A development agreement is required by the city's land development regulations and Forward Pinellas' Countywide Rules to use the alternative temporary lodging use standard. The development agreement must follow all required standards in Forward Pinellas Countywide Rules to use the alternative temporary lodging use standards.

Secs. 110-357—110-375. 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 _____, 2024.**

Anne-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____



July 23, 2024

Andrew Morris, AICP
Long Range Planner
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

RE: Administrative review notice for Tier I Amendment (Ordinances 2024-13, 2024-14, and 2024-15 Madeira Beach Town Center Special Area Plan Zoning Amendments)

Dear Andrew:

Thank you for submitting the above-referenced Tier I Amendment and providing the local Ordinances 2024-13, 2024-14, and 2024-15 for review. These ordinances pertain to the Madeira Beach Special Area Plan and meet the requirements for a Tier I amendment per Section 6.2.2 of the Countywide Rules.

The amendments reference previously adopted standards for the C-3, C-4, and R-3 Zoning Districts within the Madeira Beach Special Area Plan, which were in effect but not clearly stated in the Land Development Regulations. These standards align with the general framework provided by the Countywide Rules, with specific adaptations to the local context of the Madeira Beach area. The adaptations in density, intensity, building heights, FAR, and ISR reflect the unique character and needs of the Madeira Beach Special Area Plan and ensure consistency with the Countywide Plan Map category of Activity Center.

We recognize that the consistency process is an ongoing one and if either the City or Forward Pinellas staff has failed to note a matter governed by the consistency process in the course of this review, we will be happy to work with you to resolve any such matter as may be necessary.

If you have any questions, please feel free to call me at 727-464-5679 or email me at ewennick@forwardpinellas.org.

Sincerely,

Emma Wennick

Emma Wennick
Program Planner



Development Standards

The following table describes the maximum density and intensity of development, and other development standards, in each of the districts within the Town Center.

Table 1: Development Standards

District	Density		Floor Area Ratio		ISR ²	Stories above BFE ³
	Residential units	Temporary Lodging units	Commercial only	Mixed Uses		
Causeway	15	60	0.55	*	0.70	3
Commercial Core	15	60	1.2	Permitted	0.85	3
Beachfront	15	30	0.55	*	0.70	3
Peninsula	15	15	0.30	*	0.70	3
Transition	15	60	1.2	*	0.70	2

* Shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.

The development standards for a Temporary lodging Use in the Commercial Core and C-3 and C-4 zoning districts of the Causeway districts may be increased consistent with the standards set forth in the Resort Facilities High (RFH) plan category when part of a zoning amendment

Calculating Proportionate Share and Mixed Uses

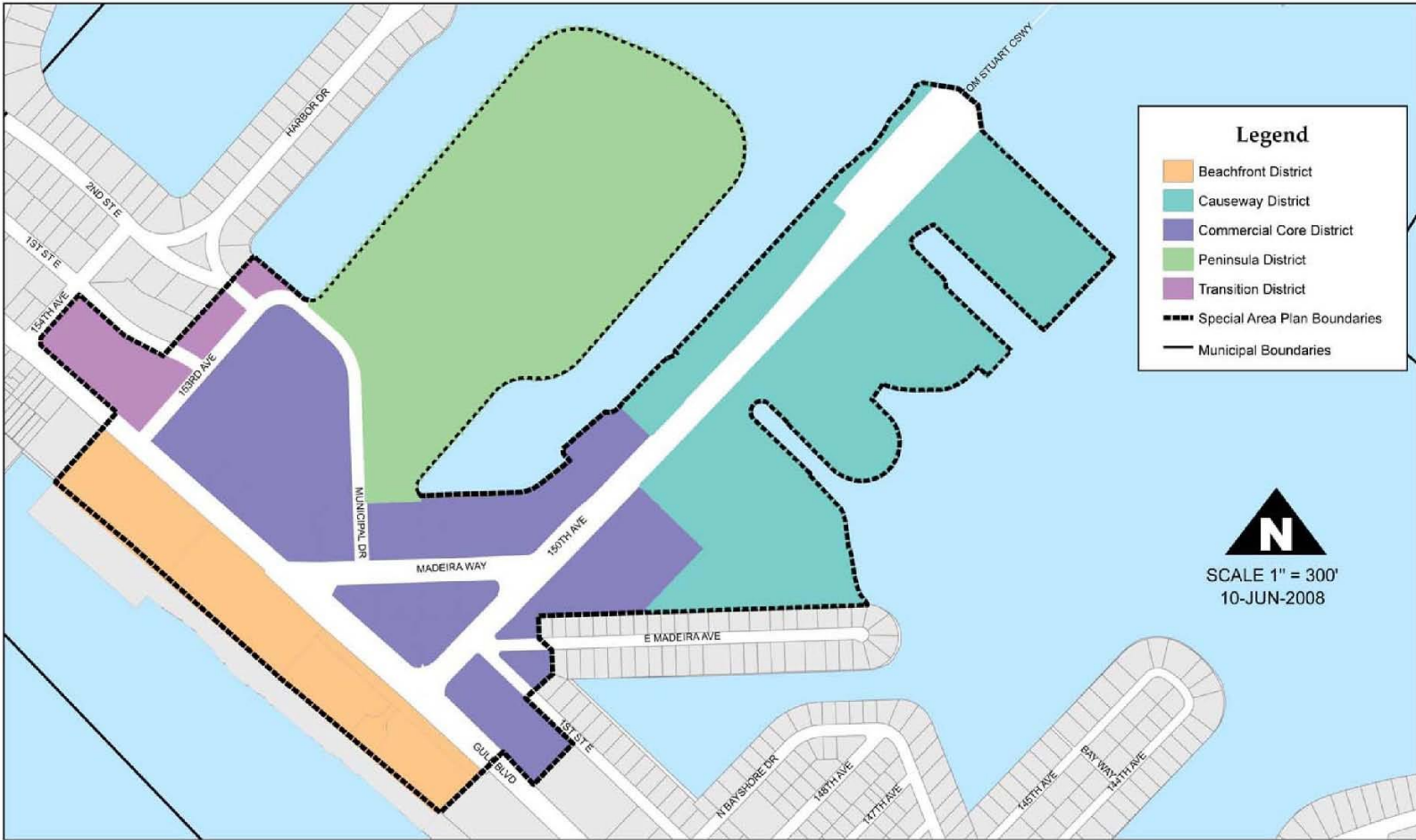
Within the Beachfront, Peninsula, and Transition districts, and any portion of the Causeway district other than that zoned C-3 and C-4, when mixed uses are proposed on one parcel or within one building, the combined uses shall not exceed the number of units per acre or floor area ratio (FAR) in proportion to the development site. The proposed development must identify the specific uses proposed, the maximum density or intensity of each specific use, and the proportion of the development site to be devoted to that use. The proposed development shall demonstrate that the combined uses do not exceed the units or FAR in proportion to the development site. The City will implement this requirement through existing land development regulations to ensure that mixed uses comply with the Pinellas Planning Council Countywide Plan rules as well as any new mixed use zoning districts that may be created to implement the Town Center Special Area Plan.

² ISR – impervious surface ratio

³ BFE – base flood elevation



City of Madeira Beach Special Area Plan Town Center Character Districts



Prepared by the Pinellas Planning Council with data provided by the Pinellas County Information Systems Department and the City of Madeira Beach. The data contained herein is offered "as is", with no claim or warranty as to its accuracy or completeness. The data is for reference only and should not be considered to be of survey precision. None of the information is official source documentation. While considerable effort is made to verify the information, due to its volume and highly dynamic nature, only the official source documents should be used where accuracy, completeness and currency are required.



Development Standards

The following table describes the maximum density and intensity of development, and other development standards, in each of the districts within the Town Center.

Table 1: Development Standards

District	Density		Floor Area Ratio		ISR ²	Stories above BFE ³
	Residential units	Temporary Lodging units	Commercial only	Mixed Uses		
Causeway	15	60	0.55	*	0.70	3
Commercial Core	15	60	1.2	Permitted	0.85	3
Beachfront	15	30	0.55	*	0.70	3
Peninsula	15	15	0.30	*	0.70	3
Transition	15	60	1.2	*	0.70	2

* Shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.

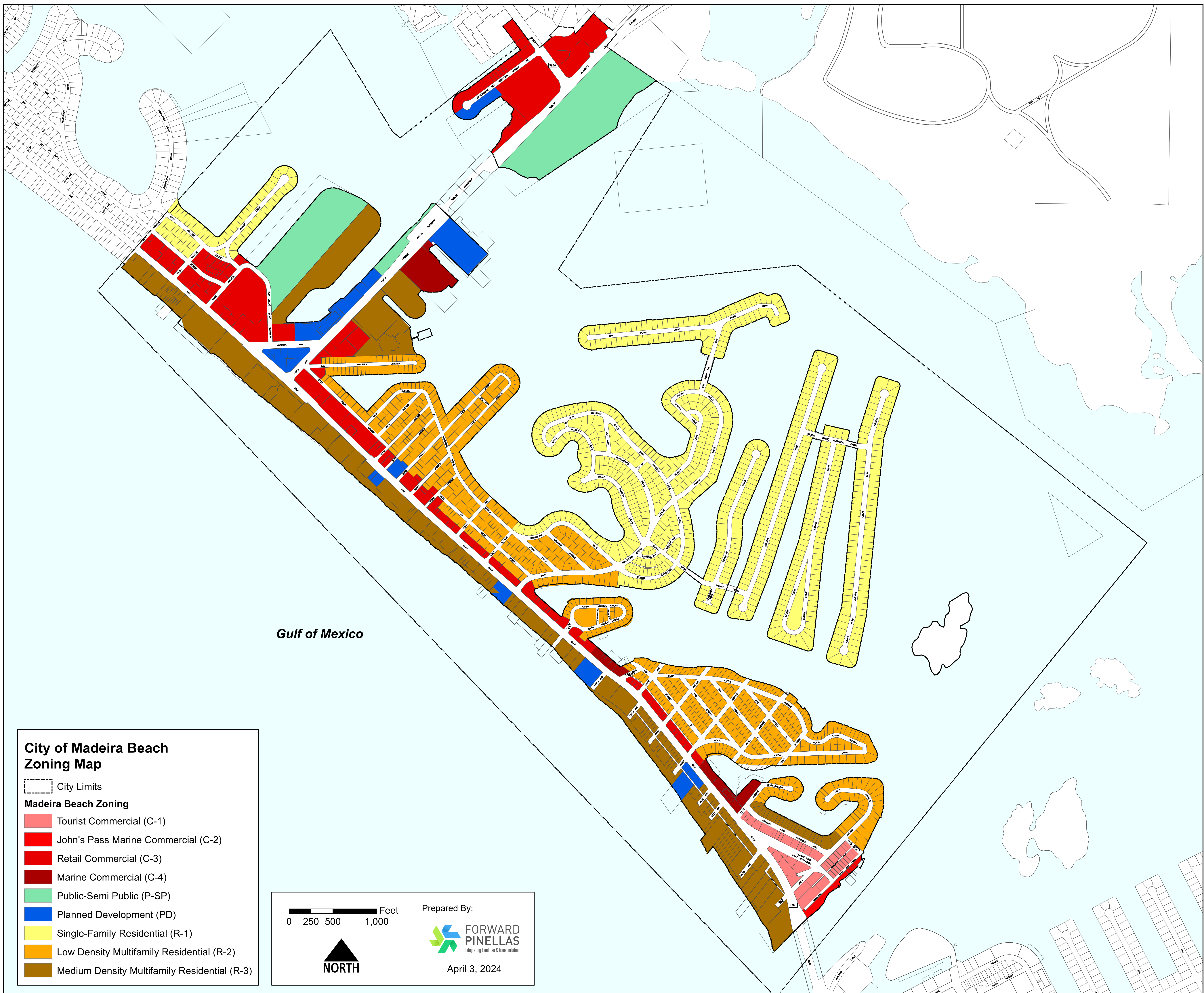
The development standards for a Temporary lodging Use in the Commercial Core and C-3 and C-4 zoning districts of the Causeway districts may be increased consistent with the standards set forth in the Resort Facilities High (RFH) plan category when part of a zoning amendment

Calculating Proportionate Share and Mixed Uses

Within the Beachfront, Peninsula, and Transition districts, and any portion of the Causeway district other than that zoned C-3 and C-4, when mixed uses are proposed on one parcel or within one building, the combined uses shall not exceed the number of units per acre or floor area ratio (FAR) in proportion to the development site. The proposed development must identify the specific uses proposed, the maximum density or intensity of each specific use, and the proportion of the development site to be devoted to that use. The proposed development shall demonstrate that the combined uses do not exceed the units or FAR in proportion to the development site. The City will implement this requirement through existing land development regulations to ensure that mixed uses comply with the Pinellas Planning Council Countywide Plan rules as well as any new mixed use zoning districts that may be created to implement the Town Center Special Area Plan.

² ISR – impervious surface ratio

³ BFE – base flood elevation



Business Impact Estimate

Proposed ordinance’s title/reference:
Ordinance 2024-14: C-4 to be consistent with MBTC SAP

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

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

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

Ordinance 2024-14: C-4 to be consistent with MBTC SAP amends the C-4, Marine Commercial Zoning District to reference properties within the PR-MU Future Land Use Category and other minor updates (including townhomes as an allowed use and open rooftop uses as a special exception).

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Madeira Beach’s regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

No foreseen direct economic impact of the proposed ordinance.

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

No foreseen impact on businesses with the proposed ordinance.

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

This ordinance assures that the Madeira Beach Land Development Regulations are consistent with the adopted development standards from the MBTC SAP.



Memorandum

Meeting Details: August 14, 2024 – Board of Commissioners Regular Meeting
Prepared For: Honorable Mayor Brooks and Board of Commissioners
Staff Contact: Madeira Beach Community Development Department
Subject: Ordinance 2024-15: R-3 to be consistent with MBTC SAP – 1st reading and public hearing

Background

The city amended the Madeira Beach Comprehensive Plan in 2007 to include the Future Land Use category of Planned Redevelopment – Mixed Use (PR-MU) and adopted the Madeira Beach Town Center (MBTC) Special Area Plan (SAP) in 2009 (Ordinance 1151) which placed PR-MU on the Future Land Use Map. MBTC is a designated Activity Center and required to have an SAP. In 2014, the MBTC SAP was updated (Ordinance 2014-07).

The MBTC SAP outlines distinct Character Districts within the Activity Center (PR-MU land use in the Madeira Beach Comprehensive Plan) that have different development standards. The Character District standards include requirements for density, intensity, impervious surface ratio, and height. These standards in the MBTC SAP are not reflected in the Madeira Beach Land Development Regulations (LDRs). The Zoning Districts that need to be amended to reference these standards are C-3, C-4, and R-3 in the LDRs.

Discussion

Ordinance 2024-15: R-3 to be consistent with MBTC SAP amends the R-3, Medium Density Multifamily Residential Zoning District to reference properties within the PR-MU Future Land Use Category and other minor updates (including townhomes as an allowed use and open rooftop uses as a special exception).

Fiscal Impact

N/A

Recommendation(s)

Planning Commission and staff recommends approval of Ordinance 2024-15: R-3 to be consistent with MBTC SAP.

Attachments/Corresponding Documents

- Ordinance 2024-15: R-3 to be consistent with MBTC SAP
- Business Impact Estimate
- Forward Pinellas Administrative Review Letter
- Development Standards and Character District Map from MBTC SAP
- Madeira Beach Zoning Map

ORDINANCE 2024-15

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, ARTICLE V. DISTRICTS, DIVISION 4. R-3, MEDIUM DENSITY MULTIFAMILY RESIDENTIAL, OF THE CITY'S LAND DEVELOPMENT CODE PROVIDING FURTHER INFORMATION ON DEFINITION; PURPOSE AND INTENT; ALLOWING TOWNHOUSES AS AN ALLOWED USE; INCLUDING OPEN ROOFTOP USES AS A SPECIAL EXCEPTION USE; INCLUDING DEVELOPMENT STANDARDS THAT REFERENCES DENSITY AND INTENSITY, HEIGHT, FLOOR AREA RATIO, AND IMPERVIOUS SURFACE RATIO REGULATIONS IN THE BEACHFRONT, CAUSEWAY, AND PENINSULA CHARACTER DISTRICTS FROM THE MADEIRA BEACH TOWN CENTER SPECIAL AREA PLAN; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Madeira Beach Town Center Special Area Plan requires updates to the Madeira Beach Land Development Code to have consistent development standards; and

WHEREAS, certain properties zoned R-3 Medium Density Multifamily Residential have a future land use category of Planned Redevelopment Mixed Use in the Madeira Beach Comprehensive Plan and a plan category of Activity Center with the Countywide Plan; and

WHEREAS, townhouses are compatible with the future land use category; and

WHEREAS, open rooftop uses are appropriate in certain areas within the zoning district and in other cases may disturb residential neighborhoods, therefore are appropriate to require a public hearing process; 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 recommend changes and the adoption of this ordinance.

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

Section 1. That Chapter 110 Article V. Division 4 of the Land Development Code of the City of Madeira Beach is hereby amended to read as follows:

DIVISION 4. R-3, MEDIUM DENSITY MULTIFAMILY RESIDENTIAL

Sec. 110-226. Definition; purpose and intent.

The R-3, medium density multifamily residential district provides for medium density development for residential, vacation rental, and temporary lodging facilities at locations where public facilities are adequate to support such intensity. The R-3, medium density multifamily residential district correlates with the resort facilities medium (RFM) and Planned Redevelopment Mixed Use (PR-MU) future land use category of the City of Madeira Beach Comprehensive Plan, and Resort (R) and Activity Center (AC) plan category in the Countywide Plan.

Sec. 110-227. Permitted uses.

The permitted uses in the R-3, medium density multifamily residential district are as follows:

- (1) Single-family.
- (2) Duplex.
- (3) Triplex.
- (4) Multifamily.
- (5) Townhouses (see Chapter 110 - Zoning, Article VI. - Supplementary District Regulations, Division 10. - Specific Development Standards, Subdivision III. - Townhouses for additional standards).
- ~~(56)~~ Vacation rental.
- ~~(67)~~ Temporary lodging.
- ~~(78)~~ Restaurants, excluding drive-in restaurants (provided that the provisions of subsection 110-236(f) are met).
- ~~(89)~~ Publicly owned or operated parks and recreation areas.
- ~~(910)~~ Institutional.

Sec. 110-228. Accessory uses.

The accessory uses in the R-3, medium density multifamily residential district are as follows:

- (1) Home occupation.
- (2) Private garages and carports.
- (3) Swimming pools or cabanas used as bath houses.
- (4) Residential docks.
- (5) Essential services.
- (6) Wireless communication antennas as regulated by article VI, division 12, subdivisions I, II and IV of this chapter.
- (7) Retail commercial and personal service/office support uses.

Sec. 110-229. Special exception uses.

Upon application for a special exception to the special magistrate and favorable action thereon, the following uses may be permitted in the R-3, medium density multifamily residential district:

- (1) Retail commercial and personal service/office support uses as a stand-alone use (provided that the provisions of subsection 110-236(f) are met).
- (2) Public service facilities.
- (3) Commercial recreation.
- (4) Open rooftop, balcony and elevated terrace use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit.

Sec. 110-230. Building site area requirements.

The minimum building site area requirements in the R-3, medium density multifamily residential district are as follows:

- (1) Lot size:
 - a. Single-family: 4,000 square feet.
 - b. Duplex, triplex: 3,000 square feet per dwelling unit.
 - c. Multifamily: 2,420 square feet per dwelling unit.
 - d. Restaurants and retail commercial: 5,000 square feet.
 - e. Public service facilities: Shall not exceed a maximum area of three acres. Like uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the P-SP zoning district and the appropriate land use category.
- (2) Lot width:
 - a. Single-family, duplex, triplex: 40 feet.
 - b. Multifamily and temporary lodging: 60 feet.
 - c. Restaurants: 60 feet.
- (3) Lot depth: All permitted uses 80 feet.
- (4) Properties in the Resort Facilities Medium (RFM) future land use category of the Comprehensive Plan shall have a maximum density. The density is a maximum of 18 residential dwelling units, 18 vacation rental units, or 50 temporary lodging units per acre. Alternative temporary lodging use standards are allowed as detailed in subsection 110-236(e).
- (5) Properties in the Planned Redevelopment-Mixed Use (PR-MU) Future Land Use Category of the Comprehensive Plan shall have the following maximum densities:
 - a. Beachfront District: 15 residential dwelling units, 15 vacation rental units, or 30 temporary lodging units per acre.
 - b. Causeway District: 15 residential dwelling units, 15 vacation rental units, or 60 temporary lodging units per acre.
 - c. Peninsula District: 15 residential dwelling units, 15 vacation rental units, or 15 temporary lodging units per acre.

Sec. 110-231. Setback requirements.

The following minimum setbacks shall apply in the R-3, medium density multifamily residential district. Vacation rentals are built to residential standards:

- (1) Front yard:
 - a. Single-family, duplex and triplex: 20 feet, measured from right-of-way to structure.
 - b. Multifamily, temporary lodging, and retail commercial: 25 feet.
- (2) Rear yard: 25 feet, unless otherwise provided in the land development regulations, and then the more restrictive requirement shall apply.
- (3) Waterfront yard: For lots with a waterfront yard on the Gulf of Mexico, the setback shall be landward of to the county coastal construction control line.
- (4) Side yard setbacks:
 - a. Single-family, duplex and triplex dwellings:
 1. For lots less than 50 feet in width, the minimum side yard setback shall be five feet.
 2. For lots 50 feet or greater in width, the minimum total side yard setback shall be 15 feet with a minimum of seven feet on either side.
 - b. Multifamily, temporary lodging, and retail commercial: The minimum side yard setback shall be ten feet provided that the provisions of section 110-236 are met.

Sec. 110-232. Maximum building height.

- ~~(1) Properties in the Resort Facilities Medium (RFM) Future Land Use Category of the Comprehensive Plan shall have a maximum building height of 44 feet measured from the design flood elevation (DFE). No building in the R-3, medium density multifamily residential district shall exceed 44 feet in height.~~
- ~~(2) Properties in the Planned Redevelopment-Mixed Use (PR-MU) Future Land Use Category of the Comprehensive Plan shall have the following maximum building heights:

 - a. Beachfront District: three (3) stories above base flood elevation (BFE)
 - b. Causeway District: three (3) stories above base flood elevation (BFE)
 - c. Peninsula District: three (3) stories above base flood elevation (BFE)~~

Sec. 110-233. Maximum lot coverage.

The maximum lot coverage in the R-3, medium density multifamily residential district is as follows:

- ~~(1) Properties in the Resort Facility Medium (RFM) Future Land Use Category of the Comprehensive Plan shall have the following maximum floor area ratios (FAR):

 - a. Other commercial uses: the floor area ratio (FAR) is 0.55.
 - ~~(2) b. Public service facilities: the floor area ratio (FAR) is 0.65.~~
 - ~~(3) c. Public owned parks and recreation facilities: the floor area ratio (FAR) is 0.25.~~~~
- ~~(2) Properties in the Planned Redevelopment-Mixed Use (PR-MU) Future Land Use Category of the Comprehensive Plan shall have the following maximum floor area ratios (FAR) for commercial uses only:~~

a. Causeway District: the floor area ratio (FAR) is 0.55

b. Beachfront District: the floor area ratio (FAR) is 0.55

c. Peninsula District: the floor area ratio (FAR) is 0.30

Sec. 110-234. Impervious surface ratio (ISR).

- a. Properties in the Resort Facilities Medium (RFM) Future Land Use Category of the Comprehensive Plan shall have a maximum impervious surface ratio (ISR) of 0.85. The impervious surface ratio (ISR) in the R-3, medium density multifamily residential district for all uses is 0.85.
- b. Properties in the Planned Redevelopment-Mixed Use (PR-MU) Future Land Use Category of the Comprehensive Plan shall have a maximum impervious surface ratio (ISR) of 0.70.

Sec. 110-235. Buffering requirements.

Buffering requirements in the R-3, medium density multifamily residential district are as follows:

- (1) Parking lots/garages for temporary lodging and commercial uses shall be designed to minimize their impacts to any adjacent residential uses as established in the land development regulations.
- (2) During the development process, existing curb cuts shall be reoriented, if necessary, to minimize the negative impact on adjacent properties.
- (3) All development within this category will meet or exceed the buffering/landscape requirements as outlined in chapter 106, article II.

Sec. 110-236. Special requirements.

- (a) No structure in the R-3, medium density multifamily residential district shall be constructed that is greater than 250 feet in width. If two structures are proposed on the same lot or parcel, the buildings shall be separated by a minimum of ten feet.
- (b) Mixed uses in a single development shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the net land area of the property.
- (c) Institutional, other than public educational facilities shall not exceed a maximum area of five acres. Transportation and/or utility uses shall not exceed a maximum area of three acres.
- (d) When a proposed multifamily, temporary lodging or commercial use in the R-3, medium density multifamily residential district abuts a single-family, duplex, or triplex, an additional five-foot setback is required along the length of the entire shared lot line. This additional setback will be utilized to provide additional landscaped screening.
- (e) Properties in-~~the~~ the Resort Facilities Medium (RFM) future land use category of the Comprehensive Plan, alternative temporary lodging use standards allows 60 temporary lodging units per acre and a FAR of 2.0. A development agreement is required by the city's land development regulations and Forward Pinellas' Countywide Rules to use the alternative temporary lodging use standard. The development agreement must follow all required standards in Forward Pinellas Countywide Rules to use the alternative temporary lodging use standards.
- (f) Stand-alone restaurant or retail commercial use must have frontage on Gulf Boulevard or 150th Avenue.

Secs. 110-237—110-255. 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 _____, 2024.**

Anne-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____



Development Standards

The following table describes the maximum density and intensity of development, and other development standards, in each of the districts within the Town Center.

Table 1: Development Standards

District	Density		Floor Area Ratio		ISR ²	Stories above BFE ³
	Residential units	Temporary Lodging units	Commercial only	Mixed Uses		
Causeway	15	60	0.55	*	0.70	3
Commercial Core	15	60	1.2	Permitted	0.85	3
Beachfront	15	30	0.55	*	0.70	3
Peninsula	15	15	0.30	*	0.70	3
Transition	15	60	1.2	*	0.70	2

* Shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.

The development standards for a Temporary lodging Use in the Commercial Core and C-3 and C-4 zoning districts of the Causeway districts may be increased consistent with the standards set forth in the Resort Facilities High (RFH) plan category when part of a zoning amendment

Calculating Proportionate Share and Mixed Uses

Within the Beachfront, Peninsula, and Transition districts, and any portion of the Causeway district other than that zoned C-3 and C-4, when mixed uses are proposed on one parcel or within one building, the combined uses shall not exceed the number of units per acre or floor area ratio (FAR) in proportion to the development site. The proposed development must identify the specific uses proposed, the maximum density or intensity of each specific use, and the proportion of the development site to be devoted to that use. The proposed development shall demonstrate that the combined uses do not exceed the units or FAR in proportion to the development site. The City will implement this requirement through existing land development regulations to ensure that mixed uses comply with the Pinellas Planning Council Countywide Plan rules as well as any new mixed use zoning districts that may be created to implement the Town Center Special Area Plan.

² ISR – impervious surface ratio

³ BFE – base flood elevation



July 23, 2024

Andrew Morris, AICP
Long Range Planner
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

RE: Administrative review notice for Tier I Amendment (Ordinances 2024-13, 2024-14, and 2024-15 Madeira Beach Town Center Special Area Plan Zoning Amendments)

Dear Andrew:

Thank you for submitting the above-referenced Tier I Amendment and providing the local Ordinances 2024-13, 2024-14, and 2024-15 for review. These ordinances pertain to the Madeira Beach Special Area Plan and meet the requirements for a Tier I amendment per Section 6.2.2 of the Countywide Rules.

The amendments reference previously adopted standards for the C-3, C-4, and R-3 Zoning Districts within the Madeira Beach Special Area Plan, which were in effect but not clearly stated in the Land Development Regulations. These standards align with the general framework provided by the Countywide Rules, with specific adaptations to the local context of the Madeira Beach area. The adaptations in density, intensity, building heights, FAR, and ISR reflect the unique character and needs of the Madeira Beach Special Area Plan and ensure consistency with the Countywide Plan Map category of Activity Center.

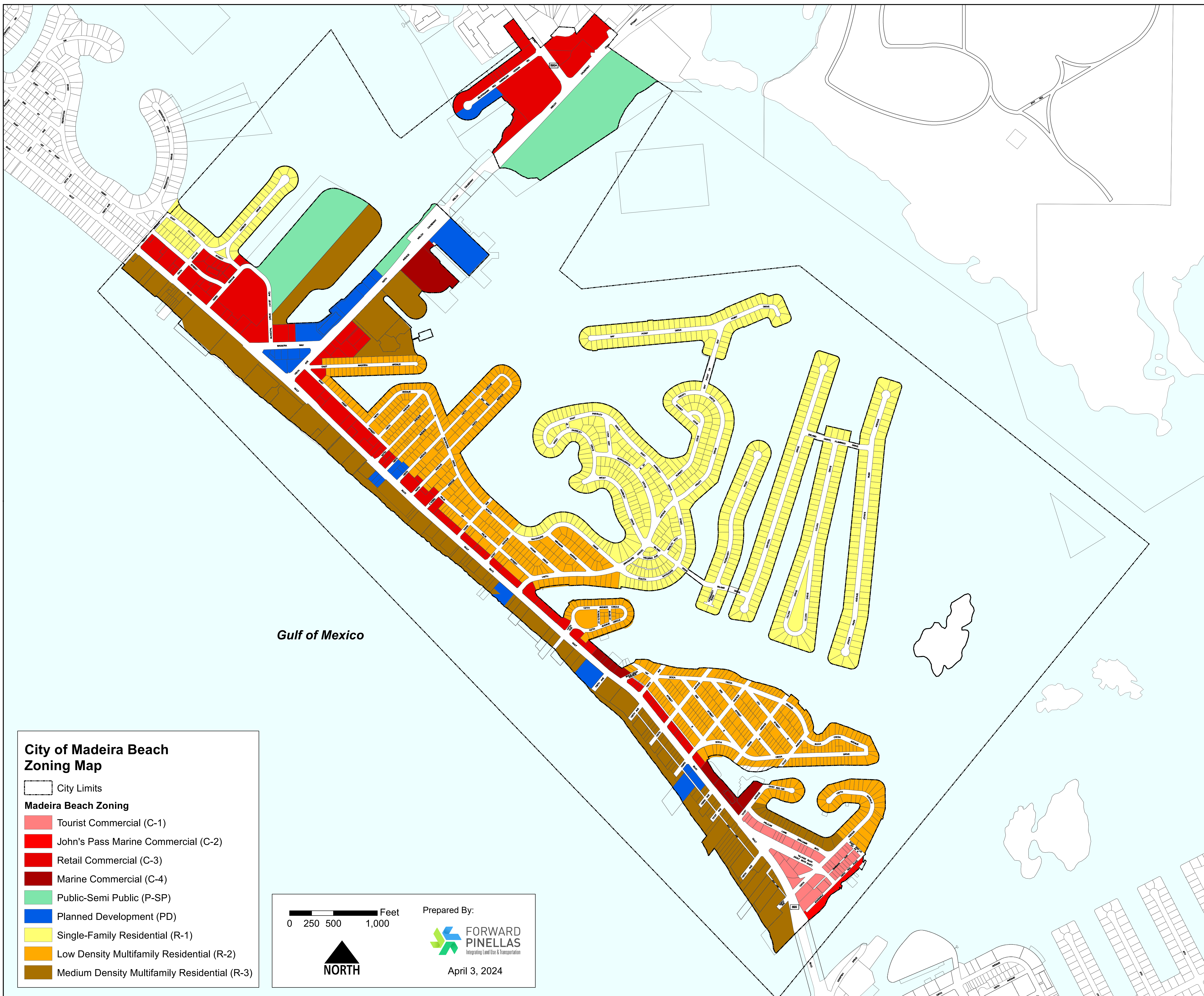
We recognize that the consistency process is an ongoing one and if either the City or Forward Pinellas staff has failed to note a matter governed by the consistency process in the course of this review, we will be happy to work with you to resolve any such matter as may be necessary.

If you have any questions, please feel free to call me at 727-464-5679 or email me at ewennick@forwardpinellas.org.











Sincerely,

Emma Wennick

Emma Wennick
Program Planner



**City of Madeira Beach
Zoning Map**

-  City Limits
- Madeira Beach Zoning**
-  Tourist Commercial (C-1)
-  John's Pass Marine Commercial (C-2)
-  Retail Commercial (C-3)
-  Marine Commercial (C-4)
-  Public-Semi Public (P-SP)
-  Planned Development (PD)
-  Single-Family Residential (R-1)
-  Low Density Multifamily Residential (R-2)
-  Medium Density Multifamily Residential (R-3)

0 250 500 1,000 Feet



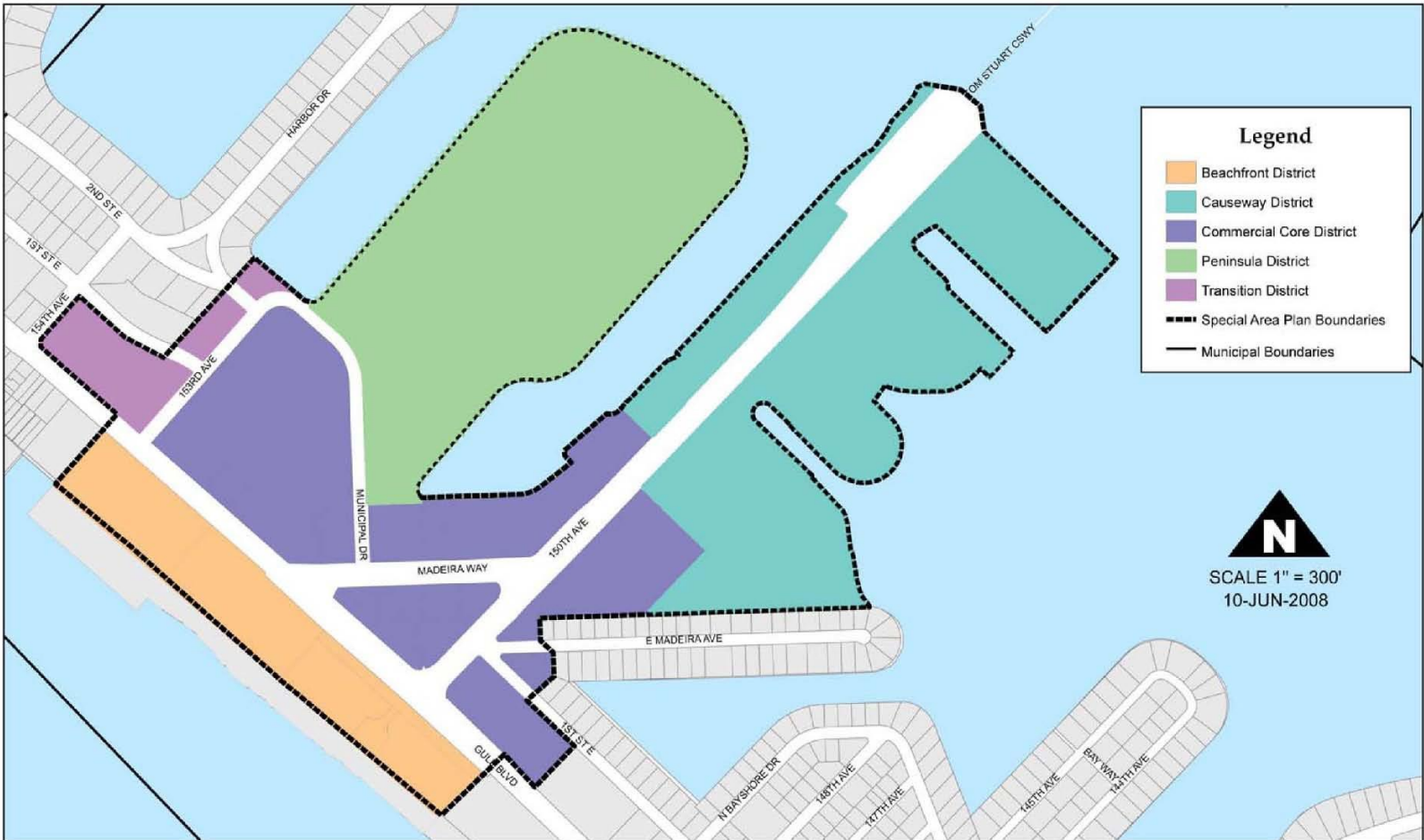
Prepared By:



April 3, 2024



City of Madeira Beach Special Area Plan Town Center Character Districts



Prepared by the Pinellas Planning Council with data provided by the Pinellas County Information Systems Department and the City of Madeira Beach. The data contained herein is offered "as is", with no claim or warranty as to its accuracy or completeness. The data is for reference only and should not be considered to be of survey precision. None of the information is official source documentation. While considerable effort is made to verify the information, due to its volume and highly dynamic nature, only the official source documents should be used where accuracy, completeness and currency are required.



Development Standards

The following table describes the maximum density and intensity of development, and other development standards, in each of the districts within the Town Center.

Table 1: Development Standards

District	Density		Floor Area Ratio		ISR ²	Stories above BFE ³
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Transition	15	60	1.2	*	0.70	2

* Shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.

The development standards for a Temporary lodging Use in the Commercial Core and C-3 and C-4 zoning districts of the Causeway districts may be increased consistent with the standards set forth in the Resort Facilities High (RFH) plan category when part of a zoning amendment

Calculating Proportionate Share and Mixed Uses

Within the Beachfront, Peninsula, and Transition districts, and any portion of the Causeway district other than that zoned C-3 and C-4, when mixed uses are proposed on one parcel or within one building, the combined uses shall not exceed the number of units per acre or floor area ratio (FAR) in proportion to the development site. The proposed development must identify the specific uses proposed, the maximum density or intensity of each specific use, and the proportion of the development site to be devoted to that use. The proposed development shall demonstrate that the combined uses do not exceed the units or FAR in proportion to the development site. The City will implement this requirement through existing land development regulations to ensure that mixed uses comply with the Pinellas Planning Council Countywide Plan rules as well as any new mixed use zoning districts that may be created to implement the Town Center Special Area Plan.

² ISR – impervious surface ratio

³ BFE – base flood elevation

Business Impact Estimate

Proposed ordinance's title/reference:

Ordinance 2024-15: R-3 to be consistent with MBTC SAP

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

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

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

Ordinance 2024-15: R-3 to be consistent with MBTC SAP amends the R-3, Medium Density Multifamily Residential Zoning District to reference properties within the PR-MU Future Land Use Category and other minor updates (including townhomes as an allowed use and open rooftop uses as a special exception).

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Madeira Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

No foreseen direct economic impact of the proposed ordinance.

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

No foreseen impact on businesses with the proposed ordinance.

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

This ordinance assures that the Madeira Beach Land Development Regulations are consistent with the adopted development standards from the MBTC SAP.



Memorandum

Meeting Details: July 24, 2024

Prepared For: Hon. Mayor Brooks & Board of Commissioners

Staff Contact: Andrew Laflin, Finance Director

Subject: Ordinance 2024-16 Fees and Collection Procedure Manual – FY 2024 Update #2

Background

The purpose of this agenda item is to present to the Board of Commissioners proposed amendments to the Fees and Collection Procedure Manual to establish new fees and alter certain existing fees.

Exhibit A - Fees and Collection Procedure Manual with tracked changes. Within Exhibit A, all updates to the manual, including addition of new fees, changing existing fees, modification of current explanatory language, and other similar changes, are included in red font with previous fee amounts and language stricken. Thus, Exhibit A provides an illustration of listed fees before and after the amendments resulting from Ordinance 2024-16. The primary area or departments involved in these proposed fee changes are as follows:

- Development Services – Site Plan Review and Zoning update.
- Finance Department – Parking Fee increase from \$3.00 to \$4.00 an hour.
- Fire Department – Short Term Vacation Rental Inspection - Annual \$100.00
- Municipal Marina – Transient, Wet Slip & Dry Storage rental fee update.

Fiscal Impact

This amendment will result in additional revenues for the City to support the services, facilities, and other amenities provided by the City.

Recommendation(s)

Staff recommends approval of Ordinance 2024-16 on First and Second Reading.

Attachments

- Ordinance 2024-16
- Exhibit A: Fees and Collection Procedure Manual with tracked changes

ORDINANCE 2024-16

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, ADOPTING THE FEES AND COLLECTIONS PROCEDURE MANUAL; REPEALING ORDINANCE 2024-05; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Commissioners finds it appropriate to regularly review and amend the amount and type of fees collected in order to reflect the cost of service and facility provision city-wide; and

WHEREAS, the Board of Commissioners wishes to amend the Fees and Collection Procedure Manual to revise certain fees.

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

SECTION 1. The Fees and Collections Procedure Manual attached hereto as Exhibit A is hereby adopted

SECTION 2. That Ordinance 2024-05 is hereby repealed.

SECTION 3. That this Ordinance shall be deemed severable. If any part of the Ordinance is deemed unconstitutional, it shall not affect the constitutionality of other portions of the Ordinance.

SECTION 4. That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be hereby repealed insofar as the same effect this Ordinance.

SECTION 5. That this Ordinance shall be in full force and effect upon adoption in the manner provided by law.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS ___ day of _____, 2024.

Anne-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____

Business Impact Estimate

Proposed ordinance's title/reference:

ORDINANCE 2024-16

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE FEES AND COLLECTIONS PROCEDURES MANUAL THAT WAS AMENDED BY ORDINANCE 2024-05, PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN IMMEDIATE 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.

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

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):

This ordinance amends the Fees and Collection Procedure Manual to establish new fees, changing existing fees, modification of current explanatory language, and other similar changes within Development Services, Finance, Fire Services, and the Marina.

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.

This amendment provides additional revenues for the City to support the services, facilities, and other amenities provided by the City.

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

The amendment establishes new fees and modifies existing fees that would apply to individuals as well as businesses, and, therefore, the proposed ordinance does not affect only businesses.

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

This amendment will result in additional revenues to support City operations.



FEES & COLLECTION PROCEDURE MANUAL

(Updated Through Ordinance 2024-16)

Office of the City Clerk

Adopted: _____

FEES & COLLECTION PROCEDURE MANUAL

(UPDATED THROUGH ORDINANCE 2024-16)

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ARTICLE I. CITY CLERK'S OFFICE- FEES FOR INSPECTING AND COPYING PUBLIC RECORDS

(Res. 2016-24, 07/12/2016; Res. 2013-50, 10/08/2013; Res. 09.10, 09/21/2009; Res. 04.02, 01/27/2004; ORD. 2018-03; 06/12/2018; Ord. 2019-06); Ord. 2020-04; Ord. 2021-12 05/12/21

SECTION A. What is a public record?

Section 119.11 (12), F.S., defines "public records" to include:

"all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency."

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to perpetuate, communicate, or formalize knowledge. *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

All such materials, regardless of whether they are in final form are open for public inspection unless the Legislature has exempted them from disclosure.

Wait v. Florida Power & Light Company, 372 So. 2d 420 (Fla. 1979)

SECTION B. Right of access to public records under reasonable conditions, F.S., Sec. 119.07(1)(a):

"Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time under reasonable conditions and under supervision by the custodian of the public records."

The term "reasonable conditions" as used in Sec. 119.07(1)(a), F.S., "refers not to conditions which must be fulfilled before review is permitted but to reasonable regulations that would permit the custodian of the records to protect them from alteration damage, or destruction and also to ensure that the person reviewing the records is not subjected to physical constraints designed to preclude review." *Wait v. Florida Power & Light Company*, 372 So. 2d 420, 425 (Fla. 1979). See also *Chandler v. City of Greenacres*, 140 So. 3d 1080, 1084 (Fla. 4th DCA 2014) (noting the narrow interpretation of the phrase "reasonable conditions"): and *Tribune Company v. Cannella*, 458 So. 2d 1075, 1078 (Fla. 1984), *appeal dismissed sub nom.*, *DePerte v. Tribune Company*, 105 S.Ct. 2315 (1985) (the sole purpose of custodial supervision is to protect the records from alteration, damage, or destruction).

Accordingly, the "reasonable conditions" do not include a rule or condition of inspection which operates to restrict or circumvent a person's right of access. AGO 75-50. "The courts of this state have invalidated measures which seek to impose any additional burden on those seeking to exercise their rights to obtain records" under Ch. 119, F.S. inf. op. to Cook, May 27, 2011. And see *State v. Webb*, 786 so. 2d 602 (Fla. 1st DCA 2001) (requirement that persons with custody of the public records allow records to be examined "at any reasonable time, under reasonable conditions" is not unconstitutional as applied to public records custodian who was dilatory in responding to public records requests).

A public records request "shall provide sufficient specificity to enable the custodian to identify the

requested records. The reason for the request is not required to be disclosed." Fla. R. Jud. Admin 2.420(m)(l). The custodian "is required to provide access to or copies of records but is not required either to provide information from records or to create new records in response to a request." *Commentary, In re Report of the Supreme Court Workgroup on Public Records*, 825 So. 2d 889, 898 (Fla. 2002). The custodian having custody of the records shall determine whether the requested records are subject to the rule, whether there are any exemptions, and the form in which the record is provided. Fla. R. Jud. Adm in. 2.420(m)(2). If the request is denied, the custodian shall state in writing the basis for the denial. *Id.*

SECTION C. Extensive requests pursuant to F.S. §199.07.(4).

Sec. 119.07(4)(d), F.S., provides, "[i]f the nature or volume of public records requested to be inspected or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required or both."

If a public records request requires an extensive use of the City's resources, a special service charge may be imposed. Special service charges will be calculated based upon the City's actual cost of burden, (wages, taxes, insurance, and benefits), for the lowest paid personnel capable of fulfilling the request.

Large volume of records requested. Deposits are based upon an actual estimate of the cost of production, with a minimum of 50% due before production of the records begins.

SECTION D. Fees for inspecting and copying public records pursuant to F.S. §119.07(1)(a).

Public records held by the City are open to inspection by any person, during reasonable times and under reasonable circumstances. Although Florida law makes some records exempt or confidential, the City wishes to make all non-exempt records available to the public at no cost provided the request to inspect or copy records does not involve an extensive use of City personnel or other resources.

- (1) One-sided copy, each page.....\$0.15
 - (2) Two-sided copy, each page.....\$0.20
 - (3) Certified copy, each page\$1.00
 - (4) Notary Public Fee.....\$5.00
- Pursuant to F.S. §117.05(2a); the fee of a notary public may not exceed \$10.00 for any one notarial act, except provided in Sec. 117.045.)

****For all other requests, the fee prescribed for duplication of public records shall represent the actual cost of duplication.***

For purposes of this sections, "Duplicating" means the process of reproducing an image or images from an original to a final substrate through the electrophotographic, xerographic, LED, inkjet or dye sublimation, laser, or offset process or any combination of these processes, by which an operator can make more than one copy without rehandling the original.

SECTION E. Custodian of Public Records and Designated Custodians of Public Records

CUSTODIAN OF PUBLIC RECORDS

Clara VanBlargan, MMC, MSM, City
Clerk cvanblargan@madeirabeachfl.gov
Phone (727) 391-9951, ext. 231

RECORDS CUSTODIANS

The Records Custodian of each department are designated by the City Clerk. The records custodian of their department shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time under reasonable conditions and under supervision by the custodian (supervisor) of those public records to be inspected or copied. Although, the custodian "is required to provide access to or copies of records they are not required either to provide information from records or to create new records in response to a request." *Commentary, In re Report of the Supreme Court Workgroup on Public Records*, 825 So. 2d 889, 898 (Fla. 2002), and shall determine if the requested records are subject to the rule, whether there are any exemptions, and the form in which the record is provided. Fla. R. Jud. Adm in. 2.420(m)(2). If the request is denied, the custodian shall state in writing the basis for the denial. *Id.*

A list of designated department Records Custodians is posted in each department and on the City’s website.

ARTICLE II. DEVELOPMENT SERVICES

A. General Development Services Fee Structure:

It is the intent of the City that all development review costs be borne by the beneficiaries. The initial nonrefundable fee will be required at the time an application is submitted. Costs for review services including personnel, consulting or material will be charged against the account of each application. At such time as costs meet the value of the submitted fee, all review activities will be suspended until the applicant submits an additional fee in an amount equal to the initial fee. Unused fee amounts beyond the initial nonrefundable fee will be reimbursed at issuance of the Certificate of Occupancy (CO). The cost of required advertising and mailing for major site plans, land use or zoning amendments will be charged separately and paid prior to the scheduling, advertising, or preparation of mailed notice for public hearings and/or meetings. These fees do not include costs associated with the developer’s conduct of neighborhood/community meetings which will be the financial responsibility of the developer. This policy applies to all the fees of this section.

B. Special Magistrate Hearings. Fees for Special Magistrate Hearings shall be as follows:

(Res. 2016-24, 07/12/2016; Res. 07.14, 06/26/2007; Res. 05.20, 09/14/2005; res. 04.08, 06/22/2004, Ord. 936, §1, 02/20/2001; Ord. 953, §2, 11/13/2001; Code 1983, §19-502)

- (1) Zoning variances for residential dwelling units (per variance,-up to three units).....\$1,800.00
- (2) Zoning variances for multifamily, tourist dwellings, or commercial.....\$2,000.00

- (3) Special exception use\$1,800.00
- (4) Appeal of decision (appeal is refundable if decision is overruled).....\$1,500.00
- (5) After-the-fact variance (double fee)\$3,600.00
(Ordinance 2016-06)
- (6) Conversion of a nonconforming non-habitable area into a habitable area\$1,000.00
- C. *Alcoholic Beverage Permit Application Fee* \$800.00
(Res. 2012-14, 09/05/2012)

D. *Platting.*

(Res. 2016-24, 07/12/2016; Res. 07.14, 06/26/2007; Res. 04.02, 01/27/2004)

- (1) Review of construction drawings \$500.00
- (2) Replat\$500.00
- (3) Final.....\$500.00
- (4) Amendment to a plat.....\$500.00
- (5) Minor subdivision.....\$350.00
- (6) Lot line adjustments.....\$200.00
- (7) Unity of title\$100.00
- (8) Rescission of unity of title\$250.00

E. *Vacation. (Not including costs associated with referendum)*

(Res. 2016-24, 07/12/2016, Res. 07.14, 06/26/2007; Res. 04.02, 01/27/2004)

- Right-of-way (as approved by referendum)\$1,500.00
- Easement (as approved by referendum when required)\$1,500.00

F. *Site Plan and Redevelopment Process*

Level of site plan review to be determined in accordance with city land development ordinance and interpreted by development review staff.

(Res. 2016-24, 07/12/2016; Res. 07.14, 06/26/2007; Res. 04.02, 01/27/2004)

- (1) Minor Site Plan Review \$300.00
- (2) Intermediate Site Plan Review
 - ~~a. Preliminary Site Plan\$300.00~~
 - b. First Review Site Plan Submittal\$1,000.00
 - ~~c. Each Additional Submittal\$500.00~~
- (3) Major Site Plan Review

a. Preliminary Site Plan	\$500.00
b. First Review Site Plan Submittal	\$2,000.00
c. Each Additional Submittal	\$500.00
(4) Administrative Waiver	\$500.00
(5) Encroachment Extension.....	\$1,000.00
G. Zoning/Land Development Regulation Interpretations and Meetings – Base Fee.....	\$100.00
(1) Single Family Fourplex	\$100.00
(2) 5-12 Units, Commercial less than 2000sqft	\$150.00
(3) 13 + Units, Temporary Lodging, Commercial more than 2000sqft	\$200.00
<i>Interpretation of land development regulations such as number of legal units existing on a property, nonconforming provisions, subdivision regulations, and/or Planning, Zoning or Predevelopment review meetings. Such services would include up to one hour of meeting and or research of the Planner and can include the preparation of a written interpretation. Time required above an hour or requiring the participation of additional staff, shall be charged at the employees' hourly rate plus benefits on a time for time basis. On-site consultation with planner or Certified Flood Plain Manager (as needed; by request) requires an additional fee of \$100.00.</i>	
H. Zoning Verification Letter	\$100.00
Includes one hour of research. Additional time will be charged at the employee’s hourly rate plus benefits.	
<i>(Res. 2016-24, 07/12/2016)</i>	
<i>Verification in writing (formal letter on City stationary) as to the property's zoning. This includes a copy of the related district regulations. Such letters are often requested by realtors for property closings.</i>	
I. Land Development Regulations Amendment	\$1,500.00
<i>(Res. 2016-24, 07/12/2016)</i>	
J. Land Use Amendment	\$3,000.00
<i>(Res. 2016-24, 07/12/2016; Res. 07.14, 06/26/2007; Res. 04.02, 01/27/2004)</i>	
K. Rezoning.....	\$2,000.00
<i>(Res. 07-14, 06/26/2007)</i>	
L. Planned Development (PD) and Planned Development Amendments. <i>(Res. 07.14, 06/26/2007)</i>	
(1) Development Meetings-Charged as Plan Review Meetings at the combined hourly rate of all staff assigned by the Planning Director.	
(2) Plan Review	
a. Preliminary Plan and Standards Review	\$1,500.00
b. First Plan and Standards Plan Review	\$2,500.00
c. Each Subsequent Submittal	\$500.00
Plus hourly rate of assigned staff	

- (3) Minor modifications not requiring full site plan, neighborhood/community meetings or zoning map amendment or amendment of the planned development agreement\$1,000.00
- (4) Major modifications.....To be charged by the full rate for a new Planned Development.
- (5) Development Agreements..... Application fee of \$500.00 and charges will include all staff and consulting time at hourly rates plus benefits and will be paid prior to execution of the Development Agreement Ordinance.

*M. Special Agreements (for Development Agreements, see Section L)
(Res. 10.12, 07/20/2010; 07.14, 06/26/2007)*

- (1) For Board of Commissioner's Approval..... \$500.00

**Plus, City Attorney's legal and recording fees; i.e. encroachment(s); use of City parking area, etc.*

- (2) For Administrative Review and Approval.....all staff hourly rates, legal and recoding fees

N. Unaddressed Research Requests – Base Fee \$100.00

O. FEMA/Floodplain Ordinance Interpretations and Reviews–Interpretation Base Fee \$100.00

Interpretation of the City's Floodplain Ordinance beyond the verification of the specific flood zone and the basic requirements related to that zone. Such request would include up to one hour of research and include the preparation of a written interpretation. Additional research time shall be charged at the rate of \$100 per hour.

Building Plan Review Base Fee of \$50 or 10% of any building permit fee of over \$1,000, whichever is greater plus \$100 additional fee for any revisions to signed and sealed plans or for site changes.

P. FEMA Verification Letter \$100.00

Verification of FEMA flood zone in writing (formal letter on city stationery) (Res. 2016-24; 07/12/2016)

Q. Solicitor's Permit (Res. 07.23, 12/11/2007)

- (1) Permit for any business with current Local Business Tax Receipt (BTR)\$10.00
- (2) Permit for any business without current BTR \$100.00
 - a. For each additional person participating without a BTR\$20.00

R. Short-term/Vacation Rental Certification Certificate of Compliance \$300.00

S. Specific Site Plan Applications

- (1) Dog Dining Request\$75.00
A fee of \$75.00 shall be required for both the initial application and subsequent annual renewals requesting to allow dogs in specified outdoor area(s) of a food service establishment during operating hours. This fee shall offset the City's cost to administer, review and inspect such request.

This fee shall apply only to pet dogs, service animals are already permitted within business establishments by law.

(2) Sign, Murals, Banners.....\$75.00

T. Building Permit Fee Schedule.

The following building permit fee schedule shall be used when issuing a permit for any type of construction including, but not limited to, the following: Commercial, Residential, Single Family or Multi-Family for Building, Mechanical, Plumbing, Gas, Fire Roofing, Swimming Pools, Aluminum Structures, Interior or Exterior remodeling, Accessory Structures, Additions, Fuel Tanks, Alarms, Sprinklers, Driveways, Signs, Docks, Seawalls, Walls and Fences, Sheds, Infrastructure or Excavation, or any other type of construction under the Florida Building Code.

(Res. 2016-24, 07/12/2016; Res. 2016-03, 02/09/2016)

- (1) Residential and Commercial (NON-REFUNDABLE) permit plan review deposit fee
 - a. Value of \$2,499 or less\$50.00
 - b. Value of \$2,500 or more..... 25% of total permit value (minimum \$50)

The application plan review fee shall be collected at the time of the submitted permit application. This shall be a non-refundable plan review application fee in addition to any other applicable fees listed in Article II, Section I (Building Permit Fee Schedule).

Definitions of "residential" and "commercial" are based on the ~~2017~~ 2020 Florida Building Code:

"Residential building" shall mean any "one- and two-family dwelling" or portion thereof, including "townhouses", that is used, or designed or intended to be used for human habitation, for living, sleeping, cooking, or eating purposes, or any combination thereof, and shall include accessory structures thereto.

"Commercial": for this code, all buildings that are not included in the definition of "residential buildings."

(2) EXPRESS Permit – issued same day (plus any additional applicable fees).....\$50.00

(3) Valuation Fee: Two percent 2% of the Total Project Value, which includes both materials and labor and other related fees).

(4) Florida Surcharge Fee: The Building Permit fee as required by Florida Law, a total of two and one-half (2½%) percent per permit. A minimum of four dollars for the Building Permit Fees.

(5) Pre-Permit Plan Review Fee: All plan review fees for large "commercial and residential" building permits including one-and-two family dwellings, townhouses, multifamily units and all commercial projects shall be:

- a. One-and-two family dwellings & townhouses\$250.00
- b. Multifamily units & commercial projects \$500.00
- c. FEMA - SI/SD projects \$250.00

- d. Minimum fee..... \$100.00
- (6) Re-examination of plans due to corrections, changes, or alterations, prior to or after permit issuance.
 - a. Plan revisions (Minor, 2,499 sq. ft. or less) \$100.00
 - b. Plan revisions (Large) greater than (>) 2500sq. ft..... \$250.00
- (7) Miscellaneous Fees:
 - a. Certificate of Occupancy and/or Certificate of Completion\$50.00
 - b. Letters of Determination (e.g., flood, building, etc.).....\$50.00
 - c. Change of contractor (all trades).....\$50.00
 - d. Change of use or occupancy.....\$50.00
 - e. Demolition of structure:
 - i. Demolition base fee (up to 5,000 sq \$100.00
 - ii. Structures over 5,000sq. ft \$250.00
 - f. Early release of power (*before electrical final*)..... \$50.00
 - g. Moving of structure..... \$100.00
 - h. Permit extension (*per extension*) \$50.00
 - i. Transfer of Permit \$50.00
 - j. Permit fee for applications performed by an outside entity:
The permit fee for an application when the Building Official has approved the request of the applicant to have an outside entity, contracted by the applicant, perform the required inspections shall be:
 - i. Fee per sq. ft. of the proposed structure \$1.00
 - ii. Minimum fee, (plus any applicable fees)\$50.00
 - k. Red tags and/or failed inspection(s) (*per tag/inspection*) \$50.00
 - l. Replacement of placard card (*per placard card*)..... \$25.00
 - m. Special consultation with Building Official (*as needed;by request*) \$100.00
 - n. FEMA or damage pre-permit inspection, Fire or Structural(*Includes Trades*)..... \$100.00
 - o. Building Code, Life & HealthSafety inspection..... \$100.00
 - p. After hours inspection (*beyond normal business hours*) \$250.00
 - q. Stop-work order (*per order*)..... \$50.00
 - r. Temporary power pole.....\$50.00
 - s. Tent permit\$25.00
 - t. Tree removal permit\$50.00
 - u. Well/Test boring application \$100.00
 - v. Each additional boring on same site \$20.00
 - w. Building Safety/Milestone Report Review Fee \$250.00
- (8) "After the Fact" permit fee:
 - a. Shall be **(5)** times the face value of the permit valuation fees.
 - b. Any subsequent "After-the-fact" permit issued to the same Contractor, Property Owner and/or Homeowner within the following (12) months shall be **(10)** times the normal fees.
- (9) Refunds. NO refunds on permits unless such permit was issued in error in part of the City. There shall be no refund of fees if work commences or of the permit is 90 days or older.

(10) Miscellaneous items. At the discretion of the Building Official, all construction related activities that do not qualify under one of the trades (Building, Mechanical, Electrical, Plumbing, and others) may be classified as miscellaneous. A permit for such activity may or may not be required at the discretion of the Building Official. An appropriate related fee shall be set by the Building Official for such miscellaneous permit.

(11) Rental inspection fees (4 units or less)

- a. Initial application.....\$40.00
- b. Biennial license renewal.....\$15.00
- c. Initial inspection (*per unit*) \$50.00
- d. Biennial inspection (*per unit*) \$70.00
- e. Re-inspection fee (*per inspection*)..... \$100.00

Re-inspection fee for every inspection after second if failure to correct violation(s) is due to owner/manager negligence.

- f. Penalties: Ten percent (10%) penalty for failure to submit a timely renewal fee during first month of delinquency; an additional five percent (5%) penalty for each month of delinquency thereafter.

U. Impact Fee Schedule

Impact fees were adopted beginning on April 1, 2022, and impact fees are updated annually beginning October 1st each year through fiscal year 2028 in accordance with the schedule below, based on the following amount per sq ft of building area*:

Category or Class	Calculated fee rate multiply by building area						
	FY 2022	FY 2023	FY 2024	FY 2025	FY202 6	FY 2027	FY 2028
Culture & Recreation	\$3.57	\$4.76	\$5.94	\$7.13	\$8.23	\$9.52	\$11.89
Mobility	\$0.45	\$0.60	\$0.75	\$0.90	\$1.05	\$1.20	\$1.50
Public Safety	\$0.18	\$0.24	\$0.30	\$0.36	\$0.42	\$0.48	\$0.60
Total	\$4.20	\$5.60	\$6.99	\$8.39	\$9.70	\$11.20	\$13.99

**Building area refers to the enclosed area of buildings measured in square feet within the city according to the Pinellas County Property Appraiser as provided in the field TOTLVGAREA in the Pinellas County Property Appraiser's Geographic Information System.*

ARTICLE III. FINANCE DEPARTMENT

A. *Credit Card Transaction Convenience Fee*An amount suitable to recover card processing fees charged to the City.

B. *Indebtedness Search*..... \$50.00

C. *Returned/unfunded/worthless checks*..... Pursuant to F.S. §68.065(2)

D. *Recording of Documents:*

(1) First Page\$10.00

(2) Each Additional Page \$8.50

E. *Parking fines and penalties.* Parking fines and penalties shall be as follows:

(Res. 06.29, 11/28/2006; Res. 04.09, 08/10/2004; Code 1983, §5-19; City Ord 2022-23)

(1) Overtime Parking\$60.00

(2) Double Parking\$80.00

(3) Parking in a "NO PARKING" Zone\$90.00

(4) Other Improper Parking\$90.00

(5) Delinquency Fee (After 15 Days)\$30.00

(6) Disabled Parking Permit *Sec. 66-52(c), Code of Ordinances*

Note: A Parking enforcement officer can ticket every hour for repeat violations.

F. *Special event parking permit (daily permit)* \$35.00

Special event parking permits and road closure fees established for specified events are listed below with additional events authorized by the City Manager.

(Res. 2014-20, 05/13/2014)

Johns Pass Seafood Festival
Memorial Day
by the BOCC by resolution.

The Fourth of July
Additional event days as authorized

G. *Business Parking Permit (up to 4 permits/month/Business) per month* \$40.00

Permit for any business with current Local Business Tax Receipt (BTR).

~~H. *Vanity Plates (1 plate for each current registered vehicle)* \$40.00~~

~~*For residents of the City of Madeira Beach ONLY and is a substitute for the free parking sticker issued at the beginning of each year.*~~

I. *Parking meters city-wide* ~~\$3.00/hr.~~ \$4.00/hr.

- J. *Overnight Parking*..... \$72.00/day up to 7 days. *Selective Surface Parking lots from 130th to Kitty Stuart Park.*
- K. *Festival Parking.* *The City Manager maintains the right to designate festival parking rates for designated special events at his/her discretion. Each special event is subject to review.*
- L. *No operator of a vehicle shall park a vehicle on dirt, grass or landscaped city rights-of-way, medians, swales, or similar areas. The city manager, or designee, may waive this prohibition on a temporary basis where it is determined that such waiver is necessary.*
- M. *Parking Fee Amendment Resolution.* In order to adjust parking fees as may be needed due to environmental, economic, or other conditions that may occur during the fiscal year, parking fees can be waived, decreased, or increased at any time during the fiscal year by Resolution of the Board of City Commissioners.

**Note/Clarification: Due to the parking meter fee increasing from ~~\$2.50~~ to \$3.00 to \$4.00 per hour, the minimum charge for credit cards for half the time or thirty minutes is now ~~\$1.50~~ \$2.00.*

(Res. 04.09, 08/10/2004; Res. 04.02, 01/27/2004)

ARTICLE IV. FIRE DEPARTMENT

A. *Fire & Life Safety Inspection*

- (1) Places of Assembly (Posted Occupant Load):
 - a. Up to 49 People.....\$50.00
 - b. 50 –149 People..... \$100.00
 - c. 150 People or More \$150.00
- (2) Residential structures, hotel/motel, timeshare, rentals/resort rentals (5 units or greater)
 - a. 5 – 10 Units.....\$100.00
 - b. 11 –20 Units..... \$150.00
 - c. 21 – 49 Units \$200.00
 - d. 50 or More Units \$350.00
- (3) Automotive and/or Marine Service or Storage Facilities \$200.00
- (4) Automotive and/or Marine Fueling Facilities..... \$200.00
- (5) Standalone Single Business:
 - a. Up to 2,499 sq. ft\$50.00
 - b. 2,000 or more sq. ft \$100.00
- (6) Multiple Commercial/Businesses:
 - a. Unoccupied, per suite\$25.00
 - b. Occupied, per suite.....\$50.00

- (7) Storage Facilities
 - a. Up to 4,999 sq. ft \$100.00
 - b. 5,000 or moresq. ft \$200.00
- (8) Subsequent Fee for Each Return Inspection for Compliance\$30.00
- (9) Fire Department Red Tag/StopWork Order\$50.00
- B. Fire Plan Review and Correlated Inspection(s)**
 - (1) For Site Plans and Building Plans\$0.05/sqft
 - (2) Other fire plans review (fire alarm, fire suppression, etc.) \$250.00
 - (3) Failed inspections(s) (per each inspection).....\$50.00
- C. CPR Classes.**
 - (1) Resident\$25.00
 - (2) Non-resident.....\$50.00
- D. Fire Engine Rental for Fire System Testing and/or Certification.**
 - (1) First 4 Hours.....\$1,000.00
 - (2) Each Additional Hour \$250.00
(Res. 08.10, 09/23/2008)
- E. Special Event Fee**
 - (1) Fire Rescue Special Event (per Hour) \$125.00
 - (2) Equipment Service Fee; Fuel, Oil, Maintenance, etc. (per unit per day).....\$50.00
 - (3) Special Event Inspection; Cooking Tents, Food Trucks, etc. (per event)..... \$100.00
- F. Short Term Vacation Rental Inspection - Annual (Air BNB, VRBO, etc.)..... \$100.00**

ARTICLE V. PARKS & RECREATION

(Res. 2016-24, 07/12/2016; Res. 2016-03, 02/09/2016; Res. 2015-21, 08/11/2015; Res. 2015-09,03/10/2015; Res. 2014-53, 12/10/2014; Res. 10.05, 03/23/2010; Res. 09.09, 09/21/2009; Res. 07.14,06/26/2007; Res. 05.20, 09/14/2005; Res. 06.23, 09/13/2005; Code 1983 §19-508)

- A. Recreation.**
 - (1) Adult Sports Registration:
 - a. Rate determined by sport, competitive analysis, and cost recovery.
 - i. Resident/Non-Resident Pricing model will be utilized.
 - (2) Youth Sports
 - a. Rate determined by sport, competitive analysis, and cost recovery.
 - i. Resident/Non-Resident Pricing model will be utilized.

(3) After-School Program (will take effect August 1, 2020):

- a. Resident (*daily*) \$9.00
- b. Non-Resident (*daily*) \$12.00
- c. City Employee (*daily*) \$9.00

(4) Summer Camp Program:

- a. Resident Rate by Session:
 - i. Session 1 \$500.00
 - ii. Session 2 \$500.00
 - iii. Full Summer Session \$1,000.00
 - iv. Individual Weekly Rate \$150.00
- b. Non-Resident Rate by Session:
 - i. Session 1 \$625.00
 - ii. Session 2 \$625.00
 - iii. Full summer session..... \$1,250.00
 - iv. Individual weekly rate \$200.00
- c. City Employee Free

(5) Fitness Classes

- a. Contracted Recreation Instructors will agree to a 75% and 25% contract split with the City for their services.
- b. Recreation Director may negotiate class rate based upon needs/uses of recreation facilities as well as class supply requirements.

B. Recreation Center and City Hall Rentals.

(Res. 2016-24, 07/12/2016; Res. 2015-21, 08/11/2-15; Res. 2014-53, 12/20/2014)

(1) Monday – Thursday rental period. Rental hours must include set-up and breakdown for all vendors and guests. Rental includes use of contracted space, set-up/breakdown of tables and chairs, banquet kitchen (if applicable), and cleaning fee. The 6.5% sales tax is included in hourly rates. Deposits may be refunded within thirty (30) days of an event.

- a. Recreation Center Rooms (security deposits are refundable)
 - i. Full Recreation Center (all rooms) (*security deposit \$400.00*) \$300.00/hr.
 - ii. Boca View Hall (*security deposit \$200.00.00*) \$100.00/hr.
 - iii. Ocean Walk Room (*security deposit \$200.00*) \$50.00/hr.
 - iv. Starboard Room (*security deposit \$200.00*) \$50.00/hr.
 - v. Outside Deck (*security deposit \$400.00*) \$100.00/hr.
 - vi. Boca View Hall & Outside Deck (*security deposit \$400.00*) \$150.00/hr.
 - vii. Setup/breakdown Fee- *Up to 2 hours before and 2 hours after* \$50.00/hr.
- b. City Hall Rooms (security deposits are refundable)
 - i. City Centre Room (*security deposit \$400.00*) \$200.00/hr.
(*includes use of outside deck & restrooms*)
 - ii. Commission Chambers* (*security deposit \$200.00*) \$200.00/hr.

***ONLY as a backup space for outside reservations negatively impacted by weather.**

- c. Resident Discount- applied to hourly rental rates..... 20% discount.
- (2) Friday – Sunday rental period. Rental includes use of contracted space, set-up/breakdown of tables and chairs, banquet kitchen (if applicable), and cleaning fee. The 6.5% sales tax is not included in hourly rates. Security deposit may be refunded within thirty (30) days following an event.
- a. Recreation Center Rooms (security deposits are refundable)
 - i. Full Recreation Center (*all rooms*) (*security deposit \$400.00*) \$350.00/hr.
 - ii. Boca View Hall (*security deposit \$200.00*) \$150.00/hr.
 - iii. Ocean Walk Room (*security deposit \$200.00*) \$75.00/hr.
 - iv. Starboard Room (*security deposit \$200.00*).....\$75.00/hr.
 - v. Outside Deck (*security deposit \$200.00*)..... \$125.00/hr.
 - vi. Boca View Hall & Outside Deck-(*security deposit \$400.00*) \$250.00/hr.
 - vii. Setup/breakdown Fee – Up to 2 hours before and 2 hours after.....\$50.00/hr.
 - b. City Hall Rooms (security deposits are refundable):
 - i. City Centre Room (*security deposit \$400.00*) \$250.00/hr.
(*includes use of outside deck & restrooms*)
 - ii. Commission Chambers* (*security deposit \$200.00*) \$250.00/hr.
- *ONLY as a backup space for outside reservations negatively impacted by weather.**
- c. Resident discount on hourly rates.

- (3) Set-up and Cleaning Fees (*per location*):
- a. Less than 50 attendees..... \$100.00
 - b. 50+ attendees \$200.00

C. *Park & Pavilion Rentals*
(*Res. 2016-24, 07/12/2016; Res. 2015-09,03/10/2015*)

- (1) Archibald Park
 - a. Pavilion rental for four (4) hours (each additional hour is \$25.00/hour):
 - i. Resident..... \$100.00
 - ii. Non-Resident..... \$200.00
 - b. Sand Volleyball Court Rental for four (4) hours (each additional hour is \$25.00/hour):
 - i. Resident..... \$25.00
 - ii. Non-Resident..... \$50.00
- (2) John's Pass Park:
 - a. Pavilion rental for four (4) hours (each additional hour is \$25.00/hour):
 - i. Resident..... \$100.00
 - ii. Non-Resident..... \$200.00
- (3) Splash Pads Rentals
 - a. Resident Rates
 - i. Splash Pad (2 Hours)..... \$100.00

- ii. Splash Pad w/ Tables & Chairs on Patio(2 Hours) \$200.00
- b. Non-Resident Rates
 - i. Splash Pad (2 Hours) \$150.00
 - ii. Splash Pad w/ Tables & Chairs on Patio(2 Hours) \$250.00

D. Athletic Field Rentals

(Res. 2016-24, 07/12/2016; Res. 2014-53, 12/10/2014)

- (1) Hourly resident rates by facility (6.8% Sales Tax NOT included)
 - a. Softball Field\$25.00
 - b. Soccer Field\$25.00
 - c. Basketball Court \$5.00
 - d. Tennis Court \$5.00
 - e. Field Preparation and Lining (softball)\$45.00
 - f. Field Preparation and Lining (football/soccer)\$25.00
 - g. Attendant Fee (per staff member).....\$25.00
 - h. Rental Cleaning Fee\$25.00
 - i. Light Fee\$10.00
- (2) Hourly non-resident rates by facility (6.5% Sales Tax NOT included)
 - a. Softball Field\$30.00
 - b. Soccer Field\$30.00
 - c. Basketball Court.....\$10.00
 - d. Tennis Court\$10.00
 - e. Field Preparation and Lining (softball)\$50.00
 - f. Field Preparation and Lining (football/soccer)\$30.00
 - g. Attendant Fee (per staff member).....\$30.00
 - h. Rental Cleaning Fee\$30.00
 - i. Light Fee\$15.00

E. Wedding Permits.

- (1) Small wedding permit application fee \$100.00*
 - a. **A gathering of less than 50 persons with minimal decor as determined by staff; additional fees may apply.*
- (2) Wedding permit application fee..... \$200.00*
 - a. **A gathering of more than 50 persons with minimal decor as determined by staff; additional fees may apply.*

F. Special Events.

- (1) Event Application Fee (*less than 1,000 attendees*)..... \$100.00
- (2) Event Application Fee (*more than 1,000 attendees*) \$250.00
A fee of \$100.00/\$250.00 payable to the City as reasonable cost for processing, evaluating, and issuing the permit is required. The BOC may waive the application fee by resolution at annual special event review when determined in the best

interest of the community and upon demonstration of non- profit status.

(3) Deposit. Deposits shall be determined upon the estimated impact on the City owned property of which the event is hosted.

- a. Small event.....\$250.00
- b. Large event.....\$500.00

A refundable deposit shall be payable to the City in advance of the event for damage to public property or City services incurred in direct association with the event and not identified in the original special event application approval. The BOCC may waive the deposit by resolution at annual special event review when determined in the best interest of the community, and upon. The City reserves the sole right to determine which portion, if any, of the deposit shall be returned to the applicant within 30 days after the event. The City Manager may waive special event fees to the amount of no more than \$500 upon his/her determination that it will be a benefit to the community.

(4) Fees

- a. Large Event (1,000+ Attendees)
 - i. Facility Rental Per Event\$3,000.00
(Includes use of stage and event field)
- b. Small Event (Less than 1,000 attendees)
 - i. Stage Fee
 - 1. Resident.....\$50.00/hr.
 - 2. Non-Resident.....\$100.00/hr.
 - ii. Field Usage Fee
 - 1. Resident.....\$50.00/hr.
 - 2. Non-Resident.....\$100.00/hr.
- c. City Event Fees
 - i. Trash Can Fee *(per trash can)*\$5.00
 - ii. Dumpster fee with single pick-up 3 Yard Dumpster\$136.70
 - iii. Event Barricades (available at City Hall Property Only)
 - 1. Setup Fee per – event\$100.00
 - 2. Barricade Fee - per day\$10.00
 - iv. Other fees including but not limited to additional City personnel staff, such as EMT support through Madeira Beach Fire Department, etc. Five times the rental fee for receptacles will be withheld from deposit for those not returned within 48 hours of event.
- d. Mandatory Non-City Fees. The required used of Pinellas County Sheriff's Deputies, as defined within the special events section of ordinances, will be negotiated directly with the Pinellas County Sheriff's Office. It is the **sole responsibility of the applicant** to secure the appropriate number of deputies as required by the Sheriff's Department.

- e. Other Non-City Fees. Other fees included but not limited to Madeira Beach City Centre and field clean-up, additional civilian security, and vehicle parking professionals shall be the **sole responsibility of the applicant.**
- f. Table games (Canasta, Bridge, etc.)
 - i. Resident: \$1.00
 - ii. Non-resident: \$2.00

ARTICLE VI. PUBLIC WORKS

A. Trash, Recycling, and Garbage

(1) Removal service fees-

All residents, occupants, or owners of premises in the city shall be required to have accumulations of garbage, trash, garden trash, recyclable items, and noncombustible refuse removed and disposed of by the sanitation division of the city Public Works Department. For the purpose of this section a unit shall be defined as a living unit for human habitation containing kitchen facilities. The charges for garbage, recycling, and trash removal services shall be as follows:

- a. Single Family and Multi-Family, per dwelling, per month:
 - i. 64 Gallon Cart..... \$38.74
 - o Each additional cart per month.....\$14.00
 - ii. 96 Gallon Cart.....\$45.74
 - o Each additional cart per month.....\$14.00
- b. Commercial. All offices and business establishments required to have a local business tax receipt are hereby classified commercial. A commercial rate for the collection of garbage and trash is hereby established to be in accordance with the following for non-compacting containers:
 - i. Service twice per week, per month (Dumpster)
 - (a) One cubic yard.....\$122.82
 - (b) One and a half cubic yard.....\$157.00
 - (c) Two cubic yard\$191.17
 - (d) Three cubic yard.....\$259.52
 - ii. Each additional service per week, per month (Dumpster)
 - (a) One cubic yard \$68.35
 - (b) One and a half cubic yard.....\$76.90
 - (c) Two cubic yard\$102.53
 - (d) Three cubic yard\$136.70
 - iii. Service twice per week, per month (96 Gallon cart) \$40.00
 - o Each additional cart per month..... \$14.00
 - iv. Each additional service per week, per month (96 gallon cart) \$16.00
 - v. Sunday collections are double the additional service rate.
 - vi. Replacement Toter fee \$75.00

vii. Accounts classified as multifamily dwelling, or hotel, motel or motor lodge may elect to be charged for garbage and trash removal services in conformity with the commercial rates defined in this section but in no case shall less than one can per unit be elected. It is the burden of the property owner to notify the city of such election. Those establishments electing the commercial or bulk rate shall have the option of changing the type of service by giving 30 days' notice. Requests for changes in service shall be in writing and addressed to the city. The city reserves the right to determine the number of cans, the number and size of containers and/or frequency of disposal, with applicable charges, during any period of the year, for commercial containers.

c. Bulk item removal. Any item identified in section 54-33 regarding the removal of other waste and non-combustible refuse will be collected by the city, for a minimum disposal fee of \$50.00 plus \$10.00 for each item picked up

d. Unlawful/Illegal Dumping\$250.00

e. Bulk waste. Noncombustible refuse in excess of normal weekly limits, by either residential or commercial establishments shall be picked up at the rate of \$50.00 per hour per collection day, based on elapsed time of collection, plus allowances for disposal run and dump charges. Such charges shall also be made to homes having more than normal trash collection.

(2) Recycling service fees (Commercial)

a. Condominium properties shall be billed based on direct costs incurred by the City to provide recycling service through its contractual service provider.

(3) Billing.

It is the property owner's responsibility to pay charges against the property. It shall be at the discretion of the city to determine the appropriate billing party. Upon request, the city will attempt to bill tenants, but only if the owner signs a statement acknowledging his responsibility for the charges generated, along with the information necessary so that they may be contacted at the point wherever a delinquency occurs. The city reserves the right to bill the property owner, if it so chooses, regardless of circumstances surrounding the account.

(4) Owner's liability.

If the premises are sold, any remaining claims by the city for garbage and trash services not settled at time of transfer of ownership of the property shall become the responsibility of the new owner. This applies equally to the sale or foreclosure of any property and represents charges for service presently or previously provided. On all premises, the owner of such premises shall be liable for all garbage and trash service charges against the property irrespective of whether such premises is occupied by owner, tenant, or vacant. The occupation of fully constructed premises shall be irrelevant to the liability of the owner and/or occupant for the charges as provided for in this section. The schedule of charges shall be imposed on all fully constructed premises, whether occupied or not, and regardless of volume of garbage or trash generated. Liability for payment shall begin on the date of ownership of property.

(5) Payment, penalties, delinquency constitutes lien against property.

(Code 1983, §19-511)

All garbage and trash fees are due and payable upon receipt. Bills not paid within 30 days of the billing date will be considered delinquent and shall constitute grounds for filing a lien against the property with the clerk of the circuit court. Bills that arrive after the 30-day deadline will be assessed penalty interest on the next bill. It is the owner's responsibility to see that the payment arrives within the 30-day billing period. Bills not paid within 30 days shall have penalty interest added at the rate of 1½ percent per month beyond the delinquency date (30days).

B. Stormwater Utility Management

(1) Created.

A stormwater management utility fee, also referred to in this section as "fee" was created and imposed on all developed property within the city for services and facilities provided by the stormwater management program. For the purposes of imposing the fee, all developed property within the city shall be classified into the following three classes:

- a. Residential Property
- b. Non-Residential Property
- c. Mixed Use Property

The Public Works Director will, from time to time, prepare a list of property within the City and assign a classification of residential or nonresidential property.

(2) Schedule of Rates

(Res. 05.20, 09/14/2005)

- (1) The EDU rate shall be \$10.00 per month for each EDU.
- (2) The stormwater management utility fee shall be calculated for each developed property as follows:
 - i. The fee for property consisting solely of dwelling units is the rate of one EDU multiplied by the number of dwelling units existing on the property. That is:

Fee = (EDU rate) X (Number of dwelling units)

- ii. The fee of a property with no dwelling units is the rate of one EDU multiplied by the numerical factor. The numerical factor is obtained by dividing the total impervious area in square feet of the nonresidential property by 1,249 square feet. The resulting calculation is:

Fee = (EDU rate) X (Impervious area expressed in square feet) / 1,249 square feet, but not less than the rate for one EDU)

***Fractional remainders**

- iii. The fee for mixed use property (dwelling units and commercial) is the rate of one EDU multiplied by the number of dwelling units existing on the property. The total on-site impervious is then compared to the impervious area allocated to dwelling units by multiplying the number of dwelling units X 1,249 square feet per dwelling unit and subtracting the resulting square footage of impervious

area from the total impervious area. If the remaining impervious area is zero or negative, the fee is the EDU rate multiplied by the number of dwelling units.

If the remaining impervious area is greater than zero, then the additional fee for the remaining impervious area is calculated under subsection (2)(b) of this section.

- (3) The minimum fee for developed property, whether residential or nonresidential, within the city is equal to the rate of one EDU subject to reduction as set forth in subsection (4) of this section.
- (4) On-site stormwater quality management facilities reduction shall be allowed and calculated as follows:
- i. In order to encourage the improvement of the quality of stormwater runoff, a reduction in the stormwater management utility fee is authorized for those developed properties which are addressed by a stormwater management facility designed and constructed for the purpose of stormwater pollution reduction.
 - ii. A reduction in fee is allowed for a particular developed property only if the stormwater runoff from the property is treated by a stormwater management facility that has been designed, constructed, and is maintained properly for the purpose of stormwater pollution reduction and adheres to the drainage requirements of the ten-year frequency, 60-minute storm event. If it is determined by the Director of Community Services that the stormwater management facility has not been, nor is currently being, properly maintained as designed, the Director of Community Services may disallow the on-site stormwater management facility credit.
 - iii. Specific stormwater treatment facilities that qualify for this reduction include, but are not limited to, retention or filtration ponds; front, rear, and side lot swales; mechanical treatment or separation facilities; or extensive improvement in the amount of pervious surfaces by the use of turf-block for parking areas, driveways, patios and sidewalks.
 - iv. For applicable properties, the fee shall be reduced by 25 percent. The reduced fee will, therefore, be calculated as the fee determined in this subsection multiplied by the factor of 0.75 (Fee X0.75).
- (3) Billing, Collecting, Delinquency, and Penalty
- a. Bills for stormwater service shall be rendered bimonthly by the county water system as agent for the city. The fixed monthly charge shall be payable in advance.
 - b. If any bill shall not be paid within seven days after the date it has been declared delinquent, water service to the premises shall be disconnected until such delinquent account is paid in full, including all applicable disconnection and reconnection charges.
 - c. Statements for the stormwater management utility fee shall be payable at the same time

and in the same manner and subject to the same penalties as they are otherwise set forth for other utility fees administered by the city. The property owner or fee payer will be notified of any delinquency in the payment of the stormwater management utility fee in the same manner that delinquent water, garbage and sewer bills are notified and the failure to pay such fee as is otherwise provided in the statement rendered to the payer shall subject the property to the discontinuance of water, garbage and sewer services and shall subject the fee payer to all other penalties and charges provided relative to the discontinuance of such utility services.

- d. The administrative appeal and hearing procedure applicable to the discontinuance of utility services shall be applicable to the discontinuance of such services for the nonpayment of the stormwater management utility fee.

(4) Adjustments of fees.

(Code 1983, §19-512)

- a. Any owner, tenant or occupant who has paid the rendered fee and who believes that the fee is in error may, subject to the limitations set forth in this division, submit an adjustment request to the Public Works Director.
 - i. Adjustment requests shall be made in writing and shall set forth in detail the grounds upon which the belief is based.
 - ii. The Public Works Director shall review the adjustment request within 90 days of the submittal of the request and shall respond in writing to the requesting fee payer, either denying or granting the request with the reason therefore stated in such response.
 - iii. The rate adjustment, if granted, will apply retroactively to the date at which the erroneous information was applied to the fee payer's fee, but will not exceed one year prior to the adjustment request.
 - iv. Upon denial of the adjustment request, the owner, tenant, or occupant making the original adjustment request may, within 30 days of the receipt of denial, petition for a review of the adjustment request by the board of adjustment. The board of adjustment shall review the adjustment request in accordance with the provisions set forth in the City Code, Chapter 2, as well as the documented evidence provided in the original adjustment request and supplemental evidence requested by the Director of Community Services or provided by the fee payer prior to the decision made by the Director of Community Services. Within 60 days of the petition the board of adjustment shall in writing, either grant or deny the petition. If the petition is granted, the Public Works Director will apply the adjustment to the fee for the requesting customer for the retroactive period identified by the board of adjustment.

- b. The Public Works Director, upon discovering an error or oversight in the calculation of the fee, may initiate an adjustment request. The request must be made in writing documenting the reasons for the adjustment. In the event that the adjustment would require the increase in fee for a fee payer, the Public Works/Marina Director must provide the adjustment request to the affected fee payer 30 days prior to adjusting the fee and offer the fee payer an opportunity within the stated 30 days to provide reasons why the adjustment should not be made. An increase or decrease in fee shall not be retroactively effective more than one year from the date of adjustment.

(5) Sec. 70-156. - Enforcement.

- a. *Civil penalties.* Any violation of any provision of this article, or of any regulation or order issued under this article, shall be subject to a civil penalty not less than \$50.00 or more than \$500.00 per day, or imprisonment of up to 60 days, or both such fine and imprisonment, for each violation.
- b. *Criminal penalties.* Any intentional or willful violation of any provision of this article, or of any regulation or order issued under this article, shall be subject to a criminal penalty not less than \$50.00 or more than \$500.00 per day, or imprisonment of up to 60 days, or both such fine and imprisonment, for each violation.
- c. *Injunctive relief.* Any violation of any provision of this article, or of any regulation or order issued under this article, shall be subject to injunctive relief if necessary to protect the public health, safety, or general welfare.
- d. *Continuing violation.* A person shall be deemed guilty of a separate violation for each and every day during any continuing violation of any provision of this article, or of any regulation or permit issued under this article.
- e. *Enforcement actions.* The director may take all actions necessary, including the issuance of notices of violation and the filing of court actions, to require and enforce compliance with the provisions of this article and with any regulation or permit issued under this article.

ARTICLE VII. MADEIRA BEACH MUNICIPAL MARINA

A. Vessel inspection.

(Code 1983, Chapter 19, Article VII)

Live-aboard vessels desiring to stay beyond ten days will be required to obtain a no-fee annual permit and pay a vessel inspection fee of \$25.00

B. Madeira Beach Municipal Marina fees

(Res 2016-03, 02/10/2016)

The marina maintains the ability to adjust the rates below to account for changes in the sales tax Rates during the fiscal year; allowing for payments to stay consistent until this manual is updated

and approved by the Commission. Employees receive the same rates as residents. The marina staff can issue transient slip discount coupons up to 20% off through online booking sites as a marketing tool. Discounts will be for off peak times.

Fees for the Madeira Beach Municipal Marina shall be as follows (each of these fees are subject to all applicable sales taxes):

- (1) Transient Wet Slip per day.....\$2.10/foot/day
- (2) Transient Wet Slip per week.....\$11.00/foot/week
- (3) Transient Dry Storage
 - a. Regular per day\$28.04/day
 - b. Holidays and/or weekends per day.....\$37.38/day
- (4) Transient Dry Storage~~\$233.64~~ \$257.01 /month
- (5) Wet Slip non-Live-aboard~~\$12.00~~ \$13.50/foot/month
- (6) Boat Lift~~\$15.50~~ \$17.00/foot/month
- (7) Commercial non-live-aboard wet slip.....~~\$13.00~~ \$14.50 /foot/month
- (8) Wet Slip Live – aboard~~\$18.50~~ \$20.00/foot/month
- (9) Dry Storage – under 26’ boat length.....~~\$158.88~~ \$172.90/month
- (10) Dry Storage – 26’+ boat length~~\$196.26~~ \$210.28/month
- (11) Resident Dry Storage (*Limited to Madeira Beach Residents Only*)~~\$128.33~~ \$130.84/month
- (12) Dry storage for non-motorized boat*\$28.17/month
 - a. **Kayaks, canoes, and small boat that can be carried by one (1) person.*
- (13) Boat Ramp Fees
 - a. Launch\$4.67/day
 - b. Launch and Park\$14.02/day
 - c. Holiday Launch and Park\$18.69/day
 - d. Resident Launch (New).....\$1.87
 - e. Resident Launch & Park (New)\$9.35
- (14) Late Fee\$30.00
- (15) Residents with recreational vehicles and motor homes and boat displaced by City Road and/or Stormwater construction will be provided free storage space for those vehicles.
- (16) Fuel Discounts -Maximum discount per gallon \$0.30/gal
 - a. Commercial\$0.20/gal
 - b. Gulf of Mexico Commercial Fishing Fleet Discount\$0.30/gal
 - c. 50+ Gallon\$0.05/gal

- d. Boat US/ Sea Tow\$0.05/gal
- e. Madeira Beach Resident.....\$0.05/gal
- f. City Co-sponsored / Community events.....\$0.20/gal
 - i. Great American Grunt Hunt
 - ii. King of the Beach fishing tournament (Spring and Fall)
 - iii. Veterans Boat Parade
 - iv. Wild West Kingfish Tournament (*Spring and Fall*)
 - v. Sun Coast Kingfish Classic (*Spring and Fall*)
 - vi. Christmas Boat Parade
 - vii. Any other City Co-sponsored events as approved by the City Manager

- (17) Surveillance camera optional fee\$25.00/month

- (18) Live-aboard permits.....\$5.00(72 hours)
(Res 2019-18, 12/17/2019)

- (19) Temporary 3HR Wet Slip Parking/No Power\$20.00 + Tax

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Memorandum

Meeting Details: Board of Commissioners Regular Meeting, August 14, 2024

Prepared For: Honorable Mayor Brooks and the Board of Commissioners

From: Community Development Department

Subject: Ordinance 2024-17 Business Tax Receipt (BTR) fee update, 1st reading and public hearing.

Background: The City of Madeira Beach is able to increase BTRs up to five percent every other year (Florida Statutes Chapter 205).

Discussion: The attached ordinance (Ordinance 2024-17) increases every business tax fee by five percent.

Recommendation(s): Staff recommends approval of Ordinance 2024-17.

Fiscal Impact or Other:

A five percent increase in BTR fees.

Attachments:

Ordinance 2024-17

ORDINANCE 2024-17

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 62 TAXATION, ARTICLE II LOCAL BUSINESS TAX, SECTION 62-60 LOCAL BUSINESS TAX SCHEDULE OF THE CITY'S CODE OF ORDINANCES TO INCREASE THE LEVY OF THE LOCAL BUSINESS TAX FEES BY FIVE PERCENT; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City's establishment and levy of a local business tax is governed by Florida Statutes Chapter 205; and

WHEREAS, Chapter 205 Florida Statutes permits municipalities that undertook the Equity Study Commission and reclassification process by October 1, 1995 to increase by ordinance the local business tax rates every other year by up to 5 percent; and

WHEREAS, the City of Madeira Beach has not increased its local business tax since 2014; and

WHEREAS, Section 790.33 Florida Statutes preempts municipal regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership possession, storage and transportation thereof; and

WHEREAS, the Florida legislature amended Section 790.33 to provide severe penalties for any government official or employee who enacts or causes to be enforced any municipal regulation of firearms and ammunition; and

WHEREAS, the recommendations of staff have been found meritorious by the Board of Commissioners; and

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

Section 1. That Section 62-60 of Chapter 62, Article II, of the Madeira Beach Code of Ordinances is hereby amended to read as follows:

Sec. 62-60. Local business tax schedule.

The Standard Industrial Classification Manual, which is adopted by reference, may be used to assist the city in determining the appropriate local business tax categories acknowledged by the city.

Category Tax

- (1) ABSTRACT COMPANIES, TITLE COMPANY OFFICE ~~\$254.68~~ \$267.41
- (2) ACCOUNTANTS (See Professions)
- (3) ADMINISTRATIVE OFFICE ~~63.67~~ \$63.67
- (4) ADVERTISING:

 - a. Agency—General ~~126.79~~ \$133.13
 - b. Coupon book publisher or distribution ~~254.68~~ \$267.41
 - c. Directory or guide book publisher..... ~~127.34~~ \$133.71
 - d. Handbill or sample distribution (Except licensed persons advertising their own business) ~~89.13~~ \$93.59
 - e. Soliciting for publication-not listed in city ~~63.67~~ \$63.67
 - f. Sound amplification vehicle, each vehicle carrying banners, signs or cartoons except as part of licensed parade ~~63.67~~ \$63.67
 - g. Advertising business:

 - 1. Outdoor advertising business~~63.67~~ \$63.67
 - 2. Construction, installation or maintenance, lease or rental, posting or painting of signs or billboards for advertising other than the business conducted on premises where display is located~~254.68~~ \$267.41

 - h. Schemes, devices and inducements for business (not provided elsewhere—special local business tax required)~~289.44~~ \$303.88
 - i. Parade, including autos, trucks and wagons carrying advertising signs, musical instruments or other devices to attract attention, each parade (city manager approval required) ~~127.34~~ \$133.71

- (5) AGENT OR AGENCY:

 - a. Books, magazines or newspapers ~~63.67~~ \$63.67
 - b. Claim or collection ~~89.13~~ \$93.59
 - c. Consultant ~~89.13~~ \$93.59
 - d. Credit reporting ~~89.13~~ \$93.59
 - e. Errand and courier services~~63.67~~ \$63.67

- f. Insurance (See Insurance)
- g. Manufacturers representative ~~127.34~~ \$133.71
- h. Marketing ~~89.13~~ \$93.59
- i. Tangible goods (dealer) ~~63.67~~ \$63.67
- j. Private detective company ~~127.34~~ \$133.71

Each additional detective ~~63.67~~ \$63.67

- k. Travel (submit certificate from consumer services) ~~89.13~~ \$93.59
- l. Real estate (See Real Estate)
- m. Employment ~~89.13~~ \$93.59
- n. Packaging/shipping ~~63.67~~ \$63.67
- (6) ALARM SYSTEM, FIRE, BURGLARY, Sales and service~~63.67~~ \$63.67
- (7) AMBULANCE SERVICE, Not connected with funeral home ~~76.41~~ \$80.23
- (8) AMUSEMENT PARK~~289.44~~ \$303.88
- (9) AMUSEMENT PARLOR, More than three game machines~~254.68~~ \$267.41
- (10) AMUSEMENT RIDES, each per day~~36.38~~ \$38.20
- (11) APPRAISERS ~~89.13~~ \$93.59
- (12) ARMORED CAR SERVICE ~~89.13~~ \$93.59
- (13) ARTIST:
- a. Commercial ~~89.13~~ \$93.59
- b. Portrait~~63.67~~ \$63.67
- c. Free-lance~~63.67~~ \$63.67
- (14) ASTROLOGER~~798.77~~ \$838.71
- (15) AUCTION HOUSES ~~254.68~~ \$267.41
- (16) AUCTIONEERS, Per day (Must comply with F.S. § 468.386) ~~127.34~~ \$133.71
- (17) AUTOMOTIVE: Business carried on at different locations shall each be licensed as a separate entity. Each business engaging at a single location in more than one of the six classes of activities listed below may secure a combination local business tax receipt. Rate will be that fee, which is highest for any single activity engaged in plus one-half the single or graduated fee specified for each of the other classes of business undertaken.

Automobile and truck:

- 1. Agency—Sale and servicing of new and used cars and trucks. Includes Classes 2, 3 and 4 listed below~~254.68~~ \$267.41
- 2. Dealer—Sale and servicing of only used cars and trucks. Includes Classes 3 and 4 listed below~~127.34~~ \$133.71
- 3. Garage—General repairs, Includes Class 4 listed below (submit certificate from consumer services) ~~89.13~~ \$93.59

4. Repairs and replacement—Specialized service and excluding general repair work:

- Accessories
- Batteries
- Body and fender, includes painting
- Brakes
- Carburetor
- Generator
- Ignition
- Mufflers
- Painting and undercoating
- Radiators
- Speedometers
- Springs
- Tires
- Tops
- Transmissions
- Upholstery and seat covers
- Wheel alignment and balancing
- License for one of the above~~63.67~~ \$66.85
- For any two or more of the above ~~89.13~~ \$93.59

5. Services:

- i. Rental—Cars only~~127.34~~ \$133.71
- ii. Trucks only~~63.67~~ \$66.85
- iii. Combination rental—Cars and trucks~~191.00~~ \$200.55
- iv. Parking lot and storage:
 - Temporary per day ~~12.74~~ \$13.38
 - 1—10 cars~~38.21~~ \$40.12
 - 11—20 cars ~~63.67~~ \$66.85
 - 21—50 cars ~~127.34~~ \$133.71
 - 51—75 cars~~191.00~~ \$200.55
 - 76—100 cars~~289.41~~ \$303.88
 - Over 100 cars~~382.02~~ \$401.12
- v. Washing and polishing, unless licensed in Classes 1, 2, 3 or 6~~63.67~~ \$66.85

- vi. Wrecking or towing service, unless licensed in Classes 1, 2, 3 or 4~~63.67~~
\$66.85
- 6. Service station: One pump~~38.24~~ \$40.12
Each additional pump~~18.20~~ \$19.11
- 7. Hauling trailers—Rentals:
1—5 trailers~~38.24~~ \$40.12
10 trailers~~63.67~~ \$66.85
20 trailers~~89.13~~ \$93.59
21—50 trailers~~127.34~~ \$133.71
- (18) BAIT DEALERS, RETAIL OR WHOLESALE~~50.94~~ \$53.43
- (19) BAKED GOODS, DELIVERY AND/OR SALES~~63.67~~ \$66.85
- (20) BARS, CABARETS, LOUNGES, NIGHTCLUBS, ETC., except bars, cabarets, lounges and nightclubs in a restaurant or motel:
0—5 employees~~115.76~~ \$121.55
6—15 employees~~144.70~~ \$151.94
16—25 employees~~173.65~~ \$182.33
Over 25 employees~~202.59~~ \$212.72
- (21) BARBERSHOPS:
First chair~~63.67~~ \$66.85
Each additional chair~~6.36~~ \$6.68
- (22) BEAUTY PARLORS AND BEAUTY CULTURISTS:
First booth or chair~~63.67~~ \$66.85
Each additional booth or chair ~~6.36~~ \$6.68
- (23) BILLIARD, POOL OR BAGATELLE:
First table~~63.67~~ \$66.85
Each additional table~~25.47~~ \$26.74
- (24) BICYCLE SHOPS—Sales and repair shop~~89.13~~ \$93.59
Repair only~~38.24~~ \$40.12
- (25) BOAT AND LAUNCHES—Power and sail:
a. Charter or party having a capacity of eight passengers or less, each boat
~~76.44~~ \$80.23
b. Charter or party having a capacity of more than eight passengers, less than 30, each boat~~127.34~~ \$133.71
c. Charter or party having a capacity of more than 30 passengers, each boat,
~~115.50~~ \$121.28 plus each passenger over 30 @ (based on Coast Guard rating)
.....~~2.72~~ \$2.86

- d. Boats, dealer in, broker~~127.34~~ \$133.71
- e. Boat marina or storage, including dry storage:
 - 1—10 slips ~~63.67~~ \$66.85
 - 11—50 slips ~~66.85~~ \$70.19
 - Plus each slip over 10 at ~~2.54~~ \$2.67
 - 51—100 slips ~~165.54~~ \$173.82
 - Plus each slip over 50 at ~~1.82~~ \$1.91
 - Over 100 slips ~~229.22~~ \$240.68
 - Plus each slip over 100 at ~~0.90~~ \$0.95
 - Maximum fee shall be ~~382.02~~ \$401.12
- f. Boat charter agency~~89.13~~ \$93.59
- g. Jet ski, boat rental, parasail business~~89.13~~ \$93.59
 - Each water craft~~11.58~~ \$12.16
- h. Private boat slips for rent~~89.13~~ \$93.59
- i. Boat cleaning~~76.41~~ \$80.23
- (26) BLUEPRINT, PHOTOSTAT OR SIMILAR REPRO-*DUCTION*~~63.67~~ \$66.85
- (27) BOTTLED DELIVERY (messenger and package delivery service):
 - Wholesale—Soft drinks and water:
 - First truck ~~63.67~~ \$66.85
 - Each additional truck~~25.47~~ \$26.74
- (28) BOWLING ALLEYS, Each alley ~~25.47~~ \$26.74
- (29) BUSINESS CONSULTANT~~89.13~~ \$93.59
- (30) CARNIVALS AND CIRCUSES~~254.68~~ \$267.41
- (31) CATERER: ~~Canteen, wagon or truck~~ mobile food dispensing vehicle~~63.67~~ \$66.85
- (32) CHARACTER READER: Per person~~798.77~~ \$838.71
- (33) CHRISTMAS TREE STAND: For season~~25.47~~ \$26.74
- (34) CLAIRVOYANT~~798.77~~ \$838.71
- (35) COLD STORAGE OR REFRIGERATION PLANT (Not operated by, for and in connection with other city-licensed business) ~~89.13~~ \$93.59
- (36) CONFECTIONERY STORE (Without other merchandise)~~50.94~~ \$53.46
- (37) CONTRACTORS:
 - a. General building contractors:
 - 1. General contractor (unlimited)~~254.68~~ \$267.41
 - 2. Building contractor (commercial and residential) to four-story ~~231.53~~ \$243.11

3. Residential (one- and two-) family ~~173.65~~ \$182.65

Contractor or subcontractor covers construction or installation and maintenance or repair. Businesses carried on at different locations shall each be licensed as a separate entity. Each business engaging at a single location in more than one of the activities listed below shall secure a combination local business tax receipt unless otherwise indicated. Maximum fee is ~~\$242.55~~ \$231.00. Additional local business tax receipt required for any manufacturing or retail sales operation.

~~4. Contractors (see City of Madeira Beach Fee and Collection Procedure Manual, Article III, H (1))~~

- b. Acoustics ~~115.76~~ \$121.55
- c. Aluminum fabrication and/or installation ~~115.76~~ \$121.55
- d. Awning, shade and Venetian blinds ~~115.76~~ \$121.55
- e. Boiler ~~115.76~~ \$121.55
- f. Carpet cleaning and furniture cleaning ~~115.76~~ \$121.55
- g. Carpentry, cabinet and millwork ~~115.76~~ \$121.55
- h. Demolition ~~115.76~~ \$121.55
- i. Docks and seawalls ~~115.76~~ \$121.55
- j. Dredging ~~115.76~~ \$121.55
- k. Drywall ~~115.76~~ \$121.55
- l. Electrical ~~115.76~~ \$121.55
- m. Elevator ~~115.76~~ \$121.55
- n. Excavating ~~115.76~~ \$121.55
- o. Fence erectors ~~115.76~~ \$121.55
- p. Filling and grading ~~115.76~~ \$121.55
- q. Floor covering, laying, sanding and finishing ~~115.76~~ \$121.55
- r. Garage door and operator installation ~~115.76~~ \$121.55
- s. Framing and trim ~~115.76~~ \$121.55
- t. Glazing ~~115.76~~ \$121.55
- u. Gunite and sandblasting ~~115.76~~ \$121.55
- v. Hauling, trucking or moving ~~115.76~~ \$121.55
- w. Heating, ventilation and air conditioning ~~115.76~~ \$121.55
- x. Housemoving ~~115.76~~ \$121.55
- y. Insulation ~~115.76~~ \$121.55
- z. Intercommunication and sound system ~~115.76~~ \$121.55
- aa. Janitorial service ~~115.76~~ \$121.55
- bb. Land clearing ~~115.76~~ \$121.55

- cc. Landscaping
 - 1. Landscapers and tree surgeons~~76.41~~ \$80.23
 - 2. Lawn service (maintenance only)~~25.47~~ \$26.74
 - 3. Lawn and tree spraying (power equipment) ~~63.67~~ \$66.85
 - 4. Lawn service (general)~~63.67~~ \$66.85
- dd. Lathers and plasters~~115.76~~ \$121.55
- ee. Masonry, concrete, block, brick and stone~~115.76~~ \$121.55
- ff. Ornamental iron work~~115.76~~ \$121.55
- gg. Painters and paperhangers~~115.76~~ \$121.55
- hh. Paving, curbs and gutters: Public thoroughfare and parking lots~~115.76~~ \$121.55
- ii. Pest control~~115.76~~ \$121.55
- jj. Pilings~~115.76~~ \$121.55
- kk. Pipe lines~~115.76~~ \$121.55
- ll. Plumbing and gas fitting~~115.76~~ \$121.55
- mm. Refrigeration, commercial and industrial ~~115.76~~ \$121.55
- nn. Roofing and siding ~~115.76~~ \$121.55
- oo. Roof coating and cleaning~~115.76~~ \$121.55
- ~~pp. Seawalls and docks 115.76~~
- ~~ppqq.~~ Sheet metal, installation only ~~115.76~~ \$121.55
- ~~qqrr.~~ Siding, gutters, soffit, fascia~~115.76~~ \$121.55
- ~~rrss.~~ Solar installation ~~115.76~~ \$121.55
- ~~sstt.~~ Sprinkler system (building, fire, lawn and watering)~~115.76~~ \$121.55
- ~~ttuu.~~ Steel erectors, installation only~~127.34~~ \$133.71
- ~~uuvv.~~ Swimming pools~~127.34~~ \$133.71
- ~~vwxx.~~ Tile, marble and terrazzo~~89.13~~ \$93.59
- ~~wwxx.~~ Waterproofing, caulking ~~89.13~~ \$93.59
- ~~xyyy.~~ Well drilling~~89.13~~ \$93.59
- ~~yyzz.~~ Window, screen and jalousie installation~~89.13~~ \$93.59
- ~~zzaaa.~~ Unclassified (submit contractor)~~89.13~~ \$93.59
- (38) CONVALESCENT, NURSING, AND RETIREMENT HOMES—HOSPITALS, ETC.:
 - 1—10 beds~~126.79~~ \$133.13
 - Each additional bed~~5.09~~ \$5.34
- (39) DAIRY PRODUCTS, PERSON OR FIRM DELIVERING OR SELLING MILK AND BY COMMODITIES AND BY-PRODUCT THEREOF:

- First truck~~89.13~~ \$93.59
- Each additional truck~~24.37~~ \$25.59
- (40) DANCE STUDIO (Ballroom dancing to submit certificate from consumer services)
~~127.34~~ \$133.71
- (41) DANCING, DANCE HALL~~798.77~~ \$838.71
- (42) DECORATOR, INTERIOR ~~89.13~~ \$93.59
- (43) DIVINE HEALER ~~798.77~~ \$838.71
- (44) DRESSMAKING, SEAMSTRESS, MILLINER (See Home Occupation)~~63.67~~
\$66.85
- (45) DRY CLEANING, LAUNDRIES, LINEN SERVICE (not self-service):
 - a. 1—5 employees and proprietor ~~127.34~~ \$133.71
 - b. Over 5 employees, each employee~~5.09~~ \$5.34
 - c. Pickup stations only~~63.67~~ \$66.85
- (46) DRY CLEANING AND LAUNDRY AGENCIES, each truck~~89.13~~ \$93.59
- (47) ENTERTAINMENT, MUSICAL, CONCERT OR SHOW where not held in licensed theater and where the gross proceeds from such entertainment, musical, concert or show is not devoted solely to a bona fide religious, educational, charitable or fraternal purpose. Each performance:
 - a. Where admission is \$1.50 or less~~25.47~~ \$26.74
 - b. Where admission is over \$1.50~~50.94~~ \$53.49
- (48) EQUIPMENT RENTAL:
 - a. Small tools, machines, sports, radio and television, appliances, hospital and household ~~89.13~~ \$93.59
 - b. Construction, road, industrial, agricultural, tools, machinery and implements
~~127.34~~ \$133.71
- (49) EXHIBITS AND ATTRACTIONS: Where admission is charged or donations accepted:
 - a. Permanent, each location~~254.68~~ \$267.41
 - b. Temporary, per day~~25.47~~ \$26.74
- (50) FIREWORKS STAND (Requires prior approval of the board of commissioners) ~~57.89~~
\$60.78
- (51) FISH DEALERS~~76.41~~ \$80.23
- (52) FLORISTS~~76.41~~ \$80.23
- (53) FORTUNETELLERS~~798.77~~ \$838.71
- (54) FRUIT PACKING AND SHIPPING:
 - a. Proprietor of~~76.41~~ \$80.23
 - b. Each employee~~18.20~~ \$19.11
 - c. Agency or branch sales only~~76.41~~ \$80.23

(55) FUNERAL DIRECTORS~~254.68~~ \$267.41

(56) FURNITURE, REFINISH, REUPHOLSTER, CLEAN AND REPAIR:

- a. Employees, including proprietor~~89.13~~ \$93.59
- b. 2—4 employees ~~401.87~~ \$106.96
- c. Over 4 employees~~127.34~~ \$133.71

(57) GAME MACHINES, COIN-OPERATED:

- a. Dealer or lessor ~~254.68~~ \$267.41
- b. Each machine, three or less not commercial recreation (to be paid by owner or by person in whose place of business the machine is operated)~~23.94~~ \$25.14

(58) GASOLINE AND OIL, Wholesale:

- a. Bulk plant and one truck~~254.68~~ \$267.41
- b. Each additional truck~~63.67~~ \$66.85

(59) GOLD AND SILVER, PLATINUM and OTHER PRECIOUS STONES, DEALERS (county license required)

County code reference—Precious metals dealers, § 26-201 et seq. ~~254.68~~ \$267.41

(60) GOLF, MINIATURE, 18 holes~~89.13~~ \$93.59

Each hole over~~185.46~~ \$194.73

Driving range~~89.13~~ \$93.59

~~(61) GUNS, DEALERS AND REPAIRS 127.34~~

~~(6261)~~ HALL FOR RENT ~~89.13~~ \$93.59

~~(6362)~~ HANDICRAFTS—Jewelry, beads and similar articles made by hand (manufacturer)~~127.34~~ \$133.71

~~(6463)~~ HEALTH CLUBS AND REDUCING SALONS

State law reference(s)—Regulations, F.S. ch. 501.

(Submit certificate from consumer services)~~127.34~~ \$133.71

~~(6564)~~ HEARING AID—AGENT OR DEALER~~89.13~~ \$93.59

~~(6665)~~ HOME OCCUPATIONS (see appropriate category for tax)

~~(6766)~~ ICE: Retail stations, coin-operated or other, each~~12.74~~ \$13.38

~~(6867)~~ ICE CREAM:

- a. Wholesale, dealers in~~127.34~~ \$133.71
- b. Retail store or drive-in~~76.41~~ \$80.23

~~(6968)~~ IMPORT/EXPORT~~95.50~~ \$100.28

~~(7069)~~ INSURANCE:

- a. Each company writing one or more of the following:
- 1. Accident and health ~~89.13~~ \$93.59
- 2. Burglary and robbery~~89.13~~ \$93.59

- 3. Casualty and liability~~89.13~~ \$93.59
- 4. Fidelity and surety bonds~~89.13~~ \$93.59
- 5. Fire and occupancy~~89.13~~ \$93.59
- 6. Funeral benefit~~89.13~~ \$93.59
- 7. Life~~89.13~~ \$93.59
- 8. Marine~~89.13~~ \$93.59
- 9. Title guarantee~~89.13~~ \$93.59
- 10. Workmen's compensation~~89.13~~ \$93.59
- b. Placed in city by local agent or traveling representative~~89.13~~ \$93.59
- c. Adjuster (separate local business tax receipt per person)~~127.34~~ \$133.71
- d. Agency (local office acting for one or more insurance companies). Covers only one principal owner, manager or agent~~127.34~~ \$133.71
- e. Agent, salesman, solicitor, collector: Each additional such employee of city-licensed agency~~38.20~~ \$40.11
- (~~7470~~) INVESTMENT COUNSELOR: Independent, not salaried employee or associate of city-licensed firm~~127.34~~ \$133.71
- (~~7271~~) KENNEL ~~89.13~~ \$93.59
- (~~7372~~) KINDERGARTEN, NURSERY OR CHILD CARE CENTER~~63.67~~ \$63.67
- (~~7473~~) KNIFE, SCISSORS AND TOOL SHARPENING:
 - a. Hand-operated~~38.20~~ \$40.11
 - b. Mobile unit with power equipment~~50.94~~ \$53.49
- (~~7574~~) LABORATORY: Analytical, chemical testing, dental, medical research, etc.
~~126.79~~ \$133.13
- (~~7675~~) LAUNDRY, SELF-SERVICE:
 - a. Washers and dryers (coin-operated or otherwise):
 - 1—10 machines~~63.67~~ \$66.85
 - Over 10 machines, each additional ~~2.55~~ \$2.68
 - b. Dry cleaning machines, each ~~12.74~~ \$13.38
- (~~7776~~) LOAN, FINANCE OR CONSUMER DISCOUNT: Excluding banks, credit unions, and pawnbrokers~~254.68~~ \$267.41
- (~~7877~~) LOCKSMITH, Except city-licensed merchant~~89.13~~ \$93.59
- (~~7978~~) LUMBER COMPANIES AND SUPPLY HOUSES~~127.34~~ \$133.71
- (~~8079~~) MAIL ORDER ~~93.83~~ \$98.52
- (~~8180~~) MANAGEMENT CONSULTANT~~93.83~~ \$98.52
- (~~8281~~) MANUFACTURING, FABRICATING, PROCESSING AND COMPOUNDING
~~127.34~~ \$133.71

- (~~8382~~) MARINE WAYS: With or without drydock:
 - a. Proprietor only ~~89.13~~ \$93.59
 - b. Each employee ~~6.36~~ \$6.68
- (~~8483~~) MASSAGE, MASSEUR OR MASSEUSE (Must comply with F.S. ch. 480)
~~89.13~~ \$93.59
- (~~8584~~) MERCHANTS AND MERCHANDISING:
 - a. Retail and wholesale up to \$1,000.00 stock on hand, in storage and including stock held on consignment ~~63.67~~ \$66.85
 - b. Each additional \$1,000.00 or fraction of stock held on consignment ~~7.64~~ \$8.02
Maximum tax for merchandise ~~254.68~~ \$267.41
 - c. Merchants operating from trucks or other vehicles with one person (driver, owner or operator) where stock schedule not applicable ~~76.44~~ \$80.23
Each additional solicitor or salesman ~~25.47~~ \$26.74
 - d. Delivery trucks, each ~~25.47~~ \$26.74
- (~~8685~~) MESSENGER, PACKAGE DELIVERY SERVICE ~~63.67~~ \$66.85
Each additional vehicle ~~25.47~~ \$26.74
- (~~8786~~) MOTION PICTURE THEATERS ~~191.00~~ \$200.55
- (~~8887~~) MOTORCYCLE, MOTORBIKE AND MOTOR SCOOTER:
 - a. Sales, repair and rental ~~89.13~~ \$93.59
 - b. Service/repair only ~~50.94~~ \$53.49
 - c. Rental only ~~50.94~~ \$53.49
- (~~8988~~) MUSIC MACHINE—COIN-OPERATED: (Does not cover amusement or vending machines)
 - a. Dealer or lessor ~~191.00~~ \$200.55
 - b. Operator or lessee, each machine: Operator's local business tax to be collected from person in whose place of business the machine is operated ~~28.94~~ \$30.39
- (~~9089~~) MUSIC STUDIO ~~63.67~~ \$66.85
- (~~9190~~) NAIL SCULPTURE ~~63.67~~ \$66.85
Each additional table ~~6.36~~ \$6.68
- (~~9291~~) NEWSPAPERS AND PUBLICATIONS—Applicable for main office or branch office for route distribution (excepting religious, educational, charitable, fraternal or veteran sponsored, also civic association publication)
 - a. Daily ~~127.34~~ \$133.71
 - b. Weekly ~~89.13~~ \$93.59
- (~~9392~~) PALMIST ~~798.77~~ \$838.71

- (~~9493~~) PAWNBROKER (submit certificate from consumer services)~~573.03~~ \$601.68
- (~~9594~~) PET SHOPS AND ANIMAL GROOMING~~63.67~~ \$66.85
- (~~9695~~) PHOTOGRAPHERS:
 - a. Studio and supplies (see Merchant)
 - b. Each photographer~~63.67~~ \$66.85
 - c. Film processing~~63.67~~ \$66.85
- (~~9796~~) PHRENOLOGIST~~798.77~~ \$838.71
- (~~9897~~) PLATING OR ANODIZING (metal)~~89.13~~ \$93.59
- (~~9998~~) PRINTING, ENGRAVING, LITHOGRAPHING AND BINDING SHOPS~~89.13~~ \$93.59
 - Plus each employee~~6.36~~ \$6.68
- (~~10099~~) PROFESSIONS:
 - a. Accountant~~127.34~~ \$133.71
 - b. Architect~~191.00~~ \$200.55
 - c. Attorney~~191.00~~ \$200.55
 - d. Auditor~~127.34~~ \$133.71
 - e. Bookkeeper~~89.13~~ \$93.59
 - f. Broker (bonds, stocks, and other investments)~~254.68~~ \$267.41
 - g. Chiropodist ~~126.79~~ \$133.13
 - h. Chiropractor ~~191.00~~ \$200.55
 - i. Dental hygienist~~89.13~~ \$93.59
 - j. Dentist~~191.00~~ \$200.55
 - k. Doctor~~191.00~~ \$200.55
 - l. Draftsman~~89.13~~ \$93.59
 - m. Electrologist~~89.13~~ \$93.59
 - n. Engineers:
 - 1. Individual~~191.00~~ \$200.55
 - 2. Firm, company, corporation or association~~254.68~~ \$267.41
 - o. Naprapath~~191.00~~ \$200.55
 - p. Naturopathy~~191.00~~ \$200.55
 - q. Homeopathic physician~~191.00~~ \$200.55
 - r. Optician, oculist, optometrist~~191.00~~ \$200.55
 - s. Osteopath~~191.00~~ \$200.55
 - t. Pharmacist~~89.13~~ \$93.59
 - u. Physical culturist~~89.13~~ \$93.59

- v. Physical therapist ~~89.13~~ \$93.59
- w. Physiotherapist~~89.13~~ \$93.59
- x. Psychologist~~191.00~~ \$200.55
- y. Podiatrist~~127.34~~ \$133.71
- z. Security guard~~89.13~~ \$93.59
- aa. Surveyor:
 - 1. Individual~~89.13~~ \$93.59
 - 2. Firms, etc~~165.54~~ \$173.82
- bb. Veterinarian~~191.00~~ \$200.55
- cc. Counseling ~~191.00~~ \$200.55
- dd. Any profession not listed~~191.00~~ \$200.55
- (~~104~~100) PROMOTER: Entertainments, exhibits and exhibitions, shows, sports events and charity fund raising drives~~289.41~~ \$303.88
- (~~102~~101) PUBLIC RELATIONS:
 - a. Individual~~127.34~~ \$133.71
 - b. Firms, etc.~~191.00~~ \$200.55
- (~~103~~102) PUBLIC STENOGRAPHER (typist)~~38.20~~ \$40.11
- (~~104~~103) REAL ESTATE:
 - a. Broker or appraiser~~89.13~~ \$93.59
 - b. Salesman~~38.20~~ \$40.11
 - c. Property management~~63.67~~ \$66.85

Under state real estate laws, any person who carries a valid real estate registration card is considered to be actively engaged in the real estate business, which makes him subject to the local business tax schedule. Nonresident companies will be charged as salesmen.

(~~105~~104) RENTAL UNITS: (Five and over require a state license)

Owners of two-family dwellings and the manager or owners of apartments in below listed rental units are exempt:

- a. With cooking facilities or where cooking is permitted, rental units, each~~9.27~~ \$9.73
- b. Without cooking facilities, rental units each~~6.95~~ \$7.30
- (~~106~~105) RENTING SERVICES OTHER THAN REAL ESTATE AND AUTOMOBILES AND TRUCKS, INCLUDING DOCKS~~89.13~~ \$93.59
- (~~107~~106) REPAIR SHOPS AND SERVICES: Other than garage and machine; including shoe repair and similar repair:
 - a. Proprietor only~~63.67~~ \$66.85
 - b. Each employee~~6.95~~ \$7.30
- (~~108~~107) RESTAURANTS, LUNCH ROOMS, CAFETERIAS:

- a. 1—20 seats~~57.89~~ \$60.78
- b. All over 20 seats \$50.00 plus each additional at~~1.94~~ \$2.01
- c. Stand or counter without seats~~89.13~~ \$93.59
- d. Drive-in~~127.34~~ \$133.71

Local business tax receipt for any combination of above three types of establishment will be issued at the highest fee specified for any one type plus one-half of the fee for each of any others. Additional fee for preparation of food for consumption off premises if these sales produce more than 20 percent of the total volume.

Also requires each applicable local business such as beverage, dancing, entertainment, merchant, etc., unless connected with business requiring a local business tax receipt, the first \$500.00 of merchandise for sale such as cigars, cigarettes, candy, novelties, etc., shall be exempt.

(~~109108~~) RINK SKATING (Skating or other devices) ~~127.34~~ \$133.71

(~~110109~~) CREDIT UNIONS and BANKS:

Tax is computed on the basis of the total resources as of December 31 of the previous year.

- \$ 0 to \$10,000,000.00~~463.05~~ \$486.20
- \$10,000,000.00 to \$20,000,000.00~~520.94~~ \$546.99
- \$20,000,000.00 to \$30,000,000.00~~578.81~~ \$607.75
- \$30,000,000.00 to \$40,000,000.00~~636.70~~ \$668.54
- \$40,000,000.00 to \$50,000,000.00~~694.58~~ \$729.31

(~~111110~~) SCHOOLS, PRIVATELY OPERATED FOR PROFIT:

- a. Schools for students under 18 years of age, but older than nursery or kindergarten~~89.13~~ \$93.59
- b. Schools for students 18 years of age and older:
 - 1—10 students~~89.13~~ \$93.59
 - 11—25 students ~~127.34~~ \$133.71
 - 26—50 students~~191.00~~ \$200.55
 - Over 50 students~~305.61~~ \$320.89

(~~112111~~) SECONDHAND STORES:

- a. Dealer in clothing~~63.67~~ \$66.85
- b. Dealer in other commodities~~127.34~~ \$133.71

(~~113112~~) SIGNS—Painters:

- a. Individual ~~63.67~~ \$66.85
- b. Firms, companies, corporations or association~~127.34~~ \$133.71

(~~114113~~) SOFT WATER SERVICE:

- a. First truck ~~63.67~~ \$66.85
- b. Each additional truck~~12.74~~ \$13.38

(~~115~~114) SWIMMING POOL:

- a. Public~~127.34~~ \$133.71
- b. Maintenance ~~76.44~~ \$80.23

(~~116~~115) TAILOR~~63.67~~ \$66.85

(~~117~~116) TANNING SALON~~63.67~~ \$66.85

Each additional booth, table~~6.36~~ \$6.68

(~~118~~117) TATTOO PARLOR ~~347.29~~ \$364.65

(~~119~~118) TAX SERVICE~~89.13~~ \$93.59

(~~120~~119) TAXICAB OPERATING WITHIN CITY:

- a. Each~~63.67~~ \$66.85
- b. Each additional ~~25.47~~ \$26.74
- c. Driver~~9.54~~ \$10.02
- d. Background check ~~46.54~~ \$17.37

(~~121~~120) TAXIDERMIST ~~63.67~~ \$66.85

(~~122~~121) TELEPHONE:

- a. Answering service~~63.67~~ \$63.67
- b. Offices or substations~~289.41~~ \$303.88
- c. Branch~~127.34~~ \$133.71
- d. Any person, firm or corporation soliciting by telephone, business for others (submit certificate from consumer services) ~~289.41~~ \$303.88

(~~123~~122) TELEVISION, CABLE TELEVISION, RADIO~~289.41~~ \$303.88

(~~124~~123) TOILETS, PORTABLE SERVICE~~63.67~~ \$66.85

(~~125~~124) TRANSIT OR READY-MIX CEMENT AND CON-CRETE. This required of any distributor making deliveries and/or sales within the city limits, regardless of location of plant.~~127.34~~ \$133.71

(~~126~~125) VENDING MACHINES (Does not cover amusement or music machines):

- a. Dealer or lessor ~~127.34~~ \$133.71
- b. Operator or lessee ~~28.94~~ \$30.39

Operator's local business tax to be collected from person in whose place of business the machine is operated. No local business tax shall be required for any vending machine where the entire proceeds from such machine is used for recognized charitable or benevolent purposes.

(~~127~~126) UNCLASSIFIED BUSINESS. Every business, profession or exhibition substantially fixed or temporarily engaged in by any person within the city and for which no license fee has been otherwise provided and not specifically designated in this section shall pay a local business tax of~~347.29~~ \$364.65

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 Madeira Beach Code of Ordinances 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 _____, 2024.**

Anne-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____

Business Impact Estimate

Proposed ordinance’s title/reference:
Ordinance 2024-17 (increase the levy of the local business tax fees by five percent)

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):
The City of Madeira Beach is able to increase BTRs up to five percent every other year (Florida Statutes Chapter 205)

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.

There would be a five percent increase in BTR fees on businesses located within Madeira Beach. Existing City Staff would still be handling BTRs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:
Any business that requires a BTR that is located in Madeira Beach.

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

NOTICE OF PUBLIC HEARING CITY OF MADEIRA BEACH PROPOSED INCREASE TO BUSINESS TAX RECEIPT FEES

Item 10K.

In accordance with the City of Madeira Beach Code of Ordinances, the City of Madeira Beach City Charter, and Florida Statutes 205.042 and 166.041:

NOTICE IS HEREBY GIVEN that the Board of Commissioners of the City of Madeira Beach will conduct a public hearing on Wednesday, August 14, 2024, at 6:00 p.m. in the Patricia Shontz Commission Chambers, Madeira Beach City Center, 300 Municipal Drive, Madeira Beach, Florida 33708, for the first reading of proposed Ordinance 2024-17 (**increase the levy of the local business tax fees by five percent**). The title of the ordinance is:

ORDINANCE 2024-17

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 62 TAXATION, ARTICLE II LOCAL BUSINESS TAX, SECTION 62-60 LOCAL BUSINESS TAX SCHEDULE OF THE CITY'S CODE OF ORDINANCES TO INCREASE THE LEVY OF THE LOCAL BUSINESS TAX FEES BY FIVE PERCENT; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Notice: Ordinance 2024-17 is available for inspection in the Community Development Office, Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida 33708, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, or online at <https://madeirabeachfl.gov/plan-review-documents/>. If you would like more information regarding the Ordinances, please contact the Community Development Department at 727-391-9951, ext. 244 or planning@madeirabeachfl.gov.

The meeting will be aired on Public Access TV Spectrum Channel 640 and through the City's website.

Note: Any person who decides to appeal any decision of the Board of Commissioners 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 City to transcribe verbatim minutes; therefore, any person needing verbatim minutes must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disabilities Act and F.S. 286.26; any person with a disability requiring reasonable accommodation to participate in this meeting should call 727-391-9951, Ext. 244; email planning@madeirabeachfl.gov; or fax a written request to 727-399-1131.

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Memorandum

Meeting Details: July 24, 2024

Prepared For: Hon. Mayor Brooks & Board of Commissioners

Staff Contact: Andrew Laflin, Finance Director

Subject: Resolution 2024-04 - Formal Adoption of Section 125 Plan

Background

A Section 125 Plan, also known as a Cafeteria Plan is a cost-effective way for the City of Madeira Beach (City) to sponsor its benefits package by offering tax advantages for both the City and its employees. Contributions to the Section 125 Plan (Plan) are withheld on a pretax basis, thereby lowering taxable income, including both federal income tax for employees and FICA taxes for the City and employees. The City offers medical, dental, vision, and other supplemental coverages under the Plan.

A Section 125 Plan should include a Plan document that outlines the benefits offered, eligibility and enrollment, an other information required by the IRS. Exhibit A herein contains the formal Section 125 Plan document, including a Summary Plan Description. The City has had a Section 125 Plan in place to provide pretax benefits to employees and eligible dependents, but Exhibit A formalizes such plan to maintain full compliance with Section 125 of the Internal Revenue Code.

Fiscal Impact

Adoption of the Section 125 Plan does not result in any additional personnel benefits costs to be incurred by the City. Approval of the Plan is intended for compliance purposes in accordance with IRC Section 125.

Recommendation(s)

Staff recommends approval of Resolution 2024-04 – Adoption of the City of Madeira Beach Section 125 Plan.

Attachments

- Resolution 2024-04 – Adoption of Section 125 Cafeteria Plan
- Exhibit A – City of Madeira Beach Section 125 Plan

RESOLUTION 2024-04**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, ADOPTING A SECTION 125 CAFETERIA PLAN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, a Section 125 Plan, also known as a Cafeteria Plan, is a cost-effective way for the City of Madeira Beach to sponsor its benefits package by offering tax advantages for both the City and its employees; and

WHEREAS, contributions to a Section 125 Plan are withheld on a pretax basis, thereby lowering taxable income, including both federal income tax for employees and FICA taxes for the City and employees; and

WHEREAS, the City currently offers medical, dental, vision, and other supplemental coverages under a Section 125 Plan which provides pretax benefits to employees and eligible dependents; and

WHEREAS, this Resolution authorizes the adoption of a Plan document that fully outlines the benefits offered, eligibility and enrollment, in addition to other information required by the IRS, in order to maintain full compliance with Section 125 of the Internal Revenue Code.

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

Section 1. That in order to maintain full compliance with Section 125 of the Internal Revenue Code, the Board of Commissioners of the City of Madeira Beach, Florida, does hereby adopt the City of Madeira Beach Section 125 Plan which is attached hereto as Exhibit A and incorporated herein by reference.

Section 2. That Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Section 3. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect or any other section or part of this Resolution.

Section 4. That this resolution shall become effective immediately upon its passage and adoption.

INTRODUCED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS ____ DAY OF _____, 2024.

Ann-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

Exhibit A – City of Madeira Beach Section 125 Plan

**SECTION 125 PLAN SUMMARY PLAN DESCRIPTION
PLAN INFORMATION SUMMARY**

The Employer named below establishes a Section 125 Plan (the "Plan") as set forth in this Summary Plan Description ("SPD") as of the Effective Date set forth below. The purpose of the Plan is to provide eligible Employees a choice between cash and the specified welfare benefits described in this Plan Information Summary (see "Benefits Provided Under the Plan"). Pre-tax Contribution elections under the Plan are intended to qualify for the exclusion from income provided in Section 125 of the Internal Revenue Code of 1986.

SECTION 125 PLAN EMPLOYER INFORMATION

- 1) Name and Address of Employer: **City of Madeira Beach
300 Municipal Drive
Madeira Beach FL 33708**

Plan Administrator: **City of Madeira Beach**

The Plan Administrator has the exclusive right to interpret the Plan and to decide all matters arising under the Plan, including the right to make determinations of fact and to construe and interpret possible ambiguities, inconsistencies, or omissions in the Plan and this SPD.

1. Employer's Telephone Number: **(727) 391-9951**
2. Employer's Federal Tax Identification Number: **59-6000366**
3. 125 Plan Start Date: **October 1, 2023**
4. Effective Date of this Plan: **October 1, 2023**
5. Last Day of the Plan Year: **September 30**
6. Subsequent Plan Years: **October 1**
7. Name and Address of FSA Claim Administrator: **HealthEquity
PO Box 14374
Lexington KY 40512**
8. Name and Address of registered agent for service of legal process: **City of Madeira Beach
300 Municipal Drive
Madeira Beach FL 33708**

ELIGIBILITY

All Employees employed by the Employer shall be eligible to participate under the Plan, except the following, provided the Employee completes a Salary Redirection Agreement ("SRA"):

Part Time, Seasonal, Contract Employees and Interns

An eligible Employee may become a Participant in the Plan:
1st of the month after the first 30 days of employment

However, eligibility for coverage under any given Benefit Plan or Policy shall be determined by the terms of that Benefit Plan or Policy, and reductions of the Employee's Compensation to pay Pre-tax or After-tax Contribution(s) shall commence when the Employee becomes covered under the applicable Benefit Plan or Policy.

An eligible Employee may become a Participant in the Medical Expense Reimbursement Plan(s) (if elected below):
1st of the month after the first 30 days of employment

BENEFITS PROVIDED UNDER THE PLAN

The following Benefit Plans and Policies subject to the terms and conditions of the Plan are available for election by eligible Employees. The maximum a Participant can contribute via the SRA is the maximum aggregate cost of the Benefit Plans or Policies elected minus any Non-elective Contribution made by the Employer. It is intended that such Pre-tax Contribution amounts shall, for tax purposes, constitute an Employer contribution, but may constitute Employee contributions for state insurance law purposes. Copies of the Benefit Plans or Policies (or a list of eligible Policy numbers) shall be attached as an appendix to this Plan.

Medical Coverage

Vision Care Coverage

Dental Coverage

Supplemental Coverages

Medical Care Expense Reimbursement described in Appendix A to this SPD, not to exceed the maximum amount permitted under the tax code.

Grace Period – Employees have 30 days to use any remaining funds for qualified expenses.

Opt-out Option: See Employer enrollment material.

THE FUNDING AGENT

The Employer, which will comply with the requirements of Article VII of the Plan

ADMINISTRATIVE EXPENSES

The Employer, except as otherwise noted in the Plan

Introduction

City of Madeira Beach (the "Employer") is pleased to sponsor an employee benefit program known as a "Section 125 Plan" (the "Plan") for you and your fellow employees. Under federal tax laws, it is also known as a "cafeteria plan". It is so called because it lets you choose from several different insurance and fringe benefit programs according to your individual needs. The Employer provides you with the opportunity to use pre-tax dollars to pay for them by entering into a salary redirection arrangement instead of receiving a corresponding amount of your regular pay. This arrangement helps you because the benefits you elect are nontaxable; you save Social Security and income taxes on the amount of your salary redirection. Alternatively, your Employer may allow you to pay for any of the available benefits with after-tax contributions on a salary deduction basis.

This Summary Plan Description ("SPD") describes the basic features of the Plan, how it operates, and how you can get the maximum advantage from it. Information relating to the Plan that is specific to your Employer is described in the Plan Information Summary attached to the front of this SPD. You will be referred to the Plan Information Summary throughout the SPD. The Plan is also established pursuant to a plan document into which this SPD has been incorporated. If there is a conflict between the official plan document and the SPD, the plan document will govern.

In some cases, the Employer may adopt a Medical Care and/or Dependent Care Reimbursement Plan. If so, they will be listed in the Plan Information Summary as "Benefits Provided under the Plan," and the SPD for each Reimbursement Plan adopted by the Employer will be set forth in Appendix A to this SPD.

You may also be able to make pre-tax contributions to a Health Savings Account (as defined in Code Section 223) through this Plan if Health Savings Accounts are identified as an included benefit under "Benefits Provided under the Plan" in the Plan Information Summary. If Health Savings Accounts are identified as a benefit plan option offered under the Plan, your rights and obligations in regard to such contributions will be set forth in the Health Savings Account Contribution in Appendix A attached hereto.

Questions & Answers about the Section 125 Plan

What is the purpose of the Plan?

The purpose of the Plan is to allow eligible employees to pay for certain benefits offered under the Plan (called "Benefit Plans or Policies") with pre-tax dollars called "Pre-tax Contributions".

What benefits can I purchase on a pre-tax basis through the Plan?

You will be able to choose to participate in the Plan's various pre-tax options by filling out any required enrollment form(s) for the component Benefit Plans or Policies offered under the Plan. The complete list of Benefit Plans or Policies offered under the Plan is located in the Plan Information Summary under "Benefits Offered Under the Plan." NOTE: You may only contribute with Pre-tax Contributions towards the cost of Benefit Plans or Policies that cover you, your legal Spouse, and/or your tax Dependents defined under Internal Revenue Code Section 152. Each Benefit Plan or Policy may define eligible Dependents more narrowly for purposes of coverage under the particular Benefit Plan or Policy.

Who can participate in the Plan?

Each employee of the Employer (or an Affiliated Employer identified in the Plan Information Summary) who satisfies the eligibility requirements described in the Plan Information Summary and who is eligible to participate in any of the Benefit Plans or Policies offered under the Plan will be eligible to participate in this Plan as of the date described in the Plan Information Summary (see below for instructions on how to become a Participant). Those employees who actually participate in the Plan are called "Participants." The terms of eligibility of this Plan do not override the terms of eligibility of each of the Benefit Plans or Policies offered under the Plan. For the details regarding eligibility provisions, benefit amounts, and premium schedules for each of the Benefit Plans or Policies, please refer to the plan summary for each of the Benefit Plans or Policies listed in the Plan Information Summary.

Only coverage for an Employee and the Employee's Dependents may be paid for under this Plan. A dependent is defined generally as an individual who would be considered the Employee's spouse under the federal income tax code or the Employee's tax dependents as defined in Code Section 152; however, for purposes of health benefits and Dependent Care Reimbursement ("DDC") benefits offered under the Plan, a dependent is defined as (i) for health plan purposes, as set forth in Code Section 105(b) and (ii) for DDC purposes, as any person who meets the requirements to be a "qualifying individual" as defined in the DDC component SPD.

When does my participation in the Plan end?

You continue to participate in the Plan until (i) you elect not to participate in accordance with rules below; (ii) you no longer satisfy the eligibility requirements described in the Plan Information Summary; (iii) you terminate employment with the Employer; or (iv) the Plan is terminated or amended to exclude you or the class of employees of which you are a member. If your employment with the Employer is terminated during the Plan Year or you otherwise cease to be eligible, your active participation in the Plan will automatically cease, and you will not be able to make any more Pre-tax Contributions under the Plan. If you are rehired within the same Plan Year or you become eligible again, you may make new elections, provided that you are rehired or become eligible again more than 30 days after you terminated employment or lost eligibility. If you are rehired or again become eligible within 30 days or less, your prior elections will be reinstated and remain in effect for the remainder of the Plan Year unless you again lose eligibility.

How do I become a Participant?

You become a Participant by signing an individual Salary Redirection Agreement (“SRA”) on which you elect one or more of the Benefit Plans or Policies available under the Plan, as well as agree to a salary redirection to pay for those benefits so elected. You will be provided an SRA when you first become eligible to participate in this Plan. You must complete the form and turn it in to the Human Resources during the applicable enrollment period described below.

What are the enrollment periods for entering the Plan?

If you are eligible on the effective date of the Plan, you must enroll during the enrollment period immediately preceding the effective date of the Plan. Otherwise, you must enroll during either the “Initial Enrollment Period” or the “Annual Enrollment Period”. You will be notified of the dates that each enrollment period begins and ends in the enrollment material provided to you prior to each enrollment period. If you make an election during the Initial Enrollment Period, your participation in this Plan will begin on the later of your eligibility date described in the Plan Information Summary, the first pay period coinciding with or next following the date that your election is received by the Plan Administrator (or its designated claims administrator) or the date coverage under a Benefit Plan or policy that you elect begins. The effective date of coverage under the applicable Benefit Plan(s) or Policy(ies) is governed by the terms of each Benefit Plan or Policy, as set forth in the governing documents for each Benefit Plan or Policy. The election that you make during the Initial Enrollment Period is effective for the remainder of the Plan Year and generally cannot be revoked during the Plan Year unless you have a Change in Status event as described below. If you do not make an election during the Initial Enrollment Period, you will be deemed to have elected not to participate in this Plan for the remainder of the Plan Year. You may, however, be covered by certain Benefit Plans or Policies automatically (and be required to contribute with pre-tax dollars) even if you fail to make an election. These automatic Benefit Plans or Policies are called “Default Benefits” and will be identified in the enrollment material that you receive.

The election that you make during the Annual Enrollment Period is effective the first day of the next Plan Year and is irrevocable for the entire Plan Year unless you have a Change in Status event described below. A Participant who fails to complete, sign, and file an SRA during the Annual Enrollment Period as required shall be deemed to have elected to continue participation in the Plan with the same benefit elections as during the prior Plan Year (adjusted to reflect any increase/decrease in applicable premiums), and except for a Change in Status, will not be permitted to modify his election until the next Annual Enrollment Period. Notwithstanding the foregoing, annual elections for participation in the Medical Care and Dependent Care Expense Reimbursement Plans, if offered under the Plan, must be made by submitting an SRA prior to the beginning of each Plan Year -- no deemed elections shall occur with respect to such benefits.

The Plan Year is generally a 12-month period (except during the initial or last Plan Year of the Plan). The beginning and ending dates of the Plan Year are described in the Plan Information Summary.

What tax advantages are available through the Plan?

Suppose your monthly gross pay is \$2,500 per month and your cost for coverage is \$140 per month. Also, suppose your total withholdings (income tax and Social Security) are 22.65%. After paying for coverage from your after-tax pay, your take home pay is \$1,794. However, under the pre-tax premium plan, you will be considered to have received \$2,360 gross pay rather than \$2,500 for tax purposes with \$140 contributed for medical coverage. This means your take home pay will be \$1,825 with the pre-tax premium plan rather than \$1,794 without it. Thus, you save \$31 per month (\$372 per year) by participating in the pre-tax premium plan. The Table below illustrates this savings.

	<u>With Cafeteria Plan</u>	<u>Without Cafeteria Plan</u>
Gross Monthly Pay	\$2,500	\$2,500
Pre-Tax Coverage Under Plan	140	--
Taxable Income	<u>2,360</u>	<u>2,500</u>
Estimated Federal Tax (15%)	354	375
FICA Tax	181	191
After-tax Coverage	--	<u>140</u>
Take Home Pay	1,825	1,794

Monthly Savings: \$31.00

How are my contributions under the Benefit Plans or Policies made?

When you become a Participant, your share of the contributions for the elected Benefit Plan or Policy(ies) will be paid with Pre-tax Contributions elected on the SRA. Pre-tax Contributions are amounts withheld from your gross income before any applicable federal and state taxes have been deducted (some state tax laws do not recognize Pre-tax Contributions). In addition, all or a portion of the cost of the Benefit Plans or Policies may, in the Employer’s discretion, be paid with contributions made by the Employer on behalf of each Participant.

Can I ever change my election during the Plan Year?

Generally, you cannot change your election to participate in the Plan or vary the Pre-tax Contribution amounts although your election will terminate if you are no longer working for the Employer or no longer eligible under the terms of the Plan. Otherwise, you may change your elections for Pre-Tax Contributions only during the Annual Enrollment Period, and then, only for the coming Plan Year. There are several important exceptions to this general rule: You may change or revoke your previous election during the Plan Year if you file a written request for change with the Plan Administrator (or its designated claims administrator) within 30 days of any of the following events:

Change in Status. If one or more of the following “Changes in Status” occur, you may revoke your old election and make a new election, provided that both the revocation and new election are on account of and correspond with the Change in Status (as described below).

Those occurrences that qualify as a Change in Status include the events described below, as well as any other events that the Plan Administrator determines are permitted under subsequent IRS regulations:

- a change in your legal marital status (such as marriage, legal separation, annulment, or divorce or death of your Spouse);
- a change in the number of your tax Dependents (such as the birth of a child, adoption or placement for adoption of a Dependent, or death of a Dependent);
- any of the following events that change the employment status of you, your Spouse, or your Dependent that affect benefit eligibility under a cafeteria plan (including this Plan and the Plan of another employer) or other employee benefit plan of yours, your Spouse, or your Dependents. Such events include any of the following changes in employment status: termination or commencement of employment, a strike or lockout, a commencement of or return from an unpaid leave of absence, or part-time to full-time; incurring a reduction or increase in hours of employment; or any other similar change which makes the individual become (or cease to be) eligible for a particular employee benefit (NOTE: The specific rules governing election changes when you take a leave of absence are described below);
- an event that causes your Dependent to satisfy or cease to satisfy an eligibility requirement for a particular benefit (such as attaining a specified age, getting married, or ceasing to be a student);

If a Change in Status occurs and you want to make a corresponding election change, you must inform the Plan Administrator and complete a new election within 30 days from the date of the event. The election change must be on account of and correspond with the Change in Status event as determined by the Plan Administrator with the exception of special enrollment resulting from birth, placement for adoption or adoption, all election changes are prospective.

As a general rule, a desired election change will be found to be consistent with a Change in Status event if the event affects eligibility for coverage. A Change in Status affects eligibility for coverage if it results in an increase or decrease in the number of Dependents who may benefit under the plan. In addition, you must also satisfy the following specific requirements in order to alter your election based on that Change in Status:

- **Loss of Dependent Eligibility.** For accident and health benefits (e.g., health, dental and vision coverage, and Medical Care Reimbursement Plan), a special rule governs which types of election changes are consistent with the Change in Status. For a Change in Status involving your divorce, annulment or legal separation from your Spouse, the death of your Spouse or your Dependent, or your Dependent ceasing to satisfy the eligibility requirements for coverage, your election to cancel accident or health benefits for any individual other than your Spouse involved in the divorce, annulment, or legal separation, your deceased Spouse or Dependent, or your Dependent that ceased to satisfy the eligibility requirements, would fail to correspond with that Change in Status. Hence, you may only cancel accident or health coverage for the affected Spouse or Dependent.

Example: Employee Bill is married to Mary, and they have one child. The employer offers a calendar year cafeteria plan that allows employees to elect no health coverage, employee-only coverage, employee-plus-one-Dependent coverage, or family coverage. Before the plan year, Bill elects family coverage for himself, his wife Mary, and their child. Bill and Mary subsequently divorce during the plan year; Mary loses eligibility for coverage under the plan, while the child is still eligible for coverage under the plan. Bill now wishes to cancel his previous election and elect no health coverage. The divorce between Bill and Mary constitutes a Change in Status. An election to cancel coverage for Mary is consistent with this Change in Status. However, an election to cancel coverage for Bill and/or the child is not consistent with this Change in Status. In contrast, an election to change to employee-plus-one-Dependent coverage would be consistent with this Change in Status. However, there are instances in which you may be able to increase your Pre-tax Contributions to pay for COBRA coverage of a Dependent child or yourself.

- **Gain of Coverage Eligibility Under Another Employer's Plan.** For a Change in Status in which you, your Spouse, or your Dependent gain eligibility for coverage under another employer's cafeteria plan (or Benefit Plan or Policy) as a result of a change in your marital status or a change in your, your Spouse's, or your Dependent's employment status, your election to cease or decrease coverage for that individual under the Plan would correspond with that Change in Status only if coverage for that individual becomes effective or is increased under the other employer's plan.
- **Dependent Care Reimbursement Plan Benefits (if offered under the Plan. See the list of Benefit Plans or Policies offered under the Plan in the Plan Information Summary).** With respect to the Dependent Care Reimbursement Plan benefit (if offered by the Plan), you may change or terminate your election only if (1) such change or termination is made on account of and corresponds with a Change in Status that affects eligibility for coverage under the Plan; or (2) your election change is on account of and corresponds with a Change in Status that affects the eligibility of Dependent care assistance expenses for the available tax exclusion.

Example: Employee Bill is married to Mary, and they have a 12 year-old daughter. The employer's plan offers a Dependent care expense reimbursement program as part of its cafeteria plan. Bill elects to reduce his salary by \$2,000 during a plan year to fund Dependent care coverage for his daughter. In the middle of the plan year when the daughter turns 13 years old, however, she is no longer eligible to participate in the Dependent care program. This event constitutes a Change in Status. Bill's election to cancel coverage under the Dependent care program would be consistent with this Change in Status.

- **Group Term Life Insurance, Disability Income, or Dismemberment Benefits (if offered under the Plan. See the list of Benefit Plans or Policies offered under the Plan in the Plan Information Summary).** For group term life insurance, disability income, and accidental death and dismemberment benefits, if you experience any Change in Status (as described above), you may elect either to increase or decrease coverage.

Example: Employee Bill is married to Mary, and they have one child. The employer's plan offers a cafeteria plan which funds group-term life insurance coverage (and other benefits) through salary reduction. Before the plan year Bill elects \$10,000 of group-term life insurance. Bill and Mary subsequently divorce during the plan year. The divorce

constitutes a Change in Status. An election by Bill either to increase or to decrease his group-term life insurance coverage would each be consistent with this Change in Status.

Special Enrollment Rights. If you, your Spouse, and/or a Dependent are entitled to special enrollment rights under a Benefit Plan or Policy that is a group health plan, you may change your election to correspond with the special enrollment right. Thus, for example, if you declined enrollment in medical coverage for yourself or your eligible Dependents because of outside medical coverage and eligibility for such coverage is subsequently lost due to certain reasons (i.e., due to legal separation, divorce, death, termination of employment, reduction in hours, or exhaustion of COBRA period), you may be able to elect medical coverage under the Benefit Plan or Policy for yourself and your eligible Dependents who lost such coverage. Furthermore, if you have a new Dependent as a result of marriage, birth, adoption, or placement for adoption, you may also be able to enroll yourself, your Spouse, and your newly acquired Dependents, provided that you request enrollment within the Election Change Period. An election change that corresponds with a special enrollment must be prospective, unless the special enrollment is attributable to the birth, adoption, or placement for adoption of a child, which may be retroactive up to 30 days. Please refer to the group health plan description for an explanation of special enrollment rights.

Effective April 1, 2009, if you or your eligible Dependent (1) lose coverage under a Medicaid Plan under Title XIX of the Social Security Act; (2) lose coverage under a State Children's Health Insurance Program (SCHIP) under Title XXI of the Social Security Act; or (3) become eligible for group health plan premium assistance under Medicaid or SCHIP and you are entitled to special enrollment rights under a Benefit Plan or Policy that is a group health plan, you may change your election to correspond with the special enrollment right. Thus, for example, if you declined enrollment in medical coverage for yourself or your eligible Dependent(s) because of medical coverage under Medicaid or SCHIP and eligibility for such coverage is subsequently lost, you may be eligible to elect medical coverage under a Benefit Plan or Policy for yourself and your Dependent(s). You must request an election change to enroll in group plan coverage within 60 days from the date (1) the coverage terminates under the Medicaid or SCHIP plan or (2) the Employee or dependent child is determined eligible for state premium assistance. Please refer to the group health plan summary description for an explanation of special enrollment rights.

- **Certain Judgments, Decrees and Orders.** If a judgment, decree or order from a divorce, separation, annulment, or custody change requires your Dependent child (including a foster child who is your tax Dependent) to be covered under this Plan, you may change your election to provide coverage for the Dependent child identified in the order. If the order requires that another individual (such as your former Spouse) cover the Dependent child, and such coverage is actually provided, you may change your election to revoke coverage for the Dependent child.
- **Entitlement to Medicare or Medicaid.** If you, your Spouse, or a Dependent becomes entitled to Medicare or Medicaid, you may cancel that person's accident or health coverage. Similarly, if you, your Spouse, or a Dependent who has been entitled to Medicare or Medicaid loses eligibility for such, you may, subject to the terms of the underlying plan, elect to begin or increase that person's accident or health coverage.
- **Change in Cost.** If you are notified that the cost of your Benefit Plan or Policy coverage under the Plan significantly increases or decreases during the Plan Year, you may make certain election changes. If the cost significantly increases, you may choose either to make an increase in your contributions, revoke your election and receive coverage under another Benefit Plan or Policy that provides similar coverage, or drop coverage altogether if no similar coverage exists. If the cost significantly decreases, you may revoke your election and elect to receive coverage provided under the option that decreased in cost. For insignificant increases or decreases in the cost of Benefit Plans or Policies, however, your Pre-tax Contributions will automatically be adjusted to reflect the minor change in cost. The Plan Administrator will have final authority to determine whether the requirements of this section are met. (Please note that none of the above "Change in Cost" exceptions are applicable to a Medical Care Reimbursement Plan, to the extent offered under the Plan.)

Example: Employee Bill is covered under an indemnity option of his employer's accident and health insurance coverage. If the cost of this option significantly increases during a period of coverage, the Employee may make a corresponding increase in his payments or may instead revoke his election and elect coverage under an HMO option.

- **Change in Coverage.** If you are notified that your Benefit Plan or Policy coverage under the Plan is significantly curtailed, you may revoke your election and elect coverage under another Benefit Plan or Policy that provides similar coverage. If the significant curtailment amounts to a complete loss of coverage, you may also drop coverage if no other similar coverage is available. Further, if the Plan adds or significantly improves a benefit option during the Plan Year, you may revoke your election and elect to receive on a prospective basis coverage provided by the newly added or significantly improved option, so long as the newly added or significantly improved option provides similar coverage. Also, you may make an election change that is on account of and corresponds with a change made under another employer plan (including a plan of the Employer or another employer), so long as: (a) the other employer plan permits its participants to make an election change permitted under the IRS regulations; or (b) the Plan Year for this Plan is different from the Plan Year of the other employer plan. Finally, you may change your election to add coverage under this Plan for yourself, your Spouse, or your Dependent if such individual(s) loses coverage under any group health coverage sponsored by a governmental or educational institution. The Plan Administrator will have final discretion to determine whether the requirements of this section are met. (Please note that none of the above "Change in Coverage" exceptions are applicable to the Medical Care Reimbursement Plan, to the extent offered under the Plan.)
- **Reduction in Hours** You are permitted to revoke an election of coverage under a group health plan due to reduction in hours of service. In order to revoke an election of coverage under a group health plan due to reduction in hours of service, you must have been in an employment status under which you were reasonably expected to average at least 30 hours of service per week and there is a change in your status so that you will reasonably be expected to average less than 30 hours of service per week after the change. This election may be made even if the drop in hours does not cause the employee to lose health care coverage eligibility.
- **Marketplace Open Enrollment** You are permitted to revoke an election of coverage under a group health plan due to enrollment in a qualified health plan offered through the Health Insurance Marketplace. In order to revoke an election of coverage under a group health plan due to enrollment in a qualified health plan offered through the Health Insurance Marketplace, you must be eligible for a special enrollment period to enroll in a qualified health plan through the marketplace or during the marketplace's annual enrollment period. In addition, the revocation of the election of coverage under the group health plan

must correspond to your intended enrollment (and any related individuals who cease coverage due to the revocation) in a qualified health plan through a marketplace for new coverage that is effective no later than the day immediately following the last day of the original coverage that is revoked.

Additionally, your election(s), may be modified downward during the Plan Year if you are a Key Employee or Highly Compensated Individual (as defined by the Internal Revenue Code), if necessary to prevent the Plan from becoming discriminatory within the meaning of the federal income tax law.

How long will the Plan remain in effect?

Although the Employer expects to maintain the Plan indefinitely, it has the right to modify or terminate the program at any time for any reason. It is also possible that future changes in state or federal tax laws may require that the Plan be amended accordingly.

What happens if my claim for benefits under this Plan is denied?

Any claims disputes are made directly to the provider.

What effect will Plan participation have on Social Security and other benefits?

Plan participation will reduce the amount of your taxable compensation. Accordingly, there could be a decrease in your Social Security benefits and/or other benefits (e.g., pension, disability and life insurance) that are based on taxable compensation.

What happens if I take a leave of absence?

- If you go on a qualifying unpaid leave under the Family and Medical Leave Act of 1993 (FMLA), to the extent required by the FMLA, the Employer will continue to maintain your Benefit Plans or Policies providing health coverage on the same terms and conditions as though you were still active (e.g., the Employer will continue to pay its share of the contribution to the extent you opt to continue coverage).
- Your Employer may elect to continue all coverage for Participants while they are on paid leave (provided Participants on non-FMLA paid leave are required to continue coverage). If so, you will pay your share of the contributions by the method normally used during any paid leave (for example, with Pre-tax Contributions if that is what was used before the FMLA leave began).
- In the event of unpaid FMLA leave (or paid leave where coverage is not required to be continued), if you opt to continue your group health coverage, you may pay your share of the contribution with after-tax dollars while on leave, or you may be given the option to pre-pay all or a portion of your share of the contribution for the expected duration of the leave with Pre-tax Contributions from your pre-leave compensation by making a special election to that effect before the date such compensation would normally be made available to you provided, however, that pre-payments of Pre-tax Contributions may not be utilized to fund coverage during the next Plan Year, or by other arrangements agreed upon between you and the Plan Administrator (for example, the Plan Administrator may fund coverage during the leave and withhold amounts from your compensation upon your return from leave). The payment options provided by the Employer will be established in accordance with Code Section 125, FMLA and the Employer's internal policies and procedures regarding leaves of absence. Alternatively, the Employer may require all Participants to continue coverage during the leave. If so, you may elect to discontinue your share of the required contributions until you return from leave. Upon return from leave, you will be required to repay the contribution not paid during the leave in a manner agreed upon with the Administrator.
- If your coverage ceases while on FMLA leave (e.g., for non-payment of required contributions), you will be permitted to re-enter the Plan upon return from such leave on the same basis as you were participating in the Plan prior to the leave, or as otherwise required by the FMLA. Your coverage under the Benefit Plans or Policies providing health coverage may be automatically reinstated provided that coverage for Employees on non-FMLA leave is automatically reinstated upon return from leave.
- The Employer may, on a uniform and consistent basis, continue your group health coverage for the duration of the leave following your failure to pay the required contribution. Upon return from leave, you will be required to repay the contribution in a manner agreed upon by you and Employer.
- If you are commencing or returning from unpaid FMLA leave, your election under this Plan for Benefit Plans or Policies providing non-health benefits shall be treated in the same manner that elections for non-health Benefit Plans or Policies are treated with respect to Participants commencing and returning from unpaid non-FMLA leave.
- If you go on an unpaid non-FMLA leave of absence (e.g., personal leave, sick leave, etc.) that does not affect eligibility in this Plan or a Benefit Plan or Policy offered under this plan, then you will continue to participate and the contribution due will be paid by pre-payment before going on leave, by after-tax contributions while on leave, or with catch-up contributions after the leave ends, as may be determined by the Administrator. If you go on an unpaid leave that affects eligibility under this Plan or a Benefit Plan or Policy, the election change rules below will apply. The Plan Administrator will have discretion to determine whether taking an unpaid non-FMLA leave of absence affects eligibility.

Is there any other information that I should know about the Plan?

Participation in the Plan does not give any Participant the right to be retained in the employ of his or her Employer or any other right not specified in the Plan. The Plan Administrator's name, address and telephone number appear in the Plan Information Summary attached to the front of this SPD. The Plan Administrator has the exclusive right to interpret the Plan and to decide all matters arising under the Plan, including the right to make determinations of fact, and construe and interpret possible ambiguities, inconsistencies, or omissions in the Plan and this SPD. Other important information such as the Plan Number and Plan Sponsor's name and address has also been provided in the Plan Information Summary.

COBRA CONTINUATION COVERAGE

If you are participating in the Health FSA and your Company is not a small employer, then COBRA applies. A "small employer" is generally an employer that employs 20 or fewer employees, but you should contact the Plan Administrator who can inform you if the Company is a small employer not subject to COBRA and is not required to comply with these rules. Depending on your Health FSA balance at the time of the Qualifying Event (described below), you may not be eligible for COBRA continuation coverage.

Qualifying Events

You have the right to continue your coverage under the Health FSA if any of the following events results in your loss of coverage under the Health FSA:

- termination of employment for any reason other than gross misconduct
- reduction in your hours of employment

Your spouse and dependent children (including children born to you or placed for adoption with you) have the right to continue coverage under the Health FSA if any of the following events results in their loss of coverage under the Health FSA:

- termination of your employment for any reason other than gross misconduct
- reduction in your hours of employment
- you become enrolled in Medicare
- you and your spouse divorce or are legally separated
- your death
- your dependent ceases to be a "dependent child" for purposes of COBRA

Persons entitled to continue coverage under COBRA are "Qualified Beneficiaries."

If the cost of COBRA continuation coverage for the remainder of the Plan Year equals or exceeds the amount of reimbursement you have available under the Health FSA for the remainder of the Plan Year, you, your spouse, and/or your dependent child(ren) generally do not have the right to elect COBRA continuation coverage. You will be provided notice of your right to elect COBRA continuation coverage.

Continuing Coverage

You may continue the level of coverage you had in effect immediately preceding the Qualifying Event. However, if Plan benefits are modified for similarly situated active employees, then they will be modified for you and other Qualified Beneficiaries as well. You will be eligible to make a change in your benefit election with respect to the Plan upon the occurrence of any event that permits a similarly situated active employee to make a benefit election change during a Plan Year.

You, your spouse, or your dependent child(ren) must notify the Plan Administrator or its delegate in writing of a divorce, legal separation, or a child losing dependent status under the Plan within 60 days after the later of (1) the date of the Qualifying Event or (2) the date on which coverage is lost under the Plan because of the event. After receiving notice of a Qualifying Event, the Plan Administrator will provide Qualifying Beneficiaries with an election notice, which describes the right to COBRA continuation coverage and how to make an election. Notice to your spouse is deemed notice to your covered dependents that reside with the spouse.

You or your dependent(s) are responsible for notifying the Plan Administrator or its delegate if you or your dependent(s) become covered under another group health plan or entitled to Medicare.

Election Procedures and Deadlines

A Qualified Beneficiary may make an election for COBRA continuation coverage if they are not covered under the Plan as a result of another Qualified Beneficiary's COBRA continuation election. To elect COBRA continuation coverage, you must complete the applicable election form within 60 days from the later of (1) the date the election notice was provided to you or (2) the date that the Qualified Beneficiary would otherwise lose coverage under the Plan due to the Qualifying Event and submit it to the Plan Administrator or its delegate. If the Qualified Beneficiary does not return the election form within the 60-day period, it will be considered a waiver of their COBRA continuation coverage rights.

Cost of COBRA Continuation Coverage

The cost of COBRA continuation coverage will not exceed 102% of the applicable premium for the period of continuation coverage.

When Continuation Coverage Ends

You may be able to continue coverage under the Health FSA until the end of the Plan Year in which the Qualifying Event occurs. However, COBRA continuation coverage may end earlier for any of the following reasons:

- You fail to make a required COBRA continuation coverage contribution;
- The date that you first become covered under another Health FSA;
- The date that you first become entitled to Medicare; or
- The date the Company no longer provides a Health FSA to any of its employees.

Termination of Employment

If you terminate employment with the Company for any reason during the Plan Year, your contributions to your FSA will end as of your date of termination. You may submit claims for reimbursement from your FSA for expenses incurred during the Plan Year prior to your termination of employment. You must submit claims for reimbursement from your Health FSA no later than 45 days after the date your employment terminates. Any balance remaining in your Health FSA will be forfeited after claims submitted prior to this date have been processed.

YOUR RIGHTS UNDER ERISA

As a participant in the Health FSA under this Plan, you are entitled to certain rights and protections under the Employee Retirement Income Security Act of 1974 (ERISA). ERISA provides that all participants in a plan governed by ERISA shall be entitled to:

- Examine, without charge, at the Plan Administrator's office and at other specified locations, such as worksites and union halls, all documents governing the plan, including insurance contracts and collective bargaining agreements, and a copy of the latest annual report (Form 5500 Series) filed by the Plan with the U.S. Department of Labor and available at the Public Disclosure Room of the Employee Benefits Security Administration.
- Obtain, upon written request to the Plan Administrator, copies of documents governing the operation of the plan, including insurance contracts and collective bargaining agreements, and copies of the latest annual report (Form 5500 Series) and updated summary plan description. The administrator may make a reasonable charge for the copies.
- Receive a summary of the plan's annual financial report. The plan administrator is required by law to furnish each participant with a copy of this summary annual report.
- Continue health care coverage for yourself, spouse or dependents if there is a loss of coverage under the plan as a result of a qualifying event. You or your dependents may have to pay for such coverage. Review this summary plan description and the documents governing the plan on the rules governing your COBRA continuation coverage rights.

Prudent Actions by Plan Fiduciaries

In addition to creating rights for participants in plans governed by ERISA, ERISA imposes duties upon the people who are responsible for the operation of the employee benefit plan. The people who operate your plan, called "fiduciaries" of the Plan, have a duty to do so prudently and in the interest of you and other plan participants and beneficiaries. No one, including your Company, your union, if applicable, or any other person, may fire you or otherwise discriminate against you in any way to prevent you from obtaining an ERISA welfare benefit or exercising your rights under ERISA.

Enforce Your Rights

If your claim for an ERISA welfare benefit is denied or ignored, in whole or in part, you have a right to know why this was done, to obtain copies of documents relating to the decision without charge, and to appeal any denial, all within certain time schedules.

Under ERISA, there are steps you can take to enforce the above rights. For instance, if you request a copy of ERISA plan documents or the latest annual report from the plan and do not receive them within 30 days, you may file suit in a Federal court. In such a case, the court may require the Plan Administrator to provide the materials and pay you up to \$110 a day until you receive the materials, unless the materials were not sent because of reasons beyond the control of the Plan Administrator. If you have a claim for benefits which is denied or ignored, in whole or in part, you may file suit in a state or Federal court if you have exhausted the Plan's claims procedures. In addition, if you disagree with the plan's decision or lack thereof concerning the qualified status of a domestic relations order or a medical child support order, you may file suit in Federal

court if you have exhausted the Plan's claims procedures. If you are discriminated against for asserting your rights, you may seek assistance from the U.S. Department of Labor, or you may file suit in a Federal court. The court will decide who should pay court costs and legal fees. If you are successful the court may order the person you have sued to pay these costs and fees. If you lose, the court may order you to pay these costs and fees, for example, if it finds your claim is frivolous.

Assistance with Your Questions

If you have any questions about your plan, you should contact the Plan Administrator. If you have any questions about this statement or about your rights under ERISA, or if you need assistance in obtaining documents from the Plan Administrator, you should contact the nearest office of the Employee Benefits Security Administration, U.S. Department of Labor, listed in your telephone directory or the Division of Technical Assistance and Inquiries, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue N.W., Washington, D.C. 20210. You may also obtain certain publications about your rights and responsibilities under ERISA by calling the publications hotline of the Employee Benefits Security Administration.

MISCELLANEOUS**FMLA**

If you go on unpaid leave that qualifies as family leave under the Family and Medical Leave Act you may be able to continue receiving health care benefits. Contact the Plan Administrator for more information under the Plan.

Unclaimed Reimbursements

Payments from the Account that are not claimed on a timely basis (for example, checks issued from the Plan that are not timely cashed) will be forfeited and returned to the Plan. Please contact your Plan Administrator about what constitutes "timely" claims of payment from the Plan.

Excess Payments/Reimbursements

If you receive an excess benefit or payment under the Plan, you must immediately repay any such excess payments/reimbursements. You must also reimburse the Company for any liability the Company may incur for making such payments, including but not limited to, failure to withhold or pay payroll or withholding taxes from such payments or reimbursements. If you fail to timely repay an excess amount and/or make adequate indemnification, the Plan Administrator may: (i) to the extent permitted by applicable law, offset your salary or wages, and/or (ii) offset other benefits payable to you under this Plan.

Beneficiaries

If you die, your beneficiaries or your estate may submit claims for eligible expenses for the portion of the Plan Year preceding the date of your death. You may designate a specific beneficiary for this purpose. If you do not name a beneficiary, the Plan Administrator may pay any amount to your spouse, one or more of your dependents, or a representative of your estate.

Qualified Medical Child Support Orders

In certain circumstances you may be able to enroll a child in the Plan if the Plan receives a Qualified Medical Child Support Order (QMCSO). You may obtain a copy of the QMCSO procedures from the Plan Administrator, free of charge.

APPENDIX A

Health Flexible Spending Account (Health FSA)

The following Health Flexible Spending Account is available under the Plan:

- General Purpose Health FSA

General Purpose Health FSAs may only be used to reimburse for qualifying medical expenses during the Plan Year.

If you are eligible, you may elect to contribute to a Health FSA in accordance with the "Election Procedures" described above.

Health FSA Eligibility

Please be aware that there are some limitations on your eligibility to participate in Health FSAs. If you are an Eligible Employee, you are eligible to contribute to a Health FSA. However, if you are not eligible to participate in the Company-sponsored group health plan, then you are not eligible to participate in a Health FSA.

Additionally, if you elect to participate in the Health Savings Account you are not eligible to participate in the General Purpose Health FSA Benefit.

Health FSA Contributions

Your Health FSA will be credited with your contributions and will be reduced by any payments made on your behalf. The maximum amount you may contribute each year to your General Purpose Health FSA and/or HSA-Compatible Health FSA is the maximum amount permitted under the tax code. The Company will not make additional contributions to your General Purpose Health FSA on your behalf.

Health FSA Eligible Expenses/Reimbursement

You will be entitled to receive reimbursement from your General Purpose Health FSA for eligible expenses incurred by you, your spouse and dependents, if any. A dependent is generally someone who may claim as a dependent on your federal tax return and also includes a child until their 26th birthday. The entire annual amount you elect to contribute for the Plan Year to your Health FSA, less any reimbursements already distributed from your Health FSA will be available for reimbursement throughout the Plan Year.

You may receive reimbursement for eligible expenses incurred during the Plan Year when you are participating in your Health FSA. Eligible expenses generally include all medical expenses that you may deduct on your federal income tax return. Health insurance premiums are not an eligible expense for the Health FSA. Medicines or drugs are eligible expenses only if the medicine or drug is prescribed (determined without regard to whether such drug is available without a prescription) or is insulin (unless otherwise excluded).

You will not be reimbursed for any expenses that were (1) incurred before you are eligible to participate in the Health FSA; (2) incurred after you have become ineligible to participate in the Health FSA and are attributable to a tax deduction you took in a prior taxable year; or (3) covered, paid, or reimbursed from another source. Your claim for reimbursement must include substantiation that the Plan Administrator or Claims Administrator considers sufficient for determining that the claim constitutes an expense eligible for reimbursement under the Plan.

You must submit claims for reimbursement from your General Purpose Health FSA no later than 30 days after the end of the Plan Year. Any amounts remaining in your Health FSA after all timely claims have been paid will be forfeited.

Termination of Employment

If you terminate employment with the Company for any reason during the Plan Year, your contributions to your FSA will end as of your date of termination. You may submit claims for reimbursement from your FSA for expenses incurred during the Plan Year prior to your termination of employment. You must submit claims for reimbursement from your Health FSA no later than 45 days after the date your employment terminates. Any balance remaining in your Health FSA will be forfeited after claims submitted prior to this date have been processed.

Qualified Reservist Distributions

If you are a military reservist called to active duty for a period in excess of 179 days or for an indefinite period, you may elect to receive a distribution from your Health FSA up to an amount equal to the entire amount you elected for the applicable FSA for the Plan Year, minus reimbursements paid as of the date of the distribution request. You must make the distribution request during the period beginning on the date of your call-up and ending on the last date that reimbursements could otherwise be made for that Plan Year.

Dependent Care Assistance Plan Account (DCAP)

A Dependent Care Assistance Plan Account may be used to reimburse expenses incurred for the care of a qualifying dependent. If you are eligible, you may elect to contribute to a DCAP Account in accordance with the "Election Procedures" described above.

DCAP Contributions

Your DCAP Account will be credited with your contributions and will be reduced by any payments made on your behalf. The maximum amount that you may contribute each year to your DCAP Account is the maximum amount permitted under the tax code.

The Company will not make additional contributions to your DCAP Account on your behalf.

DCAP Eligible Expenses/Reimbursement

The entire annual amount you elect to contribute for the Plan Year to your DCAP Account, less any reimbursements already distributed from your DCAP Account will be available for reimbursement. You may receive reimbursement for eligible expenses incurred during the Plan Year when you are participating in your DCAP Account. Eligible expenses generally include those that you incur in order to be gainfully employed and for the care of (i) your dependent who is under age 13, or (ii) your spouse or dependent who lives with you and who is physically or mentally incapable of caring for themselves. Expenses incurred for overnight camp are not eligible for reimbursement. A dependent is generally someone who you may claim as a dependent on your federal tax return.

You must submit claims for reimbursement from your DCAP Account no later than 30 days following the Plan Year. Any amounts remaining in your DCAP Account at the end of the Plan Year after all timely claims have been paid will be forfeited.

Termination of Employment

If you terminate employment with the Company for any reason during the Plan Year, your contributions to your DCAP Account will end as of your date of termination. You may submit claims for reimbursement from your DCAP Account for expenses incurred during the Plan Year prior to your termination of employment. You must submit claims for reimbursement from your DCAP Account no later than 45 days after the date your employment terminates. Any balance remaining in your DCAP Account will be forfeited after claims submitted prior to this date have been processed.

PREAMBLE

City of Madeira Beach hereby establishes a Section 125 Plan ("Plan") for its Employees for purposes of providing eligible Employees with the opportunity to choose from among the fringe benefits available under the Plan. The Plan is intended to qualify as a cafeteria plan under the provisions of Code Section 125.

**SECTION 125 PLAN
DEFINITIONS**

- 1.1 "Affiliated Employer"** means any entity who is considered with the Employer to be a single employer in accordance with Code Section 414(b), (c), or (m) of the Code.
- 1.2 "After-tax Contribution(s)"** means amounts withheld from an Employee's Compensation pursuant to the enrollment documents after all applicable state and federal taxes have been deducted. Such amounts are withheld for purposes of purchasing one or more of the Benefit Plans or Policies available under the Plan.
- 1.3 "Anniversary Date"** means the first day of any Plan Year.
- 1.4 "Benefit Plan(s) or Policy(ies)"** means those Qualified Benefits available to a Participant under this Plan as set forth in the SPD, as amended and/or restated from time to time.
- 1.5 "Board of Directors"** means the Board of Directors or other governing body of the Employer (the "Board"). The Board, upon adoption of this Plan, appoints the Plan Administrator to act on the Employer's behalf in all matters regarding the Plan.
- 1.6 "Change in Status"** means any of the events described in the SPD, as well as any other events included under subsequent changes to Code Section 125 or regulations issued under Code Section 125, that the Plan Administrator (in its sole discretion) decides to recognize on a uniform and consistent basis as a reason to change the election mid-year. Note: See the SPD for requirements that must be met to permit certain mid-year election changes on account of a Change in Status.
- 1.7 "Code"** means the Internal Revenue Code of 1986, as amended.
- 1.8 "Compensation"** means the cash wages or salary paid to an Employee by the Employer.
- 1.9 "Dependent"** means any individual who is a tax dependent of the Participant as defined generally in Code Section 152(a), Code Section 105 (for health plan purposes, if offered under the Plan), and Code Section 223 (for Health Savings Account purposes, if offered under the Plan).
- 1.10 "Earned Income"** means all income derived from wages, salaries, tips, self-employment, and other Compensation (such as disability or wage continuation benefits), but only if such amounts are includable in gross income for the taxable year. Earned income does not include any other amounts excluded from earned income under Code § 32(c)(2), such as amounts received under a pension or annuity, or pursuant to workers' compensation.
- 1.11 "Effective Date"** of this Plan is the effective date set forth in the SPD.
- 1.12 "Employee"** means any individual who is considered to be in a legal employer-employee relationship with the Employer for federal tax-withholding purposes. Such term includes "former employees" for the limited purpose of allowing continued eligibility for benefits hereunder for the remainder of the Plan Year in which an employee ceases to be employed by the Employer. The term "Employee" shall not include any leased employee (as that term is defined in Code Section 414(n)) or any self-employed individual who receives from the Employer "net earnings from self-employment" within the meaning of Code Section 401(c)(2) unless such individual is also an Employee.
- 1.13 "Employer"** means **City of Madeira Beach** and any Affiliated Employers named in the SPD provided, however, that when the Plan provides that the Employer has a certain power (e.g., the appointment of a Plan Administrator, entering into a contract with a third party insurer, or amendment or termination of the plan) the term "Employer" shall mean only that entity named on the first line of the Plan Information Summary of the SPD, and not any Affiliated Employer.

Affiliated Employers who sign the Plan Information Summary and/or otherwise adopt the Plan shall be bound by the Plan as adopted and subsequently amended unless they clearly withdraw from participation herein.

- 1.14 **"ERISA"** shall mean the Employee Retirement Income Security Act of 1974, as amended.
- 1.15 **"Highly Compensated Individual"** means an individual defined under Code Section 105(h), 125(e), or 414(q), as amended, as a "highly compensated individual" or a "highly compensated employee."
- 1.16 **"Key Employee"** means an individual who is a "key employee" as defined in Code Section 125(b)(2), as amended.
- 1.17 **"Non-elective Contribution(s)"** means any amount that the Employer, in its sole discretion, may contribute on behalf of each Participant to provide benefits for such Participant and his or her Spouse and Dependents, if applicable, under one or more of the Benefit Plan(s) or Policy(ies) offered under the Plan. The amount of employer contribution that is applied towards the cost of the Benefit Plan(s) or Policy(ies) for each Participant and/or level of coverage shall be subject to the sole discretion of the Employer. The amount of Non-elective Contribution for each Participant may be adjusted upward or downward in the contributing Employer's sole discretion. The amount shall be calculated for each Plan Year in a uniform and nondiscriminatory manner and may be based upon the Participant's dependent status, commencement or termination date of the Participant's employment during the Plan Year, and such other factors as the Employer shall prescribe. To the extent set forth in the SPD or enrollment material, the Employer may make Non-elective Contributions available to Participants and allow Participants to allocate the Non-elective Contributions among the various Benefit Plans or Policies offered under the Plan in a manner set forth in the SPD of additional, taxable Compensation except as otherwise provided in the SPD or enrollment material.
- 1.18 **"Participant"** means an Employee who becomes a Participant pursuant to Article II.
- 1.19 **"Plan"** means the Section 125 Plan, the SPD (defined in Section 1.29 herein) and (if applicable) the related Trust created by this document.
- 1.20 **"Plan Administrator"** means the person(s) or Committee identified in the SPD that is appointed by the Employer with authority, discretion, and responsibility to manage and direct the operation and administration of the Plan. If no such person is named, the Plan Administrator shall be the Employer.
- 1.21 **"Plan Year"** shall be the period of coverage set forth in the SPD (as extended by any applicable grace period as set forth in the SPD).
- 1.22 **"Pre-tax Contribution(s)"** means amounts withheld from an Employee's Compensation pursuant to a Salary Redirection Agreement before any applicable state and federal taxes have been deducted. The amounts are withheld for purposes of purchasing one or more of the Benefit Plans or Policies available under the Plan. This amount shall not exceed the premiums or contributions attributable to the most costly Benefit Plan or Policy afforded hereunder, and for purposes of Code Section 125, shall be treated as an Employer contribution (this amount may, however, be treated as an Employee contribution for purposes of state insurance laws).
- 1.23 **"Qualified Benefit"** means any benefit excluded from the Employee's taxable income under Chapter 1 of the Code other than Sections 106(b), 117, 124, 127, or 132 and any other benefit permitted by the Income Tax Regulations (i.e., any life insurance coverage that is includable in gross income by virtue of exceeding the dollar limitation on nontaxable coverage under Code Sec. 79). Notwithstanding the previous sentence, long-term care insurance is not a "Qualified Benefit."
- 1.24 **"Qualifying Individual"** means an individual defined as a "Qualifying Individual" in the Summary Plan Description.
- 1.25 **"Qualifying Services"** means services relating to the care of a Qualifying Individual that enable the Participant or their Spouse to remain gainfully employed which are performed:

- (a) in the Participant's home; or
 - (b) outside the Participant's home for (1) the care of a Dependent of the Participant who is under age 13, or (2) the care of any other Qualifying Individual who resides at least eight (8) hours per day in the Participant's household. If the expenses are incurred for services provided by a dependent care center (i.e., a facility that provides care for more than six (6) individuals not residing at the facility), the center must comply with all applicable state and local laws and regulations.
- 1.26 "Salary Redirection Agreement" or Enrollment Documents** means the actual or deemed agreement or enrollment form pursuant to which an eligible Employee or Participant elects to contribute his share of the cost of chosen Benefit Plans or Policies with Pre-tax or After-tax Contributions and/or Benefit Credits (if offered under the Plan) in accordance with Article III herein. If the Employer utilizes an interactive voice response (IVR) system or web-based program for enrollment, the document may be maintained on an electronic database in accordance with all applicable federal and/or state laws.
- 1.27 "Spouse"** means an individual who is legally married to a Participant (and who is treated as a spouse under the Code).
- 1.28 "Student"** means an individual who, during each of five (5) or more calendar months during the Plan Year, is a full time student at any college or university, the primary function of which is the conduct of formal instruction, and which routinely maintains a regular faculty and curriculum and normally has an enrolled student body in attendance at the location where its educational activities are regularly presented.
- 1.29 "Summary Plan Description" or "SPD"** means the document attached as to the Plan document that describes the term of Plan not set forth herein. The SPD and all applicable appendices are incorporated hereto by reference.
- 1.30 "Trustee"** (if applicable) means the person(s) or institution (and their successors) named on the signature page attached hereto, who have assented to being so named by their signature to this Agreement, otherwise empowered to hold and disburse the funds that are created hereunder.

ELIGIBILITY AND PARTICIPATION

- 2.1 Eligibility to Participate.** Each Employee who satisfies the eligibility requirements set forth in the SPD shall be eligible to participate in this Plan as of any applicable entry date set forth in the SPD. The provisions of this Article are not intended to override any eligibility requirement(s) or waiting period(s) specified in the applicable Benefit Plans or Policies and the terms of eligibility and participation for the Benefit Plan(s) or Policy(ies) offered under the Plan shall be subject to the requirements specified in the governing documents of the Benefit Plans or Policies.
- 2.2 Termination of Participation.** Participation shall terminate on the earliest of the dates set forth in the SPD.
- 2.3 Qualifying Leave - Under FMLA.** Notwithstanding any provision to the contrary in this Plan, if a Participant goes on a qualifying leave under the Family and Medical Leave Act of 1993 (the "FMLA"), then to the extent required by the FMLA, the Participant will be entitled to continue the Participant's Benefit Plans or Policies that provide health coverage on the same terms and conditions as if the Participant were still an active Employee. The requirements for continuing coverage, procedures for FMLA leave, and payment option(s) provided by the Employer (as described above) will be set forth in the SPD and will be administered in accordance with the regulations issued under Code Section 125 and in accordance with the FMLA.
- 2.4 Non-FMLA Leave.** If a Participant goes on an unpaid leave of absence that does not affect eligibility under this Plan or the Benefit Plans or Policies chosen by the Participant, then the Participant will continue to participate and the contributions due for the Participant will be paid by one or more of the payment options described in the SPD. If a Participant goes on an unpaid leave that affects eligibility

under this Plan or the Benefit Plans or Policies chosen by the Participant, the election change rules in Section 04 will apply. If such policy requires coverage to continue during the leave but permits a Participant to discontinue contributions while on leave, the Participant will, upon returning from leave, be required to repay the contributions not paid by the Participant during the leave.

BENEFIT ELECTIONS

- 3.1 Election of Contributions.** A Participant may elect any combination of Pre-tax Contributions or After-tax Contributions (as set forth in the SPD) to fund any Benefit Plan or Policy available under the Plan, provided that only Qualified Benefits may be funded with Pre-tax Contributions. The Employer may, but is not required, to allocate Non-elective Contributions to one or more Benefit Plans or Policies offered under the Plan and to the extent set forth in the SPD or enrollment material, may allow the Participants to allocate his allotted share of Non-elective Contributions among the various Benefit Plans or Policies in a manner set forth in the SPD or enrollment material.
- 3.2 Initial Election Period.**
- (a) **Currently Eligible Employees.** An Employee who is eligible to become a Participant in this Plan as of the Effective Date must complete, sign and file an enrollment form with the Plan Administrator during the election period (as specified by the Plan Administrator) immediately preceding the Effective Date of the Plan in order to become a Participant on the Effective Date. The elections made by the Participant on this initial enrollment form shall be effective, subject to Section 3.4, for the Plan Year beginning on the Effective Date.
 - (b) **New Employees and Employees Who Have Not Yet Satisfied The Plan's Waiting Period.** An Employee who becomes eligible to become a Participant in this Plan after the Effective Date must complete, sign and file an enrollment form with the Plan Administrator (or its designated third party administrator as set forth on the enrollment form) during the Initial Election Period set forth in the SPD or the enrollment material. Participation will commence under this Plan as set forth in the SPD. Coverage under the component Benefit Plans or Policies will be effective in accordance with the governing provisions of such Benefit Plans or Policies.
 - (c) **Failure to Elect.** An eligible Employee who fails to complete, sign and file an enrollment form in accordance with paragraph (a) or (b) above during an initial election period may become a Participant on a later date in accordance with Section 3.3 or 3.4.
- 3.3 Annual Election Period.** Each Employee who is a Participant in this Plan or who is eligible to become a Participant in this Plan shall be notified, prior to each Anniversary Date of this Plan, of his right to become a Participant in this Plan, to continue participation in this Plan, or to modify or to cease participation in this Plan, and shall be given a reasonable period of time in which to exercise such right: such period of time shall be known as the Annual Election Period. The date that the Annual Election Period commences and ends will be set forth in the SPD or the enrollment material. An election is made during the Annual Election Period in the manner set forth in the SPD. The consequences of failing to make an election during the Annual Election Period will be set forth in the SPD.
- 3.4 Change of Elections.** A Participant shall not make any changes to the Pre-tax Contribution amount or, where applicable, to the Participant's elected allocation of Non-elective Contributions except for election changes permitted under this Section 3.4, and for changes made during the Annual Election Period (Section 3.3), changes caused by termination of employment (Section 3.5) and changes pursuant to the Family and Medical Leave Act (Section 2.4).

Except as provided in the SPD for HIPAA special enrollment rights arising from the birth, adoption, or placement for adoption of a child, all election changes shall be effective on a prospective basis only (i.e., election changes will become effective no earlier than the first day of the first pay period coinciding with or immediately following the date that the election change was filed) but, as determined by the Plan Administrator, election changes may become effective later to the extent the coverage in the applicable component plan commences later. The circumstances under which a Participant may change his election under this Plan are set forth in the SPD.

- 3.5 Impact of Termination of Employment on Election or Cessation of Eligibility.** Termination of employment or cessation of eligibility shall automatically revoke any enrollment elections. Except as provided below, if revocation occurs under this Section 3.5, no new election with respect to Pre-Tax Contributions may be made by such Participant during the remainder of the Plan Year. Rules governing elections for former participants rehired during the same Plan Year shall be set forth in the SPD.

BENEFIT FUNDING AND CREDITS AND DEBITS TO ACCOUNTS

- 4.1 Source of Benefit Funding.** The cost of coverage under the component Benefit Plans or Policies shall be funded by the Participant's Pre-tax and/or After-tax Contributions and/or any Non-elective Contributions provided by the Employer. The required contributions for each of the Benefit Plans or Policies offered under the Plan shall be made known to employees in enrollment materials. Pre-tax or After-tax Contributions (as elected by the Employee on the enrollment form) shall equal the contributions required from the Participant less any available Non-elective Contributions allocated thereto by the Employer, or where applicable, the Participant for coverage of the Participant or the Participant's Spouse or Dependents under the Benefit Plans or Policies elected by the Participant under this Plan. Amounts withheld from a Participant's Compensation as Pre-tax Contributions or After-tax Contributions shall be applied to fund benefits as soon as administratively feasible. The maximum amount of Pre-tax Contributions plus any Non-elective Contributions made available by the Employer for Benefit Plan(s) or Policy(ies) offered under this Plan shall not exceed the aggregate cost of the Benefit Plan(s) or Policy(ies) elected by the Employee.
- 4.2 Reduction of Certain Elections to Prevent Discrimination.** If the Plan Administrator determines, before or during any Plan Year, that the Plan may fail to satisfy for such Plan Year any requirement imposed by the Code or any limitation on Pre-tax Contributions allocable to Key Employees or to Highly Compensated Individuals, the Plan Administrator shall take such action(s) as deemed appropriate, under rules uniformly applicable to similarly situated Participants, to assure compliance with such requirement or limitation. Such action may include, without limitation, a modification or revocation of a Highly Compensated Individual's or Key Employee's election without the consent of such Employee.

BENEFITS

- 5.1 Qualified Benefits.** The maximum benefit a Participant may elect under this Plan shall not exceed the sum of i) the aggregate premium for all Benefit Plan(s) or Policy(ies) set forth in the SPD.

PLAN ADMINISTRATION

- 6.1 Allocation of Authority.** The Board of Directors or applicable governing body (or an authorized officer of the Employer) appoints a Plan Administrator that keeps the records for the Plan and shall control and manage the operation and administration of the Plan. The Plan Administrator shall have the exclusive right to interpret the Plan and to decide all matters arising thereunder, including the right to make determinations of fact, and construe and interpret possible ambiguities, inconsistencies, or omissions in the Plan and the SPD issued in connection with the Plan. In the case of an insured Benefit Plan or Policy, the insurer shall be the named fiduciary with respect to benefit claim determinations thereunder, and with respect to benefit claims shall have all of the powers of the Plan Administrator described herein. All determinations of the Plan Administrator with respect to any matter hereunder shall be conclusive and binding on all persons. Without limiting the generality of the foregoing, the Plan Administrator shall have the following powers and duties:
- (a) To require any person to furnish such reasonable information as he may request for the purpose of the proper administration of the Plan as a condition to receiving any benefits under the Plan;
 - (b) To make and enforce such rules and regulations and prescribe the use of such forms as he shall

deem necessary for the efficient administration of the Plan;

- (c) To decide on questions concerning the Plan and the eligibility of any Employee to participate in the Plan and to make or revoke elections under the Plan, in accordance with the provisions of the Plan;
 - (d) To determine the amount of benefits which shall be payable to any person in accordance with the provisions of the Plan; to inform the Employer or insurer as appropriate, of the amount of such benefits; and to provide a full and fair review to any Participant whose claim for benefits has been denied in whole or in part;
 - (e) To designate other persons to carry out any duty or power which may or may not otherwise be a fiduciary responsibility of the Plan Administrator, under the terms of the Plan. Such entity will be referred to as a third party administrator and shall be identified in the SPD;
 - (f) To keep records of all acts and determinations, and to keep all such records, books of account, and data and other documents as may be necessary for the proper administration of the Plan; and
 - (g) To do all things necessary to operate and administer the Plan in accordance with its provisions.
- 6.2 Payment of Administrative Expenses.** Except as otherwise provided in the SPD, the Employer currently pays all reasonable expenses incurred in administering the Plan.
- 6.3 Reporting and Disclosure Obligations.** Unless specified otherwise, it shall be the Employer and Plan Administrator's sole responsibility to comply with all filing, reporting, and disclosure requirements, imposed by the DOL and/or IRS, specifically including, but not limited to creating, filing and distributing Summary Annual Reports, Form 5500s, and SPDs. Furthermore, the Employer and Plan Administrator shall be required to amend the Plan as is necessary to ensure compliance with applicable tax and other laws and regulations.
- 6.4 Indemnification.** The Plan Administrator shall be indemnified by the Employer against claims, and the expenses of defending against such claims, resulting from any action or conduct relating to the administration of the Plan except claims arising from gross negligence, willful neglect, or willful misconduct.

FUNDING AGENT

- 7.1** The Plan shall be funded with amounts withheld from Compensation pursuant to enrollment forms, and/or Non-elective Contributions provided by the Employer, if any. The Employer will apply all such amounts, without regard to their source, to pay for the welfare benefits provided herein as soon as administratively feasible and shall comply with all applicable regulations promulgated by the DOL taking into consideration any enforcement procedures adopted by the DOL. If a Trust is designated Funding Agent in the SPD, an appropriate Trust Agreement shall be attached at the end of this Plan.

AMENDMENT OR TERMINATION OF PLAN

- 8.1 Permanency.** While the Employer fully expects that this Plan will continue indefinitely, due to unforeseen, future business contingencies, permanency of the Plan will be subject to the Employer's right to amend or terminate the Plan, as provided in Sections 9.2 and 9.3 below. Nothing in this Plan is intended to be or shall be construed to entitle any Participant, retired or otherwise, to vested or non-terminable benefits.
- 8.2 Employer's Right to Amend.** The Employer reserves the right to amend at any time any or all of the provisions of the Plan. All amendments shall be made in writing and shall be approved by the Employer in

accordance with its normal procedures for transacting business (e.g. by approval by the Board of Directors through a meeting or unanimous consent of all Board members). Such amendments may apply retroactively or prospectively as set forth in the amendment. Each Benefit Plan or Policy shall be amended in accordance with the terms specified therein, or, if no amendment procedure is prescribed, in accordance with this section. Any amendment made by the Employer shall be deemed to be approved and adopted by any Affiliated Employer.

- 8.3 Employer's Right to Terminate.** The Employer reserves the right to discontinue or terminate the Plan without prejudice at any time and for any reason without prior notice. Such decision to terminate the Plan shall be made in writing and shall be approved by the Employer in accordance with its normal procedures for transacting business. Affiliated Employers may withdraw from participation in the Plan, but may not terminate the Plan.
- 8.4 Determination of Effective Date of Amendment or Termination.** Any such amendment, discontinuance, or termination shall be effective as of such date as the Employer shall determine.

GENERAL PROVISIONS

- 9.1 Not an Employment Contract.** Neither this Plan nor any action taken with respect to it shall confer upon any person the right to continue employment with any Employer.
- 9.2 Applicable Laws.** The provisions of the Plan shall be construed, administered and enforced according to applicable federal law and the laws of the state of the principal place of business of the Employer to the extent not preempted.
- 9.3 Post-Mortem Payments.** Any benefit payable under the Plan after the death of a Participant shall be paid to his surviving spouse (if any), otherwise, to his estate. If there is doubt as to the right of any beneficiary to receive any amount, the Plan Administrator may retain such amount until the rights thereto are determined, without liability for any interest thereon.
- 9.4 Non-alienation of Benefits.** Except as expressly provided by the Plan Administrator, no benefit under the Plan shall be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, or charge, and any attempt to do so shall be void. No benefit under the Plan shall in any manner be liable for or subject to the debts, contracts, liabilities, engagements, or torts of any person.
- 9.5 Mental or Physical Incompetency.** Every person receiving or claiming benefits under the Plan shall be presumed to be mentally and physically competent and of age until the Plan Administrator receives a written notice, in a form and manner acceptable to it, that such person is mentally or physically incompetent or a minor, and that a guardian, conservator or other person legally vested with the care of his estate has been appointed.
- 9.6 Inability to Locate Payee.** If the Plan Administrator is unable to make payment to any Participant or other person to whom a payment is due under the Plan because it cannot ascertain the identity or whereabouts of such Participants or other person after reasonable efforts have been made to identify or locate such person, such payment and all subsequent payments otherwise due to such Participant or other person shall be forfeited one year after the date any such payment first became due.
- 9.7 Requirement for Proper Forms.** All communications in connection with the Plan made by a Participant shall become effective only when duly executed on any forms as may be required and furnished by, and filed with, the Plan Administrator.
- 9.8 Source of Payments.** The Employer, the Trust fund (if selected as Funding Agent), and any insurance company contracts purchased or held by the Employer or funded pursuant to this Plan shall be the sole sources of benefits under the Plan. No Employee or beneficiary shall have any right to, or interest in, any assets of the Employer upon termination of employment or otherwise, except as provided from time to time under the Plan, and then only to the extent of the benefits payable under the Plan to such Employee or beneficiary.

- 9.9 Multiple Functions.** Any person or group of persons may serve in more than one fiduciary capacity with respect to the Plan.
- 9.10 Tax Effects.** Neither the Employer, its agents, the Plan Administrator, nor the Trustee makes any warranty or other representation as to whether any Pre-tax Premiums made to or on behalf of any Participant hereunder will be treated as excludable from gross income for local, state, or federal income tax purposes. If for any reason it is determined that any amount paid for the benefit of a Participant or Beneficiary is includable in an Employee's gross income for local, federal, or state income tax purposes, then under no circumstances shall the recipient have any recourse against the Plan Administrator or the Employer with respect to any increased taxes or other losses or damages suffered by the Employees as a result thereof. The Plan is designed and is intended to be operated as a "cafeteria plan" under Section 125 of the Code.
- 9.11 Gender and Number.** Masculine pronouns include the feminine as well as the neuter genders, and the singular shall include the plural, unless indicated otherwise by the context.
- 9.12 Incorporation by Reference.** The actual terms and conditions of the separate component Benefit Plans or Policies offered under this Plan are contained in separate, written documents governing each respective benefit, and shall govern in the event of a conflict between the individual plan document, and this Plan as to substantive content. To that end, each such separate document, as amended or subsequently replaced, is hereby incorporated by reference as if fully recited herein.
- 9.13 Severability.** Should any part of this Plan subsequently be invalidated by a court of competent jurisdiction, the remainder thereof shall be given effect to the maximum extent possible.
- 9.14 Effect of Mistake.** In the event of a mistake as to the eligibility or participation of an Employee, the allocations made to the account of any Participant, or the amount of distributions made or to be made to a Participant or other person, the Plan Administrator shall, to the extent it deems possible, cause to be allocated or cause to be withheld or accelerated, or otherwise make adjustment of, such amounts as will in its judgment accord to such Participant or other person the credits to the account or distributions to which he is properly entitled under the Plan. Such action by the Administrator may include withholding of any amounts due the Plan or the Employer from Compensation paid by the Employer.
- 9.15 Provisions Relating to Insurers.** No insurer shall be required or permitted to issue an insurance policy or contract that is inconsistent with the purposes of this Plan, nor be bound to take any action not in accordance with the terms of any policy or contract with this Plan. The insurer shall not be deemed to be a party to this Plan, nor shall it be bound to interpret the construction or validity of the Plan. The insurer shall be protected from its good faith reliance on the written representations and instructions of the Trustee and the Plan Administrator, and shall not be responsible for the initial or continued qualified status of the Plan.

IN WITNESS WHEREOF, the Employer has executed this Plan as of the date set forth below.

EMPLOYER'S ACKNOWLEDGMENT

As evidenced by the formal execution of this document, the undersigned Employer adopted and established this Plan on the Effective Date as the Section 125 Plan of the undersigned Employer. In doing so, the undersigned Employer acknowledges that the Summary Plan Description ("SPD") and this Plan document are important legal instruments with significant legal and tax implications.

The Employer also acknowledges that it has read the SPD and this Plan document in their entirety, has consulted independent legal and tax counsel to the extent considered necessary, and accepts full responsibility for participation of Employees hereunder and the operation of the Plan.

The Employer acknowledges that, as sponsor and Plan Administrator, it shall have sole responsibility to comply with all filing, reporting, and disclosure requirements imposed by the DOL, IRS, or any other government agency, specifically including, but not limited to, creating and filing Form 5500s and preparing and distributing SPDs and performing required nondiscrimination testing. Furthermore, the Employer further acknowledges that it shall bear sole responsibility for amending the Plan as necessary to ensure compliance with applicable tax, labor, and other laws and regulations. The Employer acknowledges receipt of the checklist of Plan Sponsor Responsibilities included provided with the applicable plan document request form and has agreed to the obligations set forth therein.

This Plan shall be construed and enforced according to the Internal Revenue Code of 1986, as amended from time to time, the applicable regulations thereto, and the laws of the state of the principal place of business of the Employer.

IN WITNESS WHEREOF, the Employer has caused this Plan and Summary Plan Description to be executed on the day of _____ to ratify the adoption of the Plan adopted and effective as of the Effective Date.

WITNESS:

Employer: City of Madeira Beach

By: _____

Title: _____

Corporate Officer (Signature)

Date: _____



MEMORANDUM

TO: Honorable Mayor and Board of Commissioners
VIA: Robin Gomez, City Manager
FROM: Jay Hatch, Recreation Director
DATE: 8/1/2024
RE: Resolution 2024-05 – Holiday Halfathon Road Closure

Background

Since 2002, the City of Madeira Beach has supported the Gulf Beaches Holiday Halfathon which is held on the 2nd Sunday in December each year. The city supports the event through temporary single land road closure, Northbound along Gulf Blvd, from Madeira Way to Redington Beach (Approximate .30 miles). The single lane of traffic will be closed from 6 -9 a.m. (or field adjusted as necessary by the Pinellas County Sheriff’s Office). Road closure of this nature requires a signature from the City Manager upon the approval of the Board of Commissioners. Historically, the city has passed a resolution setting the five future dates of the event and providing direction and approval for the City Manager to sign off on the road closure. If approved, Resolution 2024-05 would have an immediate effective date and set future events on the following dates:

- Sunday, December 22, 2024
Sunday, December 21, 2025
Sunday, December 20, 2026
Sunday, December 19, 2027
Sunday, December 17, 2028

Fiscal Impact

There is no fiscal impact to the City of Madeira Beach. The race organizers set up and break down all race materials. Additionally, all Pinellas County Sheriff’s Office staff are hired and paid for by the event organizers.

Recommendation

Staff recommendation is for approval of Resolution 2024-05.

Attachment(s):

- Resolution 2024-05

RESOLUTION 2024-05

**A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA,
ESTABLISHING:**

- SUNDAY, DECEMBER 22, 2024**
- SUNDAY, DECEMBER 21, 2025**
- SUNDAY, DECEMBER 20, 2026**
- SUNDAY, DECEMBER 19, 2027**
- SUNDAY, DECEMBER 17, 2028**

AS THE DATES FOR THE ANNUAL FLORIDA GULF BEACHES HOLIDAY HALFATHON, STARTING IN MADEIRA BEACH ADJACENT TO CITY HALL, SOUTH TO MADEIRA WAY, WEST TO GULF BOULEVARD, HEADING NORTH IN THE NORTHBOUND LANES OF GULF BOULEVARD TO INDIAN SHORES; ALLOWING TEMPORARY ROAD RESTRICTIONS TO BE CREATED BETWEEN 6:00 A.M. AND 9:00 A.M., TO BE FIELD ADJUSTED AS NECESSARY BY THE PINELLAS COUNTY SHERIFF’S OFFICE; AUTHORIZING THE CITY MANAGER TO SIGN THE FLORIDA DEPARTMENT OF TRANSPORTATION APPLICATIONS, PROVIDED BY THE RACE DIRECTOR, FOR TEMPORARY CLOSING OF A STATE ROAD; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Madeira Beach supports athletic events which promote a healthy, active lifestyle, showcase our coastal communities, generate positive economic impact, and raise funds for non-profit organizations; and

WHEREAS, the City of Madeira Beach has previously supported the Florida Gulf Beaches Holiday Halfathon since 2002, and wishes to continue supporting the Florida Gulf Beaches Holiday Halfathon to be held on the 3rd Sunday in December each year; and

WHEREAS, the City of Madeira Beach supports the temporary road restrictions of the northbound lanes of Gulf Boulevard within Madeira Beach between the hours of 6:00 a.m. and 9:00 a.m. on the 3rd Sunday in December each year, to be “field adjusted” as necessary by the Pinellas County Sheriff’s Office; and

WHEREAS, the City of Madeira Beach further supports other necessary and prudent road restrictions during the Holiday Halfathon; and

WHEREAS, the City of Madeira Beach understands that Holiday Halfathon inclusion in the new Halfathon Challenge Series will provide marketing efficiencies to the race promoter and likely increase attendance, and

WHEREAS, the City Manager of the City of Madeira Beach shall be authorized to sign the appropriate Florida Department of Transportation (FDOT) application for temporary lane closures each year for the Holiday Halfathons to be held on December 22, 2024; December 21, 2025; December 20, 2026; December 19, 2027; and December 17, 2028.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, that:

SECTION 1. That the Board of Commissioners of the City of Madeira Beach supports the annual Florida Gulf Beaches Holiday Halfathon to be held on the 3rd Sunday each December, specifically: December 22, 2024; December 21, 2025; December 20, 2026; December 19, 2027; and December 17, 2028

SECTION 2. That the Board of Commissioners of the City of Madeira Beach supports the temporary closure of the northbound lanes of Gulf Boulevard within Madeira Beach between the hours of 6:00 a.m. and 9:00 a.m. on the above dates, to be field adjusted as necessary by the Pinellas County Sheriff’s Office.

SECTION 3. That the Board of Commissioners of the City of Madeira Beach further supports other necessary and prudent road restrictions during the Holiday Halfathon.

SECTION 4. That the Board of Commissioners of the City of Madeira Beach authorizes the City Manager of Madeira Beach to execute, on behalf of the City, the appropriate FDOT Application each year for lane closures and other road restrictions.

SECTION 5. That Resolution 2024-05 shall become effective immediately upon its adoption.

SECTION 6. That Resolution 2024-05 shall be subject to an Annual Review by the Board of Commissioners.

INTRODUCED AND PASSED by the Board of Commissioners of the City of Madeira Beach, Pinellas County, Florida, at a public hearing on this 14th day of August 2024.

Anne-Marie Brookes
MAYOR

ATTEST:

Clara VanBlargan, MMC, MSM
CITY CLERK



MEMORANDUM

TO: Honorable Mayor and Board of Commissioners

VIA: Robin Gomez, City Manager

FROM: Clara VanBlargan, City Clerk

DATE: August 7, 2024

RE: Appointment to Civil Service Commission

Background

Boards, Commissions, and Committees are a valuable part of the local government process. The members are volunteers and provide a great service to the City and the community. Duties and responsibilities include reviewing the City's policies and procedures, Code of Ordinances, and the City Charter, as well as making recommendations to the Board of Commissioners.

Vacancies on city boards are continuously advertised until filled.

CIVIL SERVICE COMMISSION

- Civil Service Commission – 5-member board – 3-year term.
- Regular meetings are held quarterly. Additional meetings are held when necessary.
- Members must be qualified electors and residents of the City of Madeira Beach.
- Members are not required to file Form 1, Statement of Financial Interests, with the Florida Commission on Ethics.
- Appointments are made based on experience and qualifications in labor and employment law, and human resources when possible.

There is one vacancy on the Civil Service Commission and two expiring terms on October 30, 2024. The applicant appointed to fill the vacancy is for a partial term expiring on 10/30/2026, at which time the applicant can apply to serve a full three-year term. Paul Tilka applied for a reappointment, but Christina Ponte did not want to apply to serve another term.

Applicants:

- James Michael Paul
- Paul Tilka

The applicants were invited to attend the meeting.

<u>Current Members</u>	<u>Term expiring (3-Year Terms)</u>
Jerry Cantrell, Chair	10/30/2025
Judithanne McLauchlan	10/30/2026
Vacancy	10/30/2026
Paul Tilka	10/30/2024
Cristina Ponte, Vice Chair	10/30/2024

Fiscal Impact

Advisory board members serve without compensation but may be reimbursed for training, travel, mileage, and per diem expenses per Florida Law.

Recommendation

The recommendation for the Board of Commissioners is as follows:

1. Appoint James Michael Paul to serve as a member of the Civil Service Commission for a partial term expiring on 10/30/2026.
2. Appoint Paul Tilka to serve as a member of the Civil Service Commission for a new term expiring on 10/30/2027.

Attachments

Applications
City Charter, Section 5-7. Personnel Systems; Civil Service Commission
Code of Ordinances – Chapter 2 – Division 4 – Civil Service Commission



CITY OF MADEIRA BEACH, FLORIDA

300 MUNICIPAL DRIVE, MADEIRA BEACH FL 33708

CITY CLERK'S OFFICE

TELEPHONE: 727-391-9951, EXT 231 or 232

APPLICATION FOR APPOINTMENT TO BOARD OR COMMISSION

Please indicate your preference of board or commission:

- Civil Service Commission
- Gulf Beaches Public Library Board
- Planning Commission
- Other _____

Are you a Madeira Beach Resident?

Yes No

Are you an elector (qualified voter) of the City of Madeira Beach?

Yes No

Are you related to a City of Madeira Beach employee or elected official? If yes, please state the name of employee or elected official and relationship:

Yes No

Name: _____

Relationship: _____

Are you available for:

Daytime meetings

Yes No

Evening meetings

Yes No

Why would you like to be considered as a candidate for service on this Board?

My wife and I moved to Madeira Beach a few years ago, and we want to get more involved in the community. Based on my educational background and professional experience, the Civil Service Commission would be the perfect way to contribute and serve the City.

Name: James Michael Paul Phone: 636-675=0098

Address: 15316 Gulf Blvd., #704, Madeira Beach, FL 33708

E-Mail: jim.paul@ogletreedeakins.com

Present Occupation: attorney

If retired, what was your last occupation? _____

Please list any experience, special education, skills or talents that would be beneficial to the appointment you are seeking: I have been a labor and employment law attorney and litigator for almost 30 years, and my undergraduate degrees are in labor relations and economics. I also previously served as a hearing judge for the St. Louis City Civil Service Commission. As a Missouri State Assistant Attorney General early in my career, I enforced Missouri's labor and civil rights laws.

Educational Background:

B.S.B.A. in Labor Relations, St.Louis University 1992; B.S.B.A. in Economics, St. Louis University 1992;

Juris Doctor, Washington University School of Law 1995

Experience:

I have been a labor and employment law attorney for almost 30 years and have been on both sides, i.e., enforcing the labor laws and training and defending employers with regard to compliance with the labor law.

Bio: www.ogletree.com/people/james-m-paul/

LinkedIn: www.linkedin.com/in/jamesmpaul/

In compliance with Section 760.80, Florida Statutes, the City of Madeira Beach is required to report annually to the Secretary of State the number of minority and non-minority and the number of physically disabled appointments to a board, committee, or commission.

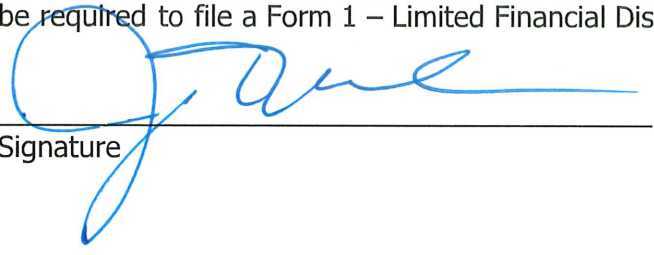
GENDER Male Female **PHYSICALLY DISABLED** Yes No

RACE African-American Native-American

Asian-American Caucasian

Hispanic-American

Should I be appointed to serve on a board or committee, I agree to comply with the State of Florida's Sunshine Laws, Public Record Laws and the Code of Ethics for Public Officers, and will uphold the City's Charter and Code of Ordinances. I understand that I will have to take an Oath of Office should I be appointed to a quasi-judicial board. I understand that if I am appointed to the Planning Commission I will be required to file a Form 1 – Limited Financial Disclosure form.

 _____
Signature

8/2/24
Date

Interested persons must submit an application to the City Clerk to be considered for appointment by the Board of Commissioners. Appointments will be made only when there are vacancies or expiring terms.

Applications may also be obtained at City Hall, downloaded on the City's website at <https://madeirabeachfl.gov/advisory-boards/> or obtained from the City Clerk.

Submit completed and signed applications to:
City Clerk
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708
cvanblargan@madeirabeachfl.gov
727-391-9951, ext. 231



CITY OF MADEIRA BEACH, FLORIDA

300 MUNICIPAL DRIVE, MADEIRA BEACH FL 33708
CITY CLERK'S OFFICE
TELEPHONE: 727-391-9951, EXT 231 or 232

APPLICATION FOR APPOINTMENT TO BOARD OR COMMISSION

Please indicate your preference of board or commission:

- Civil Service Commission
- Gulf Beaches Public Library Board
- Planning Commission
- Other _____

Are you a Madeira Beach Resident? Yes No

Are you an elector (qualified voter) of the City of Madeira Beach? Yes No

Are you related to a City of Madeira Beach employee or elected official? If yes, please state the name of employee or elected official and relationship: Yes No

Name: _____

Relationship: _____

Are you available for:

Daytime meetings Yes No

Evening meetings Yes No

Why would you like to be considered as a candidate for service on this Board?

I would like to contribute to the city my time and experience of having served on the civil service commission . i have lived in the city for 75 years.

Name: Dr Paul Tilka Phone: 727 430 7777

Address: 14091 North Bayshore Drive

E-Mail: paultilka@gmail.com

Present Occupation: Retired

If retired, what was your last occupation? Chiropractic Physician 37 years

Please list any experience, special education, skills or talents that would be beneficial to the appointment you are seeking: Previously served on Civil Service Charter review committee. Bid review committee.

Educational Background:

National College of Health Science, Chicago ill 1968

Experience:

In compliance with Section 760.80, Florida Statutes, the City of Madeira Beach is required to report annually to the Secretary of State the number of minority and non-minority and the number of physically disabled appointments to a board, committee, or commission.

GENDER Male Female

PHYSICALLY DISABLED Yes No

RACE African-American

Native-American

Asian-American

Caucasian

Hispanic-American

Should I be appointed to serve on a board or committee, I agree to comply with the State of Florida's Sunshine Laws, Public Record Laws and the Code of Ethics for Public Officers, and will uphold the City's Charter and Code of Ordinances. I understand that I will have to take an Oath of Office should I be appointed to a quasi-judicial board. I understand that if I am appointed to the Planning Commission I will be required to file a Form 1 – Limited Financial Disclosure form.

Paul Tilka
Signature

8/7/24
Date

Interested persons must submit an application to the City Clerk to be considered for appointment by the Board of Commissioners. Appointments will be made only when there are vacancies or expiring terms.

Applications may also be obtained at City Hall, downloaded on the City's website at <https://madeirabeachfl.gov/advisory-boards/> or obtained from the City Clerk.

Submit completed and signed applications to:

City Clerk
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708
cvanblargan@madeirabeachfl.gov
727-391-9951, ext. 231

§ 5.8

MADEIRA BEACH CODE

the Manager. With the consent of the Board of Commissioners, the Manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.
(Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

Section 5.7 Personnel systems; Civil Service Commission.

A. Merit principal. All appointments and promotions of City employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

B. Civil Service Commission; Membership. There shall be a Civil Service Commission of the City of Madeira Beach, Florida, which Commission shall be composed of five citizens of said City. The Civil Service Commission shall be appointed by the Board of Commissioners of the City of Madeira Beach, Florida. The term of office for each member shall be three years and shall be staggered so that not more than two terms expire within any one year. Three Commissioners shall constitute a quorum. Members of the Civil Service Commission shall hold no remunerative office or employment under the City of Madeira Beach, Florida. The Board of Commissioners of the City of Madeira Beach, Florida, shall have the authority to remove for cause any and/or all Civil Service Commissioners.

C. Personnel Rules. The Civil Service Commission shall prepare personnel rules. When concurred by the City Manager, the rules shall be proposed to the Board of Commissioners, and the Board of Commissioners may by Ordinance adopt them with or without amendment. These rules shall include, but are not limited to:

1. The classification of all classified City positions, based upon the duties, authority and responsibility of each position, with adequate provisions for classification of any position whenever warranted by circumstances;
2. A pay plan for all classified City positions;

3. Methods for determining the merits and fitness of candidates for appointment or promotions;
4. The policies and procedures regulating reduction in force, demotion, suspension and removal of employees;
5. The hours of work, attendance regulation and provisions for sick and vacation leave;
6. Grievance procedures, including procedures for the hearing of grievances by the Civil Service Commission, which may render advisory opinions based on its findings to the City Manager with a copy to the aggrieved employee. In this respect the Civil Service Commission shall have the power to issue subpoenas to compel attendance by witnesses and to administer oaths;
7. Other practices and procedures necessary to the administration of the City personnel system;
8. In connection with the aforementioned personnel rules, the Civil Service Commission shall inquire into the implementation of such personnel rules as considered necessary to ensure compliance therewith.

D. Duties and powers of the Civil Service Commission. All duties, powers, reservations of power, and funding for the Civil Service Commission may be provided for by Ordinance duly passed by the Board of Commissioners of the City of Madeira Beach, Florida.

E. Powers to collectively bargain recognized. Nothing contained in this Charter shall limit the power of the Board of Commissioners of the City of Madeira Beach, Florida, acting through its Manager from entering into collective bargaining negotiations with any officers, employees, or group of employees for the purpose of establishing by contract conditions of employment, rules or compensation of said officers, employees, or groups of employees. For the purposes of this

Charter, ARTICLE I, Section 6, of the Constitution of the State of Florida is specifically recognized.
(Ord. No. 446, 1-28-1975; Ord. No. 664, 8-14-1984/11-7-1984; Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

ARTICLE VI. RESERVED*

ARTICLE VII. ORDINANCES AND RESOLUTIONS†

Section 7.1 [Power of Board of Commissioners to make ordinances and resolutions.]

The Board of Commissioners of the City of Madeira Beach shall have the power to make ordinances and resolutions and establish for the government of said City, such ordinances or resolutions in writing not inconsistent with the Charter, Constitution and laws of the State of Florida, or the United States, as they may deem necessary. Said ordinances to be passed and become effective as hereinafter provided.
(Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

Section 7.2 Definitions.

A. As used in this Charter the following terms and words shall have the following meanings unless some other meaning is plainly indicated:

Code. Any published compilation of rules and regulations which have been prepared by various technical trade associations and shall include specifically, but shall not be limited to, building codes; plumbing codes; electrical wiring codes; health or sanitation codes; fire prevention codes; inflammable liquid codes; codes for the processing and sale of food stuffs for human consumption, together with any other code which embraces rules and regulations pertinent to a subject matter which is a proper municipal legislative matter.

*Editor's note—See editor's note, Art. V.

†State law reference—Uniform minimum mandatory procedure for the adoption of ordinances, Florida Statutes § 166.041.

Ordinance. An official, legislative action of the Board of Commissioners, which action is a regulation of a general and permanent nature and enforceable as local law.

Public Record. Any City, State of Florida or Federal Statute, ordinance, rule or regulation adopted prior to the exercise by City of Madeira Beach of the authority to adopt or incorporate by reference as herein granted.

Published. Printed, or otherwise reproduced.

Resolution. An expression of the Board of Commissioners concerning matters of administration, expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the Board of Commissioners.
(Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

Section 7.3 Procedure for the enactment of ordinances and resolutions.

A. Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act, section, sub-section or paragraph of a section or subsection.

B. A proposed ordinance may be read by title, or in full, on at least two separate days and shall, at least fourteen (14) days prior to the adoption, be noticed once in a newspaper of general circulation in Madeira Beach, Florida. The notice of proposed enactment shall state the date, time and place of the meeting, the title or titles of proposed ordinances and the place or places within the City of Madeira Beach, where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

C. The Board of Commissioners with a two-thirds (2/3) vote may enact an emergency ordinance without complying with the requirements of paragraph (B) of this section.

DIVISION 4. CIVIL SERVICE COMMISSION¹

Sec. 2-126. Intent.

- (a) The intent of this division is to create a civil service commission in order to review, prepare, and recommend rules for the city's personnel policies and procedures with regard to classified employees.
- (b) The civil service commission shall hear grievance for classified employees who believe they have a grievance arising from their employment and render recommendations as provided in the Charter § 6.6C.6.
- (c) The civil service commission members also recommend cost of living increases and employee pay adjustments to the board of commissioners for consideration.

(Code 1983, § 2-502)

Sec. 2-127. Organization.

- (a) The civil service commission membership and appointment shall be as provided in Charter § 6.6B. The term of each person appointed shall be staggered so that not more than two terms expire within any one year. Any civil service commission member may be reappointed by the board of commissioners. Appointments to fill vacancies shall be for the unexpired term of office.
- (b) Members of the civil service commission shall be residents of the city at the time of their appointment and throughout the term of office. Any member who is no longer a resident of the city shall be automatically removed, and that vacancy filled as provided in this division.
- (c) Members of the civil service commission shall be suspended or removed for cause upon the filing of written charges by the mayor. The written charges shall be served by hand delivery or certified mail upon the member being charged. The member being charged shall have 15 days to appeal the charges to the board of commissioners. If the charges are appealed, the member of the civil service commission being charged shall be afforded a prompt public hearing on the matter. The member shall be retained, suspended or be removed by majority vote of the board of commissioners.
- (d) The failure of any member of the civil service commission to attend two of three successive meetings without cause and without prior approval of the chairman, the civil service commission shall then declare the member's seat vacant and the board of commissioners shall promptly fill such vacancy. The failure of any individual civil service commission member to attend four meetings of the civil service commission in any contiguous 12-month period shall be cause for removal.
- (e) Appointments shall be made, consistent with the Charter on the basis of demonstrated experience or interest in the subject matter.

¹Charter reference(s)—Civil service commission, § 6.6.

Cross reference(s)—Personnel, ch. 50.

- (f) The members of the civil service commission shall, in November of each year, elect a chairman and a vice-chairman from among its members who shall be voting members.
- (g) Members of the civil service commission shall meet quarterly, and when grievances are filed. Any other meetings will be at the behest of staff, in collaboration with the chair of the civil service board.
- (1) The city manager shall coordinate with the civil service commission chairperson and the human resources coordinator to choose and set meeting dates and time before a meeting is noticed; and
 - (2) The city manager and the chairperson of the civil service commission shall coordinate and agree on all agenda items prior to the civil service commission meetings.
 - (3) Human resources staff or the city manager's designee shall serve as staff person(s) for the civil service commission and attend meetings of the civil service board.
 - (4) The city attorney or an employment lawyer for the city may attend civil service commission meetings as may be necessary or desired.
 - (5) As set forth in the Charter, the civil service commission is an advisory board that makes non-binding advisory recommendation to the city manager.
- (h) Civil service commission members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by board of commissioners or as otherwise provided by law.

(Code 1983, § 2-503; Ord. No. 1028, § 2, 8-24-04; Ord. No. 1075, § 1, 4-25-06; Ord. No. 2019-03, § 1, 3-19-19)

Charter reference(s)—Civil service commission membership, § 6.6B.

Sec. 2-128. Conduct a meeting/hearing.

- (a) *Notification.* When and at such time a meeting is scheduled the city administration shall post a notice of the time and place when the civil service commission shall meet and the topics on their agenda.
- (b) *Meetings/public hearing.* At the hearing of the civil service commission any interested person may be heard upon the subject matter.
- (c) *Recommendations.* The civil service commission, by majority vote, shall conclude recommendations.
- (d) *Written records.* Minutes shall be kept of all meetings and hearings by the civil service commission, and all hearings shall be open to the public. The board of commissioners shall provide clerical and administrative personnel as may be reasonably required by the civil service commission for the proper performance of its duties. The written record shall include the vote of each member of the civil service commission upon each question, or if absent or failing to vote, indicating such fact. The minutes of all proceedings, decisions and/or recommendations of the civil service commission shall be made public record on file in the office of the city clerk.

(Code 1983, § 2-504)

Sec. 2-129. Powers.

The civil service commission shall have the power to establish rules and regulations for its own operation not inconsistent with the provisions of this Code.

(Code 1983, § 2-505)

Secs. 2-130—2-150. Reserved.



MEMORANDUM

TO: Honorable Mayor and Board of Commissioners

VIA: Robin Gomez, City Manager

FROM: Clara VanBlargan, City Clerk

DATE: August 7, 2024

RE: Appointment to Planning Commission

Background

Boards, Commissions, and Committees are a valuable part of the local government process. The members are volunteers and provide a great service to the City and the community. Duties and responsibilities include reviewing the City's policies and procedures, Code of Ordinances, and the City Charter as well as making recommendations to the Board of Commissioners.

Vacancies on City boards are advertised regularly until filled.

PLANNING COMMISSION

There is a vacancy on the Planning Commission due to the resignation of a member that was appointed on July 10, 2024 to serve on the Board of Commissioners, and two expiring terms on 9/30/2024. The applicant appointed to fill the vacancy is for a partial term expiring on 9/30/2025, at which time the applicant can apply to serve a full three-year term. The two terms expiring on 9/30/2024 is for a full three year term expiring on 9/30/2027.

- Planning Commission – 7-member board – 3-year term
- Regular monthly meetings are held on the 1st Monday of each month at 6:00 p.m. Dates & Times subject to change.
- Members must be qualified electors and residents of the City of Madeira Beach.
- Members must file a Form 1, Statement of Financial Interests electronically with the Florida Commission on Ethics within 30 days of appointment.
(<https://disclosure.floridaethics.gov/Account/Login>)
- Special consideration will be given to those with professional experience and credentials (Ordinance 2021-04):
 1. Architecture or landscape architecture
 2. Civil engineering
 3. Real estate sales or land development
 4. Natural or environmental sciences
 5. Urban planning

Three applications were received:

- Mark Cloud
- Whitney Duenas Richardson
- Randall Keys
- John Meagher
- John Connolly

The applicants were invited to attend the meeting.

<u>Current Members</u>	<u>Term expiring (3-Year Terms)</u>
Mike Noble	09/30/2026
Michael Wyckoff	09/30/2026
Chuck Dillon	09/30/2026
Matthew LaRue	09/30/2025
Vacant	09/30/2025
John Connolly	09/30/2024
John Meagher	09/30/2024

Fiscal Impact

Advisory board members serve without compensation but may be reimbursed for training, travel, mileage, and per diem expenses per Florida Law.

Recommendation

There are five applicants. It is recommended that the Board of Commissioners choose three applicants to serve on the Planning Commission: One applicant to fill the vacancy with a partial term expiring on 9/30/2025 beginning immediately and two applicants for a term expiring on 9/30/2027 beginning on 9/30/2024.

Attachments

Applications
City Charter, Section 12.2 – City Planning Commission
City Code, Division 2 – Planning Commission



CITY OF MADEIRA BEACH, FLORIDA

300 MUNICIPAL DRIVE, MADEIRA BEACH FL 33708
CITY CLERK'S OFFICE
TELEPHONE: 727-391-9951, EXT 231 or 232

APPLICATION FOR APPOINTMENT TO BOARD OR COMMISSION

Please indicate your preference of board or commission:

- Civil Service Commission
- Gulf Beaches Public Library Board
- Planning Commission
- Other _____

Are you a Madeira Beach Resident? Yes No

Are you an elector (qualified voter) of the City of Madeira Beach? Yes No

Are you related to a City of Madeira Beach employee or elected official? If yes, please state the name of employee or elected official and relationship: Yes No

Name: _____

Relationship: _____

Are you available for:

Daytime meetings Yes No

Evening meetings Yes No

Why would you like to be considered as a candidate for service on this Board?

As a retired aerospace engineer, I've developed and lead many projects that relied heavily on project management processes and standards. After living in Madeira Beach for two years, I'd like to "pay it forward" and help the community grow into the next decade.

Name: Mark Cloud Phone: 206 324-6181

Address: 752 Pruitt Dr

E-Mail: Mark@cloud9seattle.com

Present Occupation: Retired Aerospace Engineer

If retired, what was your last occupation? Associate Tech Fellow - Product Development Boeing

Please list any experience, special education, skills or talents that would be beneficial to the appointment you are seeking: Project Lead - Projects typically were in the 5 to 10 million dollar range; PMP certification from George Wash University
25+ years rental holdings and management.

Educational Background:

BSME - University Central Florida

PMP - George Washington University

Experience:

31 years Boeing Engineer (ATF)

In compliance with Section 760.80, Florida Statutes, the City of Madeira Beach is required to report annually to the Secretary of State the number of minority and non-minority and the number of physically disabled appointments to a board, committee, or commission.

GENDER Male Female

PHYSICALLY DISABLED Yes No

RACE African-American

Native-American

Asian-American

Caucasian

Hispanic-American

Should I be appointed to serve on a board or committee, I agree to comply with the State of Florida's Sunshine Laws, Public Record Laws and the Code of Ethics for Public Officers, and will uphold the City's Charter and Code of Ordinances. I understand that I will have to take an Oath of Office should I be appointed to a quasi-judicial board. I understand that if I am appointed to the Planning Commission I will be required to file a Form 1 – Limited Financial Disclosure form.

Mark L Cloud
Signature

07/14/2024
Date

Interested persons must submit an application to the City Clerk to be considered for appointment by the Board of Commissioners. Appointments will be made only when there are vacancies or expiring terms.

Applications may also be obtained at City Hall, downloaded on the City's website at <https://madeirabeachfl.gov/advisory-boards/> or obtained from the City Clerk.

Submit completed and signed applications to:

City Clerk
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708
cvanblargan@madeirabeachfl.gov
727-391-9951, ext. 231



CITY OF MADEIRA BEACH, FLORIDA

300 MUNICIPAL DRIVE, MADEIRA BEACH FL 33708
CITY CLERK'S OFFICE
TELEPHONE: 727-391-9951, EXT 231 or 232

APPLICATION FOR APPOINTMENT TO BOARD OR COMMISSION

Please indicate your preference of board or commission:

- Civil Service Commission
- Gulf Beaches Public Library Board
- Planning Commission
- Other _____

Are you a Madeira Beach Resident?

- Yes
- No

Are you an elector (qualified voter) of the City of Madeira Beach?

- Yes
- No

Are you related to a City of Madeira Beach employee or elected official? If yes, please state the name of employee or elected official and relationship:

- Yes
- No

Name: _____

Relationship: _____

Are you available for:

- Daytime meetings
- Evening meetings

- Yes
- No
- Yes
- No

Why would you like to be considered as a candidate for service on this Board?

I would love to be a candidate on the planning committee to bring young and fresh ideas to the table.

Name: Whitney Duenas Richardson Phone: 2527725240

Address: 14025 W Parsley Dr

E-Mail: Whitneyduenas@gmail.com

Present Occupation: Entrepreneur

If retired, what was your last occupation? _____

Please list any experience, special education, skills or talents that would be beneficial to the appointment you are seeking: I would love to bring the skills of high-level marketing, I host a monthly moms event where we gather together and let our kids play, I host entrepreneur mom meet up groups within Pinellas, and I am always looking for ways to improve our community to keep things local.

Educational Background:

MBA: University of Oklahoma

Experience:

Marketing: Email/Social/Paid/Website

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GENDER

Male

Female

PHYSICALLY DISABLED

Yes

No

RACE

African-American

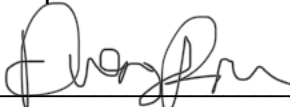
Native-American

Asian-American

Caucasian

Hispanic-American

Should I be appointed to serve on a board or committee, I agree to comply with the State of Florida's Sunshine Laws, Public Record Laws and the Code of Ethics for Public Officers, and will uphold the City's Charter and Code of Ordinances. I understand that I will have to take an Oath of Office should I be appointed to a quasi-judicial board. I understand that if I am appointed to the Planning Commission I will be required to file a Form 1 – Limited Financial Disclosure form.


Signature

July 01, 2024
Date

Interested persons must submit an application to the City Clerk to be considered for appointment by the Board of Commissioners. Appointments will be made only when there are vacancies or expiring terms.

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CITY OF MADEIRA BEACH, FLORIDA

300 MUNICIPAL DRIVE, MADEIRA BEACH FL 33708

CITY CLERK'S OFFICE

TELEPHONE: 727-391-9951, EXT 231 or 232

APPLICATION FOR APPOINTMENT TO BOARD OR COMMISSION

Please indicate your preference of board or commission:

- Civil Service Commission
- Gulf Beaches Public Library Board
- Planning Commission
- Other _____

Are you a Madeira Beach Resident? Yes No

Are you an elector (qualified voter) of the City of Madeira Beach? Yes No

Are you related to a City of Madeira Beach employee or elected official? If yes, please state the name of employee or elected official and relationship: Yes No

Name: _____

Relationship: _____

Are you available for:

Daytime meetings	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Evening meetings	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Why would you like to be considered as a candidate for service on this Board?

I believe the city is in need of direction in the planning area

Name: Randall Keys Phone: 727 641-9688

Address: 356 145th Ave E

E-Mail: captrw@hotmail.com

Present Occupation: retired

If retired, what was your last occupation? letter carrier Madeira Beach Branch 1975, 1985-2008

Please list any experience, special education, skills or talents that would be beneficial to the appointment you are seeking: intimate knowledge of former and present structure of Madeira Beach, Licensed real estate salesperson from 1987 to present, Licensed captain (100 ton Master) since 1987

Educational Background:

BA USF 1972

Experience:

see previous page

In compliance with Section 760.80, Florida Statutes, the City of Madeira Beach is required to report annually to the Secretary of State the number of minority and non-minority and the number of physically disabled appointments to a board, committee, or commission.

GENDER Male Female

PHYSICALLY DISABLED Yes No

RACE African-American

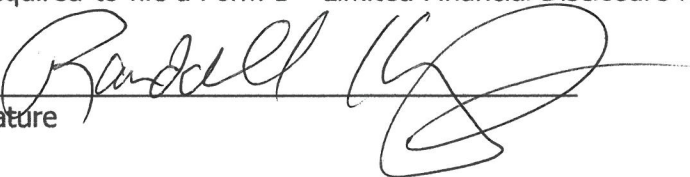
Native-American

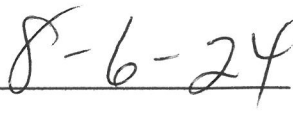
Asian-American

Caucasian

Hispanic-American

Should I be appointed to serve on a board or committee, I agree to comply with the State of Florida's Sunshine Laws, Public Record Laws and the Code of Ethics for Public Officers, and will uphold the City's Charter and Code of Ordinances. I understand that I will have to take an Oath of Office should I be appointed to a quasi-judicial board. I understand that if I am appointed to the Planning Commission I will be required to file a Form 1 – Limited Financial Disclosure form.


Signature


Date

Interested persons must submit an application to the City Clerk to be considered for appointment by the Board of Commissioners. Appointments will be made only when there are vacancies or expiring terms.

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CITY OF MADEIRA BEACH, FLORIDA

300 MUNICIPAL DRIVE, MADEIRA BEACH FL 33708

CITY CLERK'S OFFICE

TELEPHONE: 727-391-9951, EXT 231 or 232

APPLICATION FOR APPOINTMENT TO BOARD OR COMMISSION

Please indicate your preference of board or commission:

- Civil Service Commission
- Gulf Beaches Public Library Board
- Planning Commission
- Other _____

Are you a Madeira Beach Resident? Yes No

Are you an elector (qualified voter) of the City of Madeira Beach? Yes No

Are you related to a City of Madeira Beach employee or elected official? If yes, please state the name of employee or elected official and relationship: Yes No

Name: _____

Relationship: _____

Are you available for:

Daytime meetings Yes No

Evening meetings Yes No

Why would you like to be considered as a candidate for service on this Board?

Serve on Board now

Name: John Connolly Phone: 845-346-6446

Address: 600 Nouronby Rd

E-Mail: Leadeldump@tmail.com

Present Occupation: Retired

If retired, what was your last occupation? Building Contractor

Please list any experience, special education, skills or talents that would be beneficial to the appointment you are seeking: 40+ years in the building trade

Educational Background:

4 years of collage advertising & Design

Experience:

In compliance with Section 760.80, Florida Statutes, the City of Madeira Beach is required to report annually to the Secretary of State the number of minority and non-minority and the number of physically disabled appointments to a board, committee, or commission.

GENDER Male Female

PHYSICALLY DISABLED Yes No

RACE African-American

Native-American

Asian-American

Caucasian

Hispanic-American

Should I be appointed to serve on a board or committee, I agree to comply with the State of Florida's Sunshine Laws, Public Record Laws and the Code of Ethics for Public Officers, and will uphold the City's Charter and Code of Ordinances. I understand that I will have to take an Oath of Office should I be appointed to a quasi-judicial board. I understand that if I am appointed to the Planning Commission I will be required to file a Form 1 – Limited Financial Disclosure form.

John Connelly
Signature

8-7-24
Date

Interested persons must submit an application to the City Clerk to be considered for appointment by the Board of Commissioners. Appointments will be made only when there are vacancies or expiring terms.

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Submit completed and signed applications to:

City Clerk
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300 Municipal Drive
Madeira Beach, FL 33708
cvanblargan@madeirabeachfl.gov
727-391-9951, ext. 231



CITY OF MADEIRA BEACH, FLORIDA
300 MUNICIPAL DRIVE, MADEIRA BEACH FL 33706
TELEPHONE: 727-391-9951



APPLICATION FOR APPOINTMENT TO BOARD OR COMMITTEE

Please indicate your preference of board or committee:

- Civil Service Commission
- Gulf Beaches Library Board of Trustees
- Planning Commission
- Other _____

- Are you a Madeira Beach Resident? Yes No
- Are you a qualified registered voter of Madeira Beach? Yes No
- Are you available for:
- | | | |
|------------------|---|-----------------------------|
| Daytime meetings | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Evening meetings | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

Name: John Meagher Phone: 407 948 6153

Address: 465 S Bayshore Dr Madeira Beach, FL 33709

Email: _____

Present Occupation: Operations Manager - Johnson Bros

If retired, what was your last occupation?: N/A

Please list any experience, special education, skills, or talents that would be beneficial to the appointment you are seeking:

Educational Background

Degree in Civil Engineering from Auburn University

Experience

I have 37 years experience in civil engineering and heavy civil/marine construction.

I have held numerous positions in the field prior to

Why would you like to be considered as a candidate for service on this Board?

I'm currently on the planning commission and would like to continue. My experience compliments the duties required of a commissioner

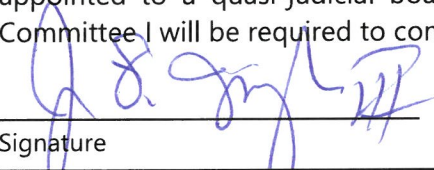
currently managing the company

In compliance with Section 760.80, Florida Statutes, the City of Madeira Beach **is required** to report annually to the Secretary of State the number of minority and non-minority, and the number of physically disabled appointments to a board, committee, or commission.

GENDER Male Female **PHYSICALLY DISABLED** Yes No

RACE African-American Native-American
 Asian-American Caucasian
 Hispanic-American

Should I be appointed to serve on a board or committee, I agree to comply with the State of Florida’s Sunshine Laws, the Code of Ethics for Public Officers per the Florida Commission on Ethics, and uphold the City’s Charter and Code of Ordinances. I understand that I will have to take an Oath of Office should I be appointed to a quasi-judicial board. I understand that if I am appointed to the Planning Committee I will be required to comply with financial reporting regulations.

 _____
Signature

8/6/24
Date

For Office Use Only - District _____

Revised 08/14/2020

Section 12.2 - City Planning Commission.

There shall be a City Planning Commission consisting of seven (7) members appointed by the Board of Commissioners for terms of three (3) years. Said appointments to be made from the electors of the City. Members of the City Planning Commission shall hold no other City office or City employment. The City Planning Commission may make recommendations to the City Manager and the Board of Commissioners on all matters affecting the physical development of the City, shall be consulted on the comprehensive plan and the implementation thereof and shall exercise all other responsibilities as may be provided by law or may be assigned to them by the Board of Commissioners from time to time.

DIVISION 2. - PLANNING COMMISSION

Item 12D.

Footnotes:

--- (5) ---

Charter reference— *Planning commission, § 12.2.*

Sec. 2-76. - Intent.

The intent of this division is to create a local government planning commission that shall serve in an advisory capacity to the board of commissioners. The planning commission shall consider all requests for amendments to the comprehensive plan, the land use plan map, amendments to the land development regulations and the official zoning map and other matters as may be specifically requested by the board of commissioners to be studied by the commission. The planning commission shall serve as the city's local planning agency and land development regulations commission as provided for in Florida Statutes ch. 163.

The local planning agency shall review all amendments to the land development code and the official zoning map.

(Code 1983, § 2-302; Ord. No. 974, § 1, 9-24-02; Ord. No. 1048, § 2, 7-12-05; Ord. No. 1050, § 2, 8-9-05; Ord. No. 1065, § 2, 11-22-05; Ord. No. 2021-04, § 1, 4-14-21)

Sec. 2-77. - Organization.

- (a) The planning commission shall be appointed pursuant to the Charter upon the tally of votes cast by the board of commissioners. There shall be seven members. The term of office for each person appointed shall be staggered so that not more than three terms expire within any one year. Any planning commission member may be reappointed upon the tally of votes cast by the board of commissioners. Appointments to fill vacancies shall be for the unexpired term of office.
- (b) Qualifications of the members of the planning commission shall be as provided in the Charter and in this Code at the time of their appointment and throughout the term of office. Any member who is no longer qualified to be a member shall be automatically removed, and that vacancy filled as provided in this section.
- (c) Members of the planning commission shall be suspended or removed for cause upon the filing of written charges by the mayor. The written charges shall be served by hand delivery or certified mail upon the member being charged. The member being charged shall have 15 days to appeal the charges to the board of commissioners. If the charges are appealed, the member being charged shall be afforded a prompt public hearing on the matter. The member shall be retained, suspended or be removed by majority vote of the board of commissioners.

(d)

The failure of any member of the planning commission to attend three consecutive meetings of the planning commission or failure to attend four meetings of the planning commission in any contiguous 12-month period shall be cause for removal. However, the board of commissioners may take into consideration the reason for such absences, and may excuse the member for a reason deemed valid by the board of commissioners.

- (e) Appointments shall be made, consistent with the Charter section 12.2 and on the basis of demonstrated experience and qualifications in the subject matter from one or more of the following areas, whenever possible:
- Architecture or landscape architecture.
 - Civil engineering.
 - Real estate sales or land development.
 - Professional experience in natural or environmental sciences.
 - Professional urban planning.
- (f) The members of the planning commission shall, in October of each year, elect a chairman, first vice-chairman and a second vice-chairman from among its members who shall be voting members.
- (g) Members of the planning commission shall meet each month, as necessary. In addition, the planning commission, by request of the chairman, or the city staff, may schedule special meetings or workshops as needed, provided a quorum has indicated that they can attend such meeting. All meetings of the planning commission shall be public.
- (h) The presence of four or more members shall constitute a quorum.
- (i) Planning commission members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by board of commissioners or as otherwise provided by law.

(Code 1983, § 2-303; Ord. No. 974, § 1, 9-24-02; Ord. No. 1028, § 1, 8-24-04; Ord. No. 2014-15, § 1, 12-9-14; Ord. No. 2017-05, § 1, 3-7-17; Ord. No. 2021-04, § 2, 4-14-21)

Charter reference— Creation of planning commission, membership, terms and qualifications of members, § 12.2.

Sec. 2-78. - Conduct of hearing.

- (a) *Application*. An application for a zoning change or land use change shall be submitted 30 days prior to the scheduled meeting.
- (b) *Application filing fee*. Application fees are listed in the fees and collection procedure manual.

- (c) *Notification.* When and at such time as an application is made, the application shall be filed with the community development department who shall post a ten-day notice, or meet the Florida Statutory requirements, whichever is greater, of the time and place when the local planning agency shall consider the subject matter on the application. At the time of posting, all property owners of record, on the tax roll of the year within which the case is being heard, within 300 feet in any direction of the property, which is the subject matter of the application, shall be notified and the notice shall be posted on the property itself setting forth the date, time and place of the hearing. Note: Failure to notify all of the abutting property owners, as shown on the records of the Pinellas County Property Appraiser's Office, shall not constitute grounds for re-advertising the public hearing or conducting additional public hearings and shall not affect any action or proceeding of the application. For all other meetings and workshops not involving an application that must meet specified notification requirements, a minimum of three days' notice must be given.
- (d) *Public hearing.* At the hearing any interested person may be heard upon the subject matter. The procedures established in article I, division 2 shall govern the local planning agency's conduct of public hearings for a site specific rezoning, which is by definition a quasi-judicial matter.
- (e) *Recommendations.* The planning commission or the local planning agency, by majority vote, shall submit its recommendation with respect to the application to the board of commissioners with the written reasons therefore.
- (f) *Written records.* Minutes shall be kept of all hearings by the planning commission and the local planning agency, and all hearings shall be open to the public. The written record shall include the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The minutes of all proceedings, and recommendations of the planning commission and the local planning agency shall be made public record on file with the city clerk.

(Code 1983, § 2-304; Ord. No. 974, § 1, 9-24-02; Ord. No. 1044, § 3, 5-24-05; Ord. No. 1050, § 2, 8-9-05; Ord. No. 2014-15, § 2, 12-9-14; Ord. No. 2021-04, § 3, 4-14-21)

Sec. 2-79. - Rules of procedure.

The planning commission shall have the power to establish rules and regulations for its own operation not inconsistent with the provisions of this Code.

(Code 1983, § 2-305; Ord. No. 974, § 1, 9-24-02; Ord. No. 1044, § 3, 5-24-05)

Sec. 2-80. - Application for amendment; modification of zoning ordinances.

- (a) Any interested person or property owner in the city may file a written application to the local planning agency upon payment of the filing fee provided in the fees and collection procedure manual, for the purpose of amending, supplementing, changing, or modifying any rule,

regulation, or other restriction provided in the zoning ordinances of the city, including a request to change the boundaries of the zoning district or districts of the city.

- (b) 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 an amendment to the zoning code;

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 release of a development permit until paid.

- (c) The local planning agency shall make a recommendation pertaining to the application, and the recommendation shall be transmitted to the board of commissioners. The board of commissioners may either accept or reject the recommendation of the local planning agency or take such further action, as it may deem proper in the matter. The procedures established in article I, division 2 shall govern the board of commissioners' conduct of public hearings for a site specific rezoning, which is by definition a quasi-judicial matter.

(Code 1983, § 2-306; Ord. No. 974, § 1, 9-24-02; Ord. No. 1044, § 3, 5-24-05; Ord. No. 1050, § 2, 8-9-05; Ord. No. 1072, § 1, 3-28-06)

Charter reference— Amendments to zoning ordinance, §§ 12.7, 12.8.

Sec. 2-81. - Amendment or modification of zoning regulations by board of commissioners; referral to local planning agency.

The board of commissioners may from time to time on its own motion repeal, amend, supplement, change or modify any zoning ordinance of the city, including the changing of boundaries of any zoning district or districts in the city, including the regulations and restrictions and such shall first be referred to the local planning agency for its recommendation and report back to the board of commissioners. If no recommendation is submitted by the local planning agency within a period of 60 days from the time of the request for its recommendation, the board of commissioners may act upon the matter and pass such ordinance as it may deem necessary to effect its desires.

(Code 1983, § 2-309; Ord. No. 974, § 2, 9-24-02; Ord. No. 1050, § 2, 8-9-05)

Editor's note— Ord. No. 1050, § 2, adopted August 9, 2005, changed the title of § 2-81 from "Amendment or modification of zoning regulations by board of commissioners; referral to planning commission" to "Amendment or modification of zoning regulations by board of commissioners; referral to local planning agency."

Charter reference— Comprehensive plan and land development amendments submitted to planning commission, § 12.4C.

Sec. 2-82. - Authority to initiate amendments to zoning regulations and zoning boundaries.

The local planning agency, city board of commissioners, city staff, or property owners may, of its own initiative, make such recommendations and proposals as it may deem necessary pertaining to matters of repeal, amendment, supplement, change, or modification of any zoning ordinance, or the boundaries of any zoning district of the city, so long as all of the requirements of public notice and hearing are adhered to, as provided in this Code.

(Code 1983, § 2-310; Ord. No. 974, § 2, 9-24-02; Ord. No. 1044, § 3, 5-24-05; Ord. No. 1050, § 2, 8-9-05)

Editor's note— Ord. No. 974, § 2, adopted September 24, 2002, changed the title of § 2-82 from "Authority to institute amendments to zoning regulations" to "Authority to initiate amendments to zoning regulations and zoning boundaries." See note at § 2-81.

Sec. 2-83. - Conflict of interest provisions.

- (a) No member of the local planning agency shall communicate with another member of the local planning agency concerning their intent on any issue or potential issue which is or may be placed before them except at their scheduled meetings.
- (b) No member of the local planning agency shall communicate with any party, witness, representative of a party, or interceding person concerning any issues except at their scheduled meetings or as otherwise specified in article I, division 2 for ex-parte communications.
- (c) Failure on the part of a member of the local planning agency to comply with the provisions of this section shall constitute grounds for removal of such member from the local planning agency.

(Code 1983, § 2-312; Ord. No. 974, § 2, 9-24-02; Ord. No. 1044, § 3, 5-24-05; Ord. No. 1050, § 2, 8-9-05)

Editor's note— See note at § 2-81.

State Law reference— Public meetings, Florida Statutes § 286.011; ex parte communications, Florida Statutes § 286.0115.

Secs. 2-84—2-100. - Reserved.



Memorandum

Meeting Details: August 14, 2024

Prepared For: Mayor & Board of Commissioners

From: Megan Wepfer, Public Works Director

Subject: Contract Approval RFP 2024-06 City Facility Cleaning Services

Background

The current cleaning contract expired May 2024. Staff placed RFP 2024-02 out to bid but had to cancel due to multiple errors on the submittal at the direction of the city attorney. Staff adjusted the bid tabulation sheet and placed RFP 2024-06 out to bid on May 22nd. The RFP covers each city owned facility along with the potential for County Park restrooms should the city contract with Pinellas County. Staff received 8 submittals, 3 of which were incomplete due to missing several documents. Once opened, staff reviewed each submittal to ensure all items were properly submitted and checked the math to ensure the base total was correct. After reviewing and scoring staff checked references and contacted the three (3) highest scoring companies for an interview. The interview team consisted of Robin Gomez, Patrick Cade, Allie Lollis, and me who asked fifteen (15) questions to understand each company and their way of operating. Once the interviews were completed staff reflected and would like to recommend the Board of Commissioners approve American Janitorial contract and accept the bid as written with the base total being \$136,319.44 annually.

American Janitorial Inc. (AJI) base office is located in Lake County, but management is located in Tampa. American Janitorial has extensive experience with Government contracts some have been in existence for twelve (12) plus years consecutively. A few contacts to name a few that American Janitorial has are Lake County Government annual contract amount of \$864K, Pinellas County Transit Authority annual contract amount \$654,500., City of Dunedin annual contract amount \$732K, and many more that can be found in the submittal. AJI has submitted a proposed staffing plan which will be

amended as needed according to the city's needs. They also have an app that will help ensure staff are completing all necessary tasks per location as listed in the bid. For all the reasons listed above plus more is why staff believes AJI is the most responsive responsible vendor to proceed with for the next contract term.

Fiscal Impact

The annual fiscal impact for cleaning services will be \$136,319.44 broken down into each department account.

Recommendation(s)

Staff recommends approval of American Janitorial Inc Contract for City Facility cleaning for a 3-year term with 2, 1-year optional renewals for \$136,319.44 annually.

Attachments

- :- American Janitorial Inc Contract

**CONTRACT BETWEEN
THE CITY OF MADEIRA BEACH**

AND American Janitorial, Inc

**PERTAINING TO
CITY FACILITY CLEANING SERVICE
RFP 2024 – 06**

This CONTRACT is made and entered into on the _____ day of _____, 20_____
 (“**Effective Date**”), by and between the City of Madeira Beach, municipal corporation organized
 and existing under the Laws of Florida whose address is: City of Madeira Beach, 300 Municipal
 Drive, Madeira Beach, Florida, 33708 (“**CITY**”), and American Janitorial, Inc.,
 FEIN 46-0557106, a corporation authorized to conduct
 business in the State of Florida, whose business address is
 87 North Central Ave, Umatilla, FL 32784
 (“**CONTRACTOR**”), collectively (the “**PARTIES**”) who hereby agree as follows:

WITNESSETH

WHEREAS, the **CONTRACTOR** has submitted a competitive bid for **CITY FACILITY
CLEANING SERVICES RFP 2024-06** as set forth in the attached **CONTRACT Documents**; and

WHEREAS, the City staff have reviewed all bids submitted pursuant to RFP 2024-06, and has
determined that **CONTRACTOR** has submitted the lowest responsive, responsible bid and has
recommended awarding the work to **CONTRACTOR**; and

WHEREAS, the City Commission of the City of Madeira Beach has determined that it is in the
best interests of the City to secure needed Cleaning Services from **CONTRACTOR** based on its bid
submitted pursuant to **RFP 2024-06.**; and

NOW THEREFORE, in consideration of the covenants, promises, and representations contained herein, the
Parties hereto agree as follows:

SECTION 1. SCOPE OF WORK.

CONTRACTOR agrees to perform the services and provide the related materials set forth in the Scope of Work/Services set forth in RFP 2024-06 (which is incorporated herein by reference) for the rates set forth in its responsive bid.

SECTION 2. TERM.

This contract will be effective on the date set forth above and shall continue in force for three (3) years. If, in the City Manager’s sole discretion, the CITY elects to extend this contract for an additional one year, the CITY will inform CONTRACTOR in writing of that decision by no later than 30 days prior to the contract’s expiration date. The City Manager may, in his/her sole discretion, extend the contract for up to two additional years using the same process. If, during the extension notice period, CONTRACTOR desires to request an increase in any of the prices, rates or charges contained in its bid, it may submit such request, along with substantiating justification, to the City’s Public Works Director for evaluation. The City Manager may approve any such increase by amendment, as provided for in Section 24-xvi of this contract, except that any such increase which would require a budget amendment must be approved by the Commission.

SECTION 3. OBLIGATIONS OF THE CONTRACTOR.

Obligations of the CONTRACTOR include, but are not limited to, the following:

- a. It is understood that the CONTRACTOR shall provide and pay for all labor, tools, permits, equipment, transportation, supervision, and any and all other items or services, of any type whatsoever, which are necessary to fully complete and deliver the services requested by the CITY, and will not have the authority to create, or cause to be filed, any liens for labor and/or materials on, or against, the CITY, or any property owned by the CITY. Such lien, attachment, or encumbrance, until it is removed, will preclude any and all claims or demands for any payment expected by virtue of this Contract.
- b. The CONTRACTOR will ensure that all of its employees, agents, sub- contractors, representatives, volunteers, and the like, fully comply with all of the terms and conditions in this CONTRACT, when providing services for the CITY in accordance with this CONTRACT.
- c. The CONTRACTOR will be solely responsible for the means, methods, techniques, sequences, safety programs, and procedures necessary to properly and fully complete the work set forth in the Scope of Work.
- d. The CONTRACTOR must maintain an adequate and competent staff and remain

authorized to do business within the State of Florida.

SECTION 4. STANDARD OF CARE.

a. The CONTRACTOR has represented to the CITY that it possesses a level of knowledge, experience, and expertise that is commensurate with firms in the areas of practice required for the services to be provided. By executing this Contract, the CONTRACTOR agrees that the CONTRACTOR will exercise that degree of care, knowledge, skill and the ability as any other similarly situated contractor possessing the degree of skill, knowledge, experience, and expertise within the local area, working on similar activities. The CONTRACTOR shall perform the services requested in an efficient manner, consistent with the CITY’S stated Scope of Work and industry standards.

b. The CONTRACTOR covenants and agrees that it and its employees, agents, representatives, volunteers, and the like, will be bound by the same standards of conduct as stated above.

SECTION 5. COMPENSATION.

a. CONTRACTOR shall be paid pursuant to the schedule of fees for services as set forth in Exhibit “A”, which is attached hereto and incorporated herein. CONTRACTOR shall submit invoices for the prior month’s services provided to Public Works, on or after the 10th day of the month after which services were provided. Compensation for services completed by the CONTRACTOR will be paid in accordance with Section 218.70, Florida Statutes, and Florida’s Prompt Payment Act.

b. Service to be performed in accordance with this Contract are subject to the annual appropriation of funds by the CITY. In its sole discretion, the CITY reserves the right to forgo use of the CONTRACTOR for any project which may fall within the Scope of Work/Work listed in this CONTRACT.

c. Pursuant to Florida Statutes § 218.73, CONTRACTOR’S invoices must be submitted to, Public Works Director for review and processing.

SECTION 6. TERMINATION AND FORCE MAJEURE

a. This Agreement may be terminated by either Party for any or no reason by providing the other at least thirty (30) days written notice of intent to terminate.

b. Force Majeure. Neither Party to this CONTRACT will be liable for its failure to perform under the Contract due to any circumstances beyond its reasonable control such as act of God, wars, riots,

national emergencies, sabotage, strikes, labor disputes, accidents, and governmental laws, ordinances, rules, or regulations. The CONTRACTOR or CITY may suspend its performance under this Contract as a result of Force Majeure without being in default of the CONTRACT, but upon removal of such Force Majeure the CONTRACTOR or CITY will resume its performance as soon as reasonably possible.

SECTION 7. PAYMENT WHEN SERVICES ARE TERMINATED.

a. In the event of termination of this Contract by the CITY, and not due to the fault of the CONTRACTOR, the CITY will compensate the CONTRACTOR for all authorized services performed prior to the effective date of termination.

b. In the event of termination of this CONTRACT due to the fault of the CONTRACTOR, or at the written request of the CONTRACTOR, the CITY will compensate the CONTRACTOR for all authorized services completed, prior to the effective date of termination, which have resulted in a usable product or otherwise tangible benefit to the CITY.

SECTION 8. CITY OBLIGATIONS.

At the CONTRACTOR’S request, the CITY agrees to provide, at no cost, all pertinent information known to be available to the CITY to assist the CONTRACTOR in providing and performing the required services.

SECTION 9. APPLICABLE LICENSING.

The CONTRACTOR, at its sole expense, shall obtain all required federal, state, and local licenses, occupational and otherwise, required to successfully provide the services set forth in this CONTRACT.

SECTION 10. COMPLIANCE WITH ALL LAWS.

The CONTRACTOR, at its sole expense, shall comply with all laws, ordinances, judicial decisions, orders, and regulations of federal, state, county, and CITY, as well as their respective departments, commissions, boards, and officers, which are in effect at the time of execution of this Contract or are adopted at any time following the execution of this Contract.

SECTION 11. SCHEDULE.

The CONTRACTOR agrees to commence work under this CONTRACT on date set forth in the CONTRACT issued by the CITY, to comply with all time schedules, and to respond to emergency calls within one (1) hour as described in the proposal.

SECTION 12. INDEPENDENT CONTRACTOR.

This CONTRACT does not create an employee/employer relationship between the parties. It is the parties' intention that the CONTRACTOR, its employees, sub-contractors, representatives, volunteers, and the like, will be an independent contractor and not an employee of the CITY for all purposes, including, but not limited to, the application of the following, as amended: the Fair Labor Standards Act minimum wage and overtime payments, the Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, the State of Florida revenue and taxation laws, the State of Florida workers' compensation laws, the State of Florida unemployment insurance laws, and the Florida Retirement System benefits. The CONTRACTOR will retain sole and absolute discretion in the judgment on the manner and means of carrying out the CONTRACTOR'S activities and responsibilities under this Contract.

SECTION 13. BANKRUPTCY OR INSOLVENCY.

If the CONTRACTOR files a petition in bankruptcy, or if the CONTRACTOR is adjudged bankrupt or insolvent by any court, or if a receiver of the property of the CONTRACTOR is appointed in any proceeding brought by or against the CONTRACTOR, or if the CONTRACTOR makes an assignment for the benefit of creditors, or proceedings are commenced on or against the CONTRACTOR'S operations, the CITY may terminate this CONTRACT immediately notwithstanding the notice requirements of Section 22 to this Contract.

SECTION 14. CONFLICT OF INTEREST.

The CONTRACTOR warrants that the CONTRACTOR has not employed or retained any company or person, other than a bona fide employee working solely for the CONTRACTOR, to solicit or secure this CONTRACT, and that the CONTRACTOR has not paid or agreed to pay any person, company, corporation, individual, or firm any fee, commission, percentage, gift, or any other consideration, contingent upon or resulting from the award or making of this CONTRACT. For the breach or violation of this Paragraph, the CITY has the right to terminate this CONTRACT immediately, without liability and without regard to the notice requirements of Section 6 hereof.

SECTION 15. EMPLOYMENT ELIGIBILITY VERIFICATION (E-VERIFY).

- a. In accordance with the State of Florida, Office of the Governor, Executive Order 11-116 (superseding Executive Order 11-02; Verification of Employment Status), in the event performance of this CONTRACT is or will be funded using state or federal funds, the CONTRACTOR must comply with the Employment Eligibility Verification Program ("E-

Verify Program”) developed by the federal government to verify the eligibility of individuals to work in the United States and 48 CFR 52.222-54 (as-amended) is incorporated in this CONTRACT by reference. If applicable, in accordance with Subpart 22.18 of the Federal Acquisition Register, the CONTRACTOR must (1) enroll in the E-Verify Program, (2) use E-Verify to verify the employment eligibility of all new hires working in the United States, except if the CONTRACTOR may choose to verify only new hires assigned to the CONTRACT; (3) use E-Verify to verify the employment eligibility of all employees assigned to the CONTRACT; and (4) include these requirements in certain subcontracts, such as construction. Information on registration for and use of the E-Verify Program can be obtained via the internet at the Department of Homeland Security Web site: <http://www.dhs.gov/E-Verify>.

- b. Pursuant to Florida Statutes § 448.095(2), beginning January 1st 2021, CONTRACTOR shall register with and use the E-Verify system to verify the work authorization status of all newly hired employees. CONTRACTOR’S contract with the CITY cannot be renewed unless, at the time of renewal, CONTRACTOR certifies in writing to the CITY that it has registered with and uses the E-Verify system. If CONTRACTOR enters into a contract with a subcontractor, the subcontractor must provide the contractor with an affidavit stating that the subcontractor does not employ, contract with, or subcontract with an unauthorized alien and CONTRACTOR shall maintain a copy of such affidavit for the duration of the contract. If CONTRACTOR develops a good faith belief that any subcontractor with which it is contracting has knowingly violated Florida Statutes § 448.09(1) (making it unlawful for any person knowingly to employ, hire, recruit, or refer, either for herself or himself or on behalf of another, for private or public employment within the state, an alien who is not duly authorized to work by the immigration laws or the Attorney General of the United States) CONTRACTOR shall terminate the contract with the subcontractor. If the CITY develops a good faith belief that CONTRACTOR has knowingly violated Florida Statutes § 448.09(1) (making it unlawful for any person knowingly to employ, hire, recruit, or refer, either for herself or himself or on behalf of another, for private or public employment within the state, an alien who is not duly authorized to work by the immigration laws or the Attorney General of the United States) CITY shall terminate this contract. Pursuant to Florida Statutes § 448.095(2)(c)(3), termination under the above-circumstances is not a breach of contract and may not be considered as such.

SECTION 16. EQUAL OPPORTUNITY EMPLOYER.

CONTRACTOR agrees that when performing under this contract, it and its agents and subcontractors shall refrain from discriminating against any person on the grounds of race, religion, color, disability, national origin, gender, age or marital status.

SECTION 17. INSURANCE.

In order to ensure it is capable of meeting its obligations under this Agreement, including its obligations to indemnify the City as provided for herein, vendor shall, at its own cost and expense, acquire and maintain (and cause any subcontractors, representatives or agents to acquire and maintain), throughout the term of this Agreement and for a one year period thereafter, the following forms of insurance which could be used to satisfy said obligations or liabilities, naming the City as an additional insured:

- a. Commercial General Liability Insurance coverage on an occurrence policy form, including but not limited to, premises operations, products/completed operations, products liability, contractual liability, advertising injury, personal injury, death, and property damage in the minimum amount of \$1,000,000 (one million dollars) per occurrence and \$2,000,000 (two million dollars) general aggregate.
- b. Commercial Automobile Liability Insurance coverage on an occurrence policy form for any owned, non-owned, hired or borrowed automobile is required in the minimum amount of \$1,000,000 (one million dollars) combined single limit each accident. Coverage must include bodily injury and property damage.
- c. Statutory Workers' Compensation Insurance coverage in accordance with the laws of the State of Florida. Coverage should include Voluntary Compensation, Jones Act, and U.S. Longshoremen's and Harbor Worker's Act coverage when applicable. Should vendor have "leased" employees, vendor or the Employee Leasing Agency shall provide evidence of Workers' Compensation coverage, which meets the statutory requirements of the State of Florida, for all personnel on the Town's properties.
- d. Employer's Liability Insurance in the minimum amount of \$100,000 (one hundred thousand dollars) each employee each accident, \$100,000 (one hundred thousand dollars) each employee by disease and \$500,000 (five hundred thousand dollars) aggregate by disease with benefits afforded under the laws of the State of Florida.
- e. If vendor is using its own property or equipment in connection with the performance of its obligations under this Agreement, then Property Insurance on an "All Risks" basis with

replacement cost coverage for property and equipment in the care, custody and control of others is recommended.

The City has no duty or obligation to insure, replace, or protect vendor’s equipment, furnishings, or other personal property or improvements provided by or paid for by vendor, and all risk of loss and insurance against such risks shall be the sole responsibility of vendor.

Coverage shall be obtained with a carrier having an AM Best Rating of A-VII or better. In addition, the City has the right to review vendor’s deductible or self-insured retention and to require that it be modified so as to ensure the City’s right to indemnification and ability of vendor to satisfy judgments or claims is sufficient. Policy limits may be achieved by a combination of primary and umbrella/excess liability policies. Provider shall provide proof of this insurance and additional insured certificates to the City’s Clerk upon request.

SECTION 18. INDEMNIFICATION, PRESERVATION OF IMMUNITY.

Each party hereby agrees to fully indemnify and hold harmless the other, its officers, employees, and agents from and against any and all claims, losses, costs, expenses, actions and causes of action, including reasonable attorney’s fees at all levels, arising out or by reason of any damage or injury to persons or property suffered or claimed to have been suffered, by any intentional or negligent act or omission of the indemnifying party, its directors, officers, employees, or agents in the carrying out of the terms and conditions of this Agreement. The Party claiming right to indemnification (“Claimant”) will give the indemnifying Party (“Indemnitor”) prompt notice of any such claim and the Indemnitor will undertake the defense thereof by representatives of its own choosing. In the event Indemnitor, within a reasonable time after notice of claim, fails to defend, the Claimant shall have the right to undertake the defense, compromise or settlement of such claim on behalf of and for the account and risk of the Indemnitor, subject to the right of the Indemnitor to assume such defense at any time prior to settlement, compromise or final determination thereof. Notwithstanding the foregoing, in the event either Party reasonably believes that counsel defending any such action has unacceptable conflicts of interest or otherwise lacks the skill to adequately protect such Party’s interest, such Party reserves the right to defend itself with its own counsel or retained counsel at the Indemnitor’s expense, unless the Claimant is found negligent or otherwise responsible for the occasion of the litigation. Nothing herein shall be interpreted as a waiver by the Town of its rights, including the procedural requirements and limited waiver of immunity, as set forth in Florida Statutes § 768.28, or any other statute, and the Town expressly reserves these rights to the full extent allowed by law.

SECTION 19. SOVEREIGN IMMUNITY.

The CITY expressly retains all rights, benefits and immunities of sovereign immunity in accordance with Section 768.28, Florida Statutes. Notwithstanding anything set forth in any section, article or paragraph of this

CONTRACT to the contrary, which may have been adopted by the Florida Legislature or may be adopted by the Florida Legislature, and the cap on the amount and liability of the CITY for damages, attorney fees and costs, regardless of the number or nature of claims in tort, equity or contract, will not exceed the dollar amount set by the Florida Legislature for tort. Nothing in this CONTRACT will inure to the benefit of any third party for the purpose of allowing any claim against the CITY which would otherwise be barred under the Doctrine of Sovereign Immunity or operation of law.

SECTION 20. PUBLIC RECORDS.

The CONTRACTOR agrees to comply with the Florida Public Records Act, as applicable, including, but not limited to Section 119.0701 of the Florida Statutes. Documents which are considered public records under Florida law may include, but are not limited to: records related to the entry, management and implementation of this CONTRACT; emails/correspondence between the CITY and the CONTRACTOR related to this CONTRACT; emails or correspondence from all other entities related to this CONTRACT (i.e., subcontractors, suppliers, vendors, etc.); billing and related documents; plans or other documents that may be necessary, reports, etc.; subcontracts; and, all vendor invoices. The CONTRACTOR agrees, to the extent required by law, to:

- a. Keep and maintain public records that ordinarily and necessarily would be required by the public agency in performing the services of the CONTRACT;
- b. Provide the public with access to the public records under the same terms and conditions that the CITY would provide the records and at a cost that does not exceed the cost provided for by law;
- c. Ensure that the public records are exempt or confidential, and exempt from public disclosure requirements, are not disclosed, except as authorized by law; and
- d. Meet all requirements for public records and transfer, at no cost, to the CITY, all public records in possession of the CONTRACTOR, upon termination or completion of the CONTRACT and destroy any duplicate public records that are exempt or confidential, or exempt from public record disclosure requirements.

Furthermore, the CONTRACTOR agrees that all records stored electronically must be provided to the CITY in a format that is compatible with the information technology systems of the CITY. The CONTRACTOR shall promptly provide the CITY with a copy of any request to inspect or copy public records that the CONTRACTOR receives and a copy of the CONTRACTOR'S response to each request.

The CONTRACTOR understands and agrees that failure to provide access to the public records is a material breach of this CONTRACT and grounds for termination.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR’S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (727) 391-9951 ext. 231, cvanblargan@madeirabeachfl.gov, and City Hall, 300 Municipal Dr., Madeira Beach, FL, 33708.

THE CONTRACTOR ACKNOWLEDGES THAT THE CITY OF MADEIRA BEACH CANNOT AND WILL NOT PROVIDE LEGAL OR BUSINESS ADVICE TO THE CONTRACTOR WITH RESPECT TO ITS OBLIGATIONS PURSUANT TO THIS SECTION RELATED TO PUBLIC RECORDS. THE CONTRACTOR ACKNOWLEDGES THAT IT WILL NOT RELY ON THE CITY OF MADEIRA BEACH OR ITS CITY ATTORNEY TO PROVIDE SUCH BUSINESS OR LEGAL ADVICE AND THAT CONTRACTOR HAS BEEN ADVISED TO SEEK PROFESSIONAL ADVICE WITH REGARD TO PUBLIC RECORDS MATTERS ADDRESSED BY THIS CONTRACT.

SECTION 21. AUDITING, RECORDS, AND INSPECTIONS.

In the performance of this CONTRACT, the CONTRACTOR shall keep books, records, and accounts of all activities, related to the CONTRACT, in compliance with generally accepted accounting procedures. Throughout the term of this CONTRACT, books, records, and accounts related to the performance of this CONTRACT must be open to inspection during regular business hours by an authorized representative of the CITY, and must be retained by the CONTRACTOR for a period of three years after termination or completion of the CONTRACT, or until the full CITY audit is complete, whichever comes first. The CITY retains the right to audit the books during the three-year retention period. All books, records, and accounts related to the performance of this CONTRACT are subject to the applicable provisions of the Florida Public Records Act, Chapter 119, and Florida Statutes. The CITY also has the right to conduct an audit within sixty (60) days from the effective date of this CONTRACT to determine whether the CONTRACTOR has the ability to fulfill its contractual obligations to the satisfaction of the CITY. The CITY has the right to terminate this CONTRACT based upon its findings in this audit without regard to the termination provision set forth in this CONTRACT.

SECTION 22. NOTICE.

All notices required to be given to the CITY or CONTRACTOR under this CONTRACT must be sent by (a) registered or certified mail, and notice will be deemed to have been given on the date of acceptance; or (b) delivery (i.e., courier or other hand delivery), overnight delivery, email or facsimile transmission, and notice will be deemed to have been given on the day of delivery or transmission. If the day of notice is a Saturday, Sunday, or legal holiday, notice will be deemed to have been given on the first calendar day thereafter which is not a Saturday, Sunday, or legal holiday. All notices required to be given to the CITY must be made to the CITY at:

City of Madeira Beach
Attention: Megan Wepfer, Public Works Director,
300 Municipal Drive
Madeira Beach, Florida 33708
Phone: (727) 543-8154
mwepfer@madeirabeachfl.gov

Or to such other address or facsimile number as the CITY may direct from time to time by written notice forwarded to the CONTRACTOR as provided above.

All notices required to be given to CONTRACTOR in this CONTRACT must be sent to CONTRACTOR at:

Company: American Janitorial, Inc.
Attention: Ryan Strem, CSO
Address: 87 North Central Ave, Umatilla, FL 32784
Phone: 352-932-9456
Fax: 352-669-1408
Email: ryan.strem@ajiclean.com

or to such address or facsimile number as the CONTRACTOR may direct from time to time by written notice forwarded to the CITY as provided above. E-mail transmittal of notices are considered delivered as of the date of electronic transmission. Both parties will supplement emailed notices with a formal version of the notice as outlined above.

SECTION 23. DOCUMENTS CONSTITUTING ENTIRE CONTRACT.

The following documents are hereby incorporated and made part of this Contract:

City of Madeira Beach
RFP 2024-06

1. Request for Proposals 2024-06 including addenda

2. Bid documents submitted by CONTRACTOR as part of their solicitation response.

In the event that any term of the RFP or the CONTRACTOR’S bid is inconsistent with this contract or with each other, then the following order of precedence shall apply:

- This contract document shall prevail over any conflicting provisions in the RFP or bid
- The CITY’S RFP shall prevail over any conflicting provisions in the bid

SECTION 24, MISCELLANEOUS.

i. The laws of the State of Florida govern all aspects of this CONTRACT. In the event it is necessary for either party to initiate legal action regarding this CONTRACT, venue will lie in Pinellas County, Florida. **THE PARTIES WAIVE THEIR RIGHT TO TRIAL BY JURY IN ANY ACTION, PROCEEDING OR CLAIM, ARISING OUT OF THIS CONTRACT, WHICH MAY BE BROUGHT BY EITHER OF THE PARTIES.**

ii. CONTRACTOR has been made aware Section 287.133 and 135, Florida Statutes, and the CITY’S requirement that the CONTRACTOR has complied with these laws in all respects prior to and will comply with them in all respects during the term of this CONTRACT.

iii. This CONTRACT is only assignable by the CONTRACTOR upon the express written consent of the CITY.

iv. This CONTRACT is binding upon and inures to the benefit of the Parties, their heirs, personal representatives, successors, and assigns.

v. Failure of the parties to insist upon strict performance of any of the covenants, terms, provisions, or conditions, or conditions of this CONTRACT, or to exercise any right or option contained in this CONTRACT will not be construed as a waiver or a relinquishment for the future of any such covenant, term, provision, condition, or right of election, but the same will remain in full force and effect.

vi. In the event the CITY issues a purchase order, memorandum, letter, or any other instrument addressing the services, work, and materials to be provided and performed pursuant to this CONTRACT, it is specifically agreed and understood by the Parties that any such purchase order, memorandum, letter, or other instrument is for the CITY’S internal purposes only, and any and all terms, provisions, and conditions contained in this CONTRACT, whether printed or written, will in no way modify the covenants, terms, and provisions of this CONTRACT and will have no force or effect on this CONTRACT.

vii. The covenants, terms, and provisions of this CONTRACT may be modified by way of a written instrument, mutually accepted by the parties hereto. In the event of a conflict between the covenants, terms, and/or provisions of this CONTRACT and any written Amendment(s) hereto, the provisions of

the latest executed instrument will take precedence.

viii. All clauses found in this CONTRACT will act independently of each other. If a clause is found to be illegal or unenforceable, it will have no effect on any other provision of this CONTRACT. It is understood by the Parties that if any part, term, or provision of this CONTRACT is by the courts held to be illegal or in conflict with any law of the State of Florida, or the United States, the validity of the remaining portions or provisions will not be affected, and the rights and obligations of the Parties will be construed and enforced as if the CONTRACT did not contain the particular part, term, or provision held to be invalid.

ix. All headings of the sections, exhibits, and attachments contained in this CONTRACT are for the purpose of convenience only and must not be deemed to expand, limit or change the provisions contained in such sections, exhibits, and attachments.

x. The Parties represent and warrant that they have entered into this CONTRACT relying wholly upon their own judgment, belief and knowledge of the nature, extent, effect and duration of any actions, damages and liability therefore. The Parties represent that they enter into this CONTRACT without relying upon any statement or representation of the adverse parties other than what has been set forth in writing in this CONTRACT. The Parties represent that they have had the opportunity to discuss this matter with counsel of their choosing and are satisfied with its counsel and the advice received. The Parties understand this CONTRACT's contents and this CONTRACT will be construed as resulting from joint negotiation and authorship. No part of this CONTRACT will be construed as the product of any one of the Parties. The Parties further declare and represent that no promise, inducement, agreement or understanding not expressed in this CONTRACT has been made to an adverse party and that the terms of this CONTRACT are contractual and not a mere recital. This CONTRACT will be deemed and treated as drafted jointly by all the Parties, and no term, condition or provision of this CONTRACT will be construed more strictly against any Party.

xi. All words used in this CONTRACT in the singular will extend to and include the plural, and the use of any gender will extend to and include all genders. The term 'including' is not limiting.

xii. Each of the Parties covenants to the other party to this CONTRACT that it has lawful authority to enter into this CONTRACT, that the governing or managing body of each of the Parties has approved this CONTRACT, and that the governing or managing body of each of the Parties has authorized the execution of this CONTRACT in the manner set forth below.

xiii. This CONTRACT must be executed by the respective duly authorized officials, and will take effect as of the day and year first above written.

- xiv. No Third-party Beneficiary - This CONTRACT is for the benefit of the Parties and their respective successors and permitted assigns, and it is not the intent of the Parties to enter this Agreement for any other person's or entity's benefit.
- xv. Attorney Fees – in any action brought between the Parties to enforce or construe the terms of this CONTRACT, each Party shall bear its own attorneys' fees and costs, including any incurred on appeal, regardless of the resolution of the case or appeal(s)
- xvi. Amendments - This contract may be modified, amended or extended only by written amendment executed by authorized representatives of both Parties.

[THIS REST OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have made and executed this Agreement on the date and year first above written.

**As To
CONTRACTOR**

American Janitorial, Inc.

(name of corporation or business)

BY: CEO

(title of authorized corporate officer or individual)



Signature

Jason Lay

Printed Name

**As To
CITY OF MADEIRA BEACH**

ATTEST | City Clerk:

Mayor:

Signature

Signature

2024 BOARD OF COMMISSIONERS MEETING SCHEDULE
Patricia Shontz Commission Chambers – City Hall, 300 Municipal Drive, Madeira Beach, FL
“All meetings & Events listed are in the Commission Chambers.”
“Meetings, dates & times are subject to change.”

<u>DATE</u>	<u>DESCRIPTION</u>	<u>TIME</u>
Wednesday, August 14, 2024	BOC Regular Meeting	6:00 p.m.
Wednesday, August 28, 2024	BOC Budget Workshop Meeting	4:00 p.m.
Wednesday, August 28, 2024	BOC Regular Workshop Meeting	6:00 p.m.
Monday, September 2, 2024	LABOR DAY – City Holiday	
Wednesday, September 11, 2024	BOC Special Meeting <i>(1st Reading & PH – Approve FY 2025 Tentative Millage Rate Ordinance & FY 2025 Tentative Budget Ordinance)</i>	5:45 p.m.
Wednesday, September 11, 2024	BOC Regular Meeting	6:00 p.m.
Monday, September 30, 2024	BOC Special Meeting <i>(2nd Reading & PH – Adopt FY 2025 Millage Rate Ordinance & FY 2025 Budget Ordinance)</i>	5:45 p.m.
Monday, September 30, 2024	BOC Regular Workshop Meeting	6:00 p.m.
Monday, October 14, 2024	BOC Regular Meeting	6:00 p.m.
Wednesday, October 23, 2024	BOC Regular Workshop Meeting	6:00 p.m.
Monday, November 11, 2024	VETERANS DAY OBSERVED – City Holiday	
Wednesday, November 13, 2024	BOC Regular Meeting	2:00 p.m.
Wednesday, November 13, 2024	BOC Regular Workshop Meeting <i>(date & time changed due to Thanksgiving Holidays)</i>	4:00 p.m.
Thursday, November 28, 2024	THANKSGIVING DAY – City Holiday	
Friday, November 29, 2024	DAY AFTER THANKSGIVING DAY – City Holiday	
Candidate Qualifying Period	NOON, Monday, December 2, 2024 through NOON, Friday, December 13, 2024, excluding weekends. <i>(Commissioner District 3 and Commissioner District 4) - March 11, 2025 – Municipal Election – BALLOT LANGUAGE DUE December 31, 2024)</i>	
Wednesday, December 11, 2024	BOC Regular Meeting	2:00 p.m.
Wednesday, December 11, 2024	BOC Regular Workshop Meeting) <i>(date changed due to Christmas and New Year’s holidays)</i>	4:00 p.m.

Posted 08/01/2024

Item 15A.

Tuesday, December 24, 2024
Wednesday, December 25, 2024

CHRISTMAS EVE – City Holiday
CHRISTMAS DAY – City Holiday

Tuesday, December 31, 2024
Wednesday, January 1, 2025

NEW YEAR'S EVE - City Holiday
NEW YEAR'S DAY – City Holiday

**CITY CLERK'S REPORT
AUGUST 2024**

August 2024 Board of Commissioners Meetings (Meeting dates and times are subject to change)
Commission Chambers, 300 Municipal Drive, Madeira Beach, FL 33708

- **Wednesday, August 14, 2024 BOC Regular Meeting 6:00 p.m.**
- **Wednesday, August 28, 2024 BOC Budget Workshop Meeting 4:00 p.m.**
- **Wednesday, August 28, 2024 BOC Regular Workshop Meeting 6:00 p.m.**

BOARD OF COMMISSIONERS – COMMISSIONER DISTRICT 4

Congratulations to Housh Ghovae. He was appointed by the Board of Commissioners on Wednesday, July 10, 2024 to serve the remaining term of Commissioner District 4 after taking the Oath of Office. Commissioner Ghovae served on the Board of Commissioners in 2016. He served the remainder of the term of Patricia Shontz.

ATTACHMENTS:

- **HISTORY: MADEIRA TOMORROW PROJECT - MADEIRA BEACH VISIONING PROGRAM – CITY-WIDE MASTER PLANNING – Newspaper Articles**
- **2024 BOARD OF COMMISSIONERS MEETINGS SUMMARY – Summary through July 10, 2024**

MADEIRA BEACH

The City Master Plan

Free A Publication About Planning Traditional Neighborhoods 2002

A Charrette? What's A Charrette?

A charrette is an intensive planning session where citizens, designers and others collaborate on a vision for development. It provides a forum for ideas and offers the unique advantage of giving immediate feedback to the designers. More importantly, it allows everyone who participates to be a mutual author of the plan.

The charrette is located near the project site. The team of design experts and consultants sets up a full working office, complete with drafting equipment, supplies, computers, copy machines, fax machines, and telephones. Formal and informal meetings are held throughout the event and updates to the plan are presented periodically.

Through brainstorming and design activity, many goals are accomplished during the charrette. First, everyone who has a stake in the project develops a vested interest in the ultimate vision. Second, the design team works together to produce a set of finished documents that address all aspects of design. Third, since the input of all the players is gathered at one event, it is possible to avoid the prolonged discussions that typically delay conventional planning projects. Finally, the finished result is produced more efficiently and cost-effectively because the process is collaborative.

Charrettes are organized to encourage the participation of all. That includes everyone who is interested in the making of a development: the developer, business interests, government officials, interested residents, and activists.

Ultimately, the purpose of the charrette is to give all the participants enough information to make good decisions during the planning process.



Andrés Duany presents the latest drawings produced by a team of professionals gathered to work on the charrette. Often, hundreds of people in the community will turn out for charrette presentations and meetings to be a part of the community planning process.

A Historical Note -- Origins of the Word "Charrette":

The term "charrette" is derived from the French word for "little cart." In Paris during the 19th century, professors at the Ecole de Beaux Arts circulated with little carts to collect final drawings from their students. Students would jump on the "charrette" to put finishing touches on their presentation minutes before the deadline.

Charrette Schedule *

Saturday, February 23

Meeting #1: 12:00 noon - 1:30 p.m.

Lunch with Steering Committee

Meeting #2: 5:00 - 7:00 p.m.

Opening Presentation at Madeira Beach Middle School, 591 Stuart Causeway, Madeira Beach.

Sunday, February 24

11:30 a.m. - 1:30 p.m.

Meeting #3: Lunch with City Commission

2:00 - 4:00 p.m.

Meeting #4: Neighborhood Issues

Monday, February 25

10:00 a.m. - 11:30 a.m.

Meeting #5: Gulf Boulevard

1:00 p.m. - 3:00 p.m.

Meeting #6: Madeira Way/150th/Municipal Center

3:30 p.m. - 5:00 p.m.

Meeting #7: John's Pass Area

Tuesday, February 26

10:00 a.m. - 11:30 a.m.

Meeting #8: Waterfront/Natural Resources

2:00 p.m. - 3:30 p.m.

Meeting #9: Codes

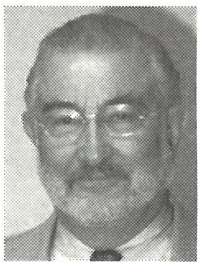
Friday, March 1

6:00 p.m. - 8:00 p.m.

Meeting #10: Final Presentation at Madeira Beach Middle School, 591 Stuart Causeway, Madeira Beach.

*All meetings will be held at City Hall, 300 Municipal Drive, Madeira Beach, Fla., unless otherwise noted. Call 727.391.9951 for more information.

From the Mayor



Dear Residents, Business Owners and Property Owners of Madeira Beach:

It is with great pleasure that I and the other City Commissioners invite all of you to join us for a weeklong planning and design process that will help shape Madeira Beach for years to come. The design charrette that will be taking place in our City Hall at the end of February, builds upon the visioning workshop that took place last April. In that workshop, over 120 participants helped to develop a set of consensus goals for our community. This master plan uses these goals as a starting point to develop a clear set of programs, projects and activities that will help define Madeira Beach in the upcoming years.

The charrette process is deliberately designed to be interactive and participatory. Please come to the public meetings shown on the schedule above. Make your voices heard. Use this opportunity to think constructively and creatively about our mutual future. These are exciting times for the city, and we think we've assembled the best possible team to assist us in achieving our goals. Jones Edmunds & Associates has a long history of working in our town. James Moore of HDR has helped us get to this point by leading us in the visioning program and showing us how to prepare for the master plan. Duany Plater-Zyberk & Company (DPZ) is regarded as one of the most exciting and innovative urban design firms in the country; Andrés Duany, the project director for the charrette, is known internationally as a leader of the new urbanism approach to town planning.

This selected team of professionals will discuss issues such as revising outdated codes, developing new design guidelines

and updating our comprehensive plan. The team will look to develop specific plans for the areas around John's Pass as well as Madeira Way -- two of the key points in our city. The team will also discuss potential developments along Gulf Boulevard and will look for ways to enhance the natural environmental beauty of Madeira Beach, as well as its small-town charm and character.

The opening presentation for the master plan charrette will be held at Madeira Beach Middle School on Saturday, February 23rd at 5:00 p.m. The final presentation will be held there on Friday, March 1st at 6:00 p.m. In between these presentations, we hope to see as many of you as possible at City Hall working with our consultants to make Madeira Beach the best city on the beach!

Sincerely,

Mayor Thomas De Cesare

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THE TOWN PAPER

Diane Dorney
Editor/Publisher

Claire Fleischer
Assistant Editor

Laurence Aurbach Jr.
Assistant Editor

CONTRIBUTORS

Debra Hempel is project coordinator for *The Town Paper*. She gathers specific project information from the charrette team and gets it to the newspaper team.

Stu Sirota, Wes Munzel, Elly Shaw-Belblidia, Joyce Marin and Cathy Janus are regular contributors to the *Town Paper* and have provided articles for this publication.

Shailendra Singh is an architect and artist. He drew the wonderful cartoon for this paper.

SUBSCRIBE!

Subscribe to the regular edition of *The Town Paper* and learn more about traditional neighborhood development.

For an individual, one-year subscription (6 issues), send \$25.00 (check or money order) to the address below. For bulk subscriptions, call *The Town Paper* office at 301.990.8105.

E-mail: diane@TNDtownpaper.com

The Town Paper
309 Main Street
Gaithersburg, MD 20878

The Madeira Beach charrette paper is a publication of *The Town Paper*. The *Town Paper* publishes information about new and old traditional neighborhoods with an emphasis on smart growth methods of development.

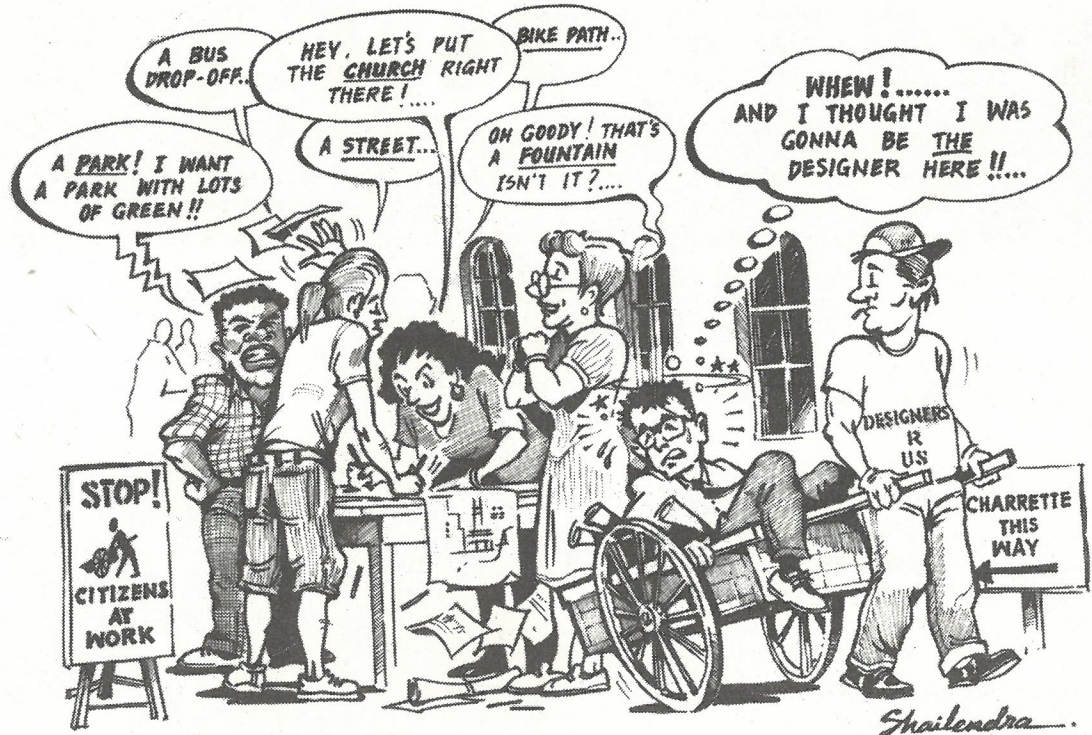
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“Cities are, in a sense, natural ecosystems too -- for us.”

Jane Jacobs
The Death and Life of Great American Cities

BEING PREPARED



Terms for Towns

Accessory Unit: A secondary building associated with a principal building by ownership and shared lot. May be rented but not sold separately. Syn.: Ancillary building, backyard cottage, carriage house, garage apartment, granny flat, out-building.

Cartway (or Travelway): The width of a street measured from curb to curb. Excludes sidewalks and planting strips.

Civic Use: Premises used by organizations considered to support the common good and therefore given special treatment within traditional neighborhoods. Civic sites should be reserved within every new urban neighborhood even if their advent is in the distant future.

Density: Number of building units per acre.

Floor/Area Ratio (F.A.R.): The ratio of the floor area inside a building to the area of its lot. If a one-story building covered its lot completely, its F.A.R. would be 1.

Infrastructure: Physical service improvements, including utilities, streetscapes and thoroughfares, but excluding buildings and community amenities.

Liner Building: A building that wraps around a parking lot or structure in order to mask it from the street.

Live/Work: A single-family house or townhouse with the first floor available as a commercial space, either independently leased or in conjunction with the residential unit above.

Mixed-Use: Multiple functions within the

same building or the same general area. One of the principles of new urban development from which many of the benefits are derived, including that of pedestrian activity and traffic capture. Suburban zoning categories specifically prohibit mixed-use; new urban ordinances assure it.

Network: A web of intersecting thoroughfares. The street network is the principal structuring device of the urban pattern.

Open Space: Area free of building that, together with a well-designed system of thoroughfares, provides a public realm at all scales of urbanism. Specific examples are:

Green -- a medium-sized public space available for unstructured recreation. A green is surrounded by building facades, its landscape consisting of grassy areas and trees. Requires limited maintenance.

Square -- a public space, seldom larger than a block, at the intersection of important streets. A square is enclosed by frontages; its streetscape consists of paved walks, lawns, trees, and civic building. Requires substantial maintenance.

Park -- a large open area available for recreation and fronted by buildings. Its landscape of paths, lawn, trees and open shelters is naturalistically disposed and requires limited maintenance.

Plaza -- a public space at the intersection of important streets set aside for civic purposes and commercial activities. A plaza is enclosed by frontages; its landscape consists of durable pavement for parking and trees requiring little maintenance.

Pedestrian Shed: The distance most people will walk rather than drive, providing the environment is pedestrian-friendly (equivalent to one-quarter of a mile or 1,320 feet).

Sectors:

Civic -- religious, cultural and educational

institutions operating for the common good.

Public -- government operating for the common good by bridging gaps left by the private sector.

Private -- development entities operating for profit.

Setback: The mandatory minimum or maximum distance between a lot line and an elevation (exterior wall). Open porches, balconies, overhangs and ramps are usually exempt from the setback requirements.

Terminated Vista: The view that occurs at the end of a thoroughfare. In planning, the terminated vista is always given careful consideration.

TND (Traditional Neighborhood Development): A comprehensive planning system with the mixed-use neighborhood as its basic element. Most of the neighborhood is within a five-minute walk of the center. The center supports local level retail and institutions. Syn.: new urban community

Urban Fabric: The generic term for the physical aspect of urbanism. This term emphasizes building types, thoroughfares, open space, streetscapes and frontages while excluding environmental, functional, economic and socio-cultural aspects.

Vernacular: The common heritage and language of a region, particularly in reference to the architectural construction of a building.

VMT (Vehicle Miles Traveled): The number of miles of personal auto travel per day. TNDs have relatively low VMT, illustrating the effectiveness of balanced use and walkability in traffic mitigation.

Why Should I Get Involved?

By Joyce Marin



Have you ever wondered, "why don't THEY fix that" or "how THEY could let that happen to our neighborhood"? I have learned when those questions come to mind, "THEY" actually means "WE," as in "We, the people." Increasingly, I have also come to appreciate, even more personally, that "we" often means "me." If it comes to me that a special quality in my community needs to be protected, preserved or lifted up, if an idea has hit me like a thunderbolt, if it's nagging at me or keeping me up at night, then I have come to accept that it's my responsibility to move that idea forward.

But how?

In our democratic form of government, I have discovered that there are some natural ways to make your voice heard. You can get involved by calling your elected or appointed officials. Or, you can start attending and speaking out at regularly scheduled public meetings of your municipality. You can also write a letter to the editor.

However, participating in a community design workshop, or charrette, is another way of moving your ideas forward and having fun at the same time. It is a creative process of collective brainstorming, where citizens of a community come together and are asked to consider the question, "What would you like your community to be like in the future?" Going to a charrette is a way to speak out even if your thoughts are not yet fully formed ideas, but more hopes and dreams. During this process, citizens talk about what they like best about their community, uncover common goals and dreams, and develop consensus on what they would like to see in the future. Then the designers get to work at putting these ideas on paper, and the

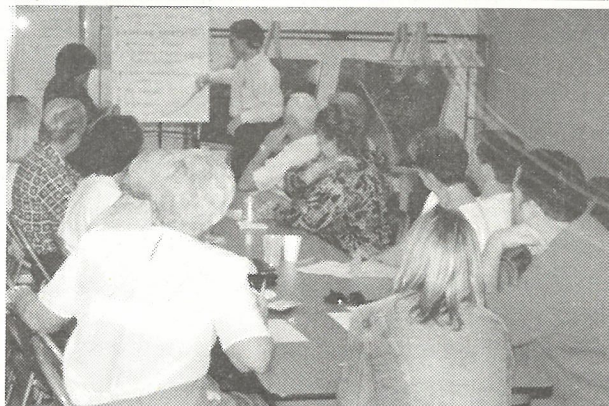
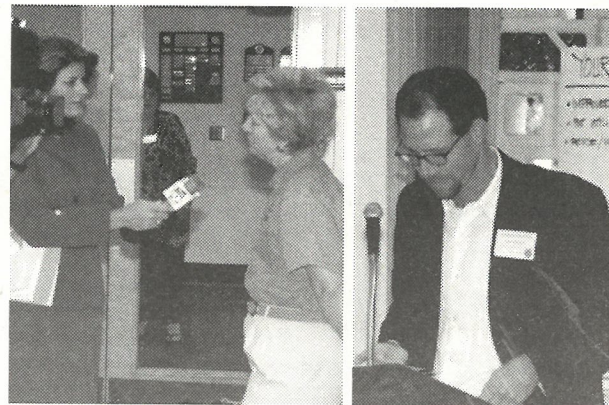
citizens can choose which drawings they think are the best fit for their neighborhoods. At the end of the charrette process, your community will agree on a common vision, have some designs on paper and outline a plan for action.

What will happen at the charrette? Experienced facilitators and designers will lead the workshop. All participants will be encouraged to express their opinions and ideas in a constructive and open forum.

Why should you participate in a charrette? In the old days of urban redevelopment in the 1960s, planning ideas that affected a neighborhood were decided by outside "experts," who imposed their ideas on the people who lived there. No one asked the local people what the best solutions were to the community's problems. The results were disastrous. Urban redevelopment hurt more neighborhoods than it helped.

Today, some planners and elected officials think much differently. They know that communities need to be proactive about deciding what their future holds. The best plans to guide the changes taking place in a community come from the people who know the community. People like you. To contribute in a meaningful way, all you need to do is to care ... and show up. It's almost magical, but the more people who care that participate, the more powerful the process becomes.

Other than ending up with some designs and a plan that many people agree on, you may be wondering, "What other benefits will people like me get from participating in this type of experience?" People who have gone to charrettes say that they made new friends and formed lasting relationships. They learned more about their community, its stories and its resources. They often feel energized by their ideas and dreams being incorporated as part of the whole plan for the future of the community. And



Top left: TV reporter interviews commissioner Doreen Moore about Vision Plan. Top right: Jeffrey Seiwert of JEA discusses the results of the visioning exercise. Bottom: Citizens participate in small group discussion during Madeira Beach Vision Plan.

JAMES A. MOORE

lastly, by being involved in a workshop like this, citizens get excited about working together after the charrette in order to see their ideas become reality, getting positive things done in their neighborhoods.

Joyce K. Marin holds public office as a borough councilwoman in Emmaus, PA. She is a Knight Fellow for the Knight Program in Community Building.

Small Shops Provide Local Flavor

If you've been to a grocery store lately, you may have noticed that there are fewer and fewer brands to choose from. That's because the food industry has gone through a wave of consolidations. Just five



This corner store, Greene's Market, is located in Lakelands, a new traditional neighborhood in Gaithersburg, Md.

GREENE'S MARKET

years ago, reports the *New York Times*, there were hundreds of regional food brokers. But today there are only three companies distributing the goods we find on supermarket shelves.

The lack of selection in supermarkets is a symptom of an ongoing revolution in retailing. Locally-owned businesses are being absorbed into multinational conglomerates, making way for giant, nationally-branded warehouse stores. The benefits of this revolution are undeniable: low prices and one-stop shopping. But there are critical drawbacks as well, drawbacks that have spurred a countertrend of unique local businesses.

Providing the human touch found lacking in global corporations, local businesses often are the true neighbors in a community. They tend to thrive in traditional towns where a supportive business environment is provided by many small shops and homes located in close proximity.

Shopping at small stores, you are more often treated to personalized advice from a knowledgeable owner. Profits go to familiar neighbors instead of abstract groups of shareholders. Loyalty and trust can once again exist between customer and retailer.

Small shops also provide a crucial socializing function. Corner stores, cafés, hairdressers and taverns are examples of "third places": Neither public nor private, they allow people to gather and enjoy each other's company. Even some national chain bookstores and coffeshops have latched on to this need with an emphasis on providing places to hang out and socialize.

As urban neighborhoods are renovated, smaller stores are returning to the streets and are being supported by the local community. In these areas, unique individual

cultures are emerging.

New urbanism is taking this concept and applying it to new developments. With a focus on mixed-use, human-scale walkable communities, the idea of the local shop is returning. A quick cup of coffee in the morning or a quart of milk at night provides opportunities for a chance meeting with a neighbor or building a relationship with the shopkeeper. These are the things that keep a community alive.

The mom and pop stores of our youth are probably gone, but the local business countertrend has swept in to replace them. Businesses that cater to a specific area and clientele, stores with one-of-a-kind merchandise and establishments that function as third places are turning up everywhere. As walking communities, new urban communities are more than capable of supporting these endeavors. Local businesses and gathering places increase the cohesiveness of a neighborhood, a welcome, eagerly anticipated side benefit of the new urbanism philosophy.

This article was adapted from an article written by Cathy Janus for The Town Paper called "Revisiting The Corner Store."



Above: The substitute for the corner store in conventional suburbia -- the 7-Eleven.

Below: Morgan's Drug Store in Georgetown, one of the oldest neighborhoods in our nation's capital.



TOWN PLANS

Learning from the past ...

Charleston, Annapolis, New Orleans and Boston. What do all of these cities have in common? After 200 years, they are highly sought after places to live, work and socialize. In fact, these towns have become increasingly valuable over time, as evidenced by the price of residential and commercial space.

These towns and others like them (see list at right) were planned in a similar fashion. Narrow streets are laid out in a grid-like pattern. The blocks are short, with lots of cross streets and intersections providing multiple routes of travel. Prominent civic sites were reserved early on for important buildings such as the town hall, places of worship and educational institutions. Parks are interspersed throughout the plan. These towns are mixed-use (residential, commercial, civic and office uses are permitted) and offer a long list of different housing types to their residents.

As years pass, these cities and towns continue to improve in function and aesthetics. Care is taken to preserve many of the civic and residential buildings. Parks, initially quite plain, have been en-

hanced with artwork and landscaping. Plazas originally planned as places to gather for social events continue to be used in the same manner.

The design techniques used to build these cherished towns fell into disfavor after World War II. Yet as today's planners search for ways to combat the negative impact of suburban sprawl, they are looking at successes from the past to guide them. Traditional town planning has returned as a viable alternative.

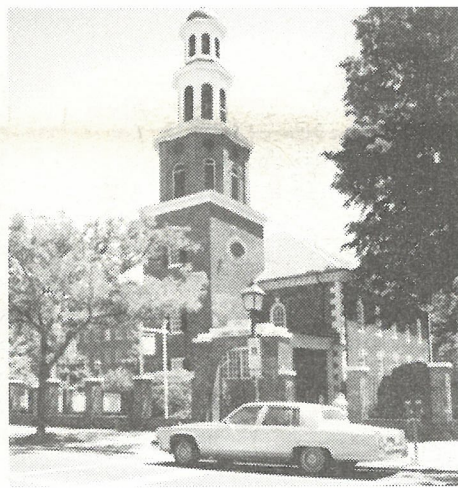


MICHAEL MORRISSEY



MIKE WATKINS

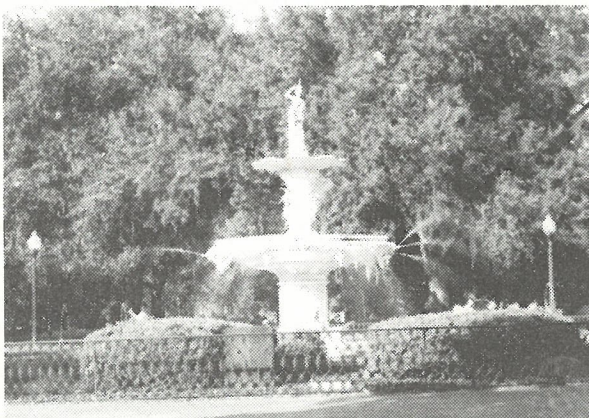
Old towns are studied and emulated by town planners of new traditional neighborhoods. From top to bottom: Nantucket, Mass., Shaker Heights, Ohio, Charleston, S.C. (bottom left), and Alexandria, Va.



Great Historic Towns and Neighborhoods

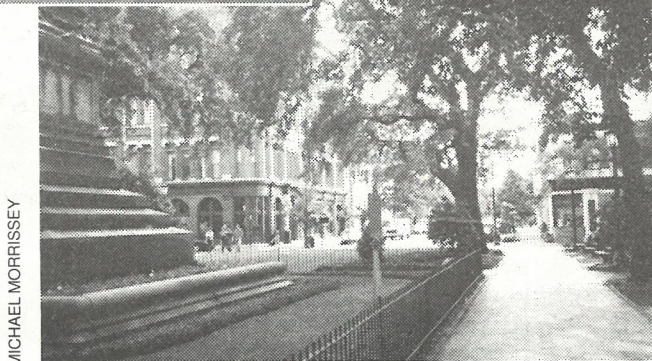
- Annapolis, Md.
- Charleston, S.C.
- St. Augustine, Fla.
- Shaker Heights, Ohio
- Mariemont, Ohio
- Coral Gables, Fla.
- Stonington, Conn.
- Alexandria, Va.
- Beacon Hill, Mass.
- Winter Park, Fla.
- Carmel, Calif.
- Williamsburg, Va.
- Georgetown, D.C.
- Philadelphia, Pa.
- Savannah, Ga.
- Chatham Village, Pa.
- Leesburg, Va.
- Hyde Park, Fla.
- New Orleans, La.
- Seattle, Wash.
- Santa Fe, N.M.
- Old Westbury, N.Y.
- Greenwich, Conn.
- Vail, Colo.
- Bloomfield Hills, Mich.
- Westport, Conn.
- Lake Forest, Ill.
- Telluride, Colo.
- Villanova, Pa.
- Princeton, N.J.
- Nantucket, Mass.

Savannah

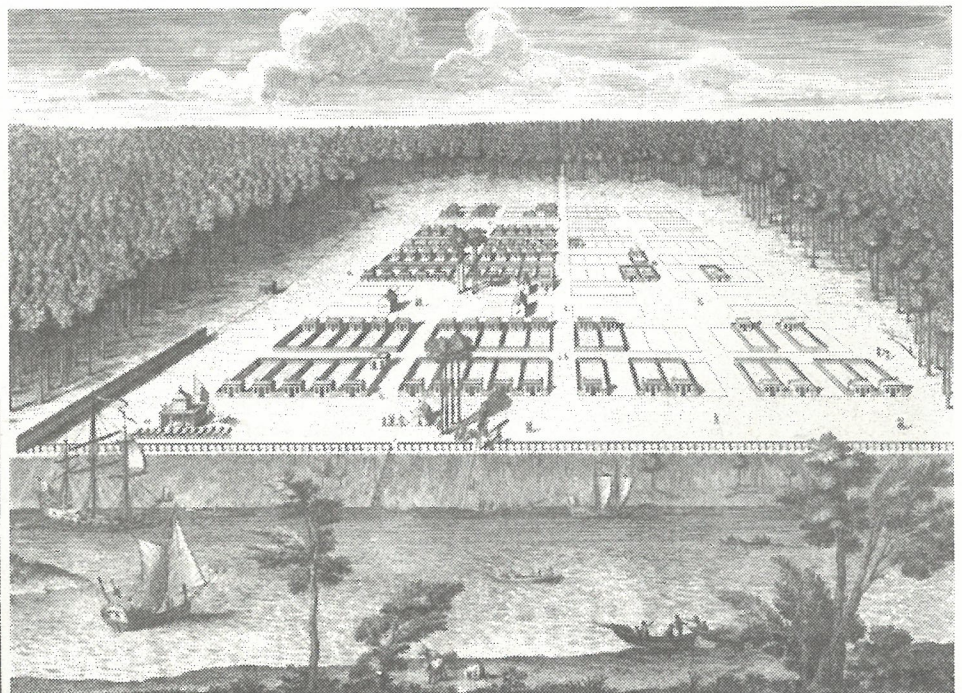


A plan of value holds its value.

Above and right: **Scenes from Savannah.** James Edward Oglethorpe designed the plan for Savannah (far right) in 1733. Savannah's social life has always centered around the squares. Oglethorpe established four squares originally, then added two more three years later. Today there are 22 squares in Savannah.



MICHAEL MORRISSEY



To the Hon. the Trustees for establishing the Colony of Georgia in America
This Plan of the Town of Savannah is humbly dedicated by their Servants
James Edward Oglethorpe
Principal and most Excellent, Governor
1733

PLAN COURTESY OF V & J DUNCAN ANTIQUE MAPS AND PRINTS

TOWN PLANS

... to plan for a better future.

Planning has undergone dramatic changes since town designing was replaced with the practice of developing single-use pods. Pods are clusters of buildings comprised solely of residences, office space or commercial space. The residential units are further "podded" into single-family, townhouse or apartment complex areas. The mixing of uses and building types was made illegal when municipalities across the country adopted zoning ordinances that dictated this type of segregation.

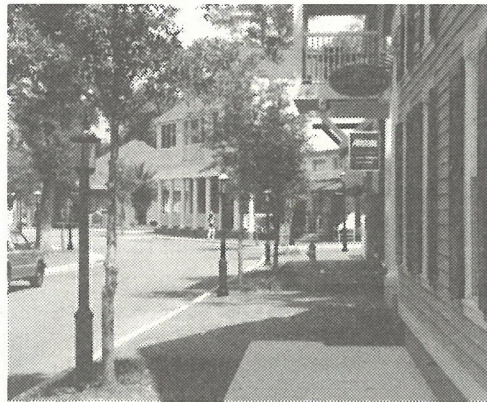
This shift in direction resulted in people's total reliance on the automobile. During the 1950s, car ownership became the rule, rather than the exception. With so many behind the wheel, planning is a challenge. The question has become, "How do we get all of the people living in the housing pods to the office and commercial pods as quickly as possible?" The answer has been to build more roads.

Millions of miles of highways have been built over the last 50 years and each day more people feed into these roads. Traffic congestion is the resulting dilemma.

Twenty years ago, an al-

ternative to pod-development planning was experimented with on a piece of property in Florida. This town, named Seaside, was planned by Duany Plater-Zyberk & Company and became the first "traditional neighborhood development." Seaside is a success from many standpoints but, most importantly, it has proved that mixed-use, walkable towns and town centers can still be built and be successful. In fact, home prices in Seaside have soared as the demand far exceeds the supply.

Today, municipalities once fearful of even contemplating traditional neighborhood development are now adopting codes to ease its approval.



Like many of their predecessors, new traditional neighborhoods and neighborhoods undergoing revitalization include a mix of housing types, civic buildings and commercial buildings. From top to bottom: Vermillion, N.C., Haile Village Center, Fla., Celebration, Fla., (bottom left) and Bethesda, Md.



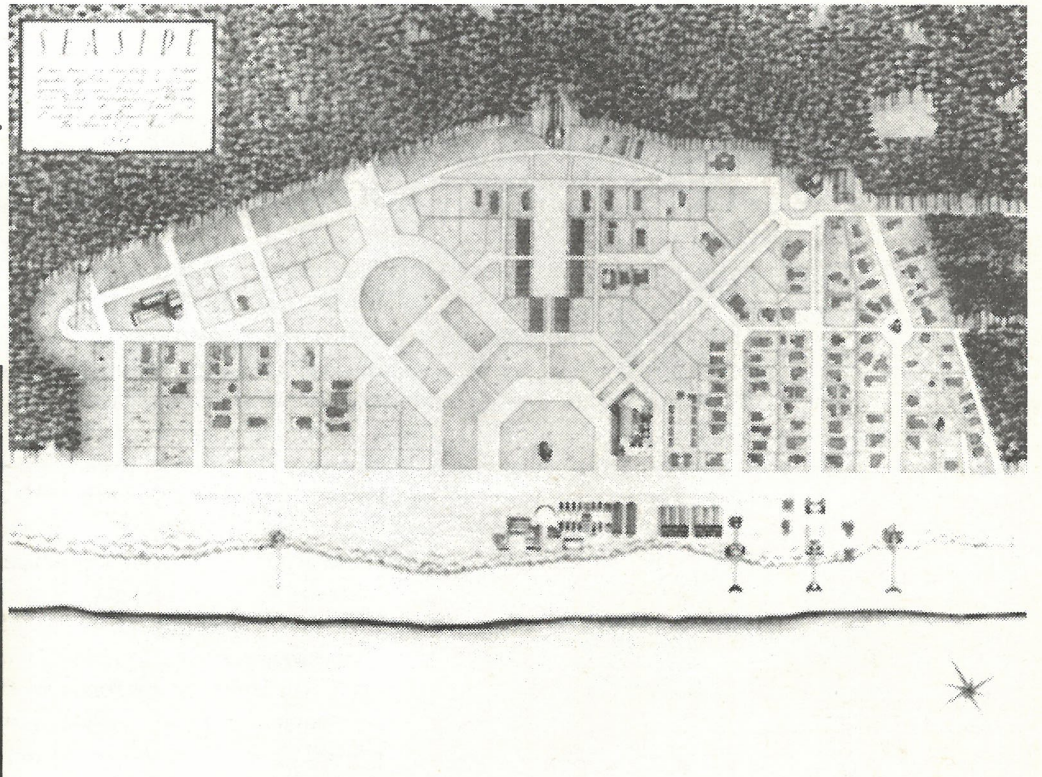
Great New Towns and Neighborhoods

- Kentlands, Md.
- Seaside, Fla.
- Vermillion, N.C.
- Celebration, Fla.
- Civano, Ariz.
- Prospect, Colo.
- Amelia Park, Fla.
- Harbor Town, Tenn.
- Riverside, Ga.
- WestClay, Ind.
- Mt. Laurel, Ala.
- Tannin, Ala.
- Windsor, Fla.
- Playa Vista, Calif.
- Longleaf, Fla.
- Belmont Greene, Va.
- Laguna West, Calif.
- Mashpee Commons, RI
- l'On, S.C.
- Habersham, S.C.
- Coffee Creek, Ind.
- Lakelands, Md.
- King Farm, Md.
- Orenco Station, Ore.
- Fairview Village, Ore.
- Legacy, Texas
- Middleton Hills, Wis.
- Daniel Island, S.C.
- Rosemary Beach, Fla.

Seaside



Setting the precedent for the future.

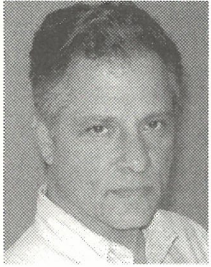


Above and right: Scenes from Seaside. Seaside (far right) was designed by Duany Plater-Zyberk & Company in 1980. It is considered the little town that changed the world as planners and homeowners realized the brilliance of returning to a formula that has worked for hundreds of years.

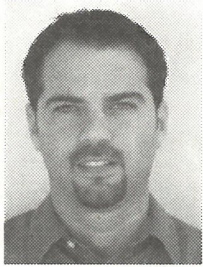


PLAN COURTESY DUANY PLATER-ZYBERK & COMPANY

THE CHARRETTE TEAM



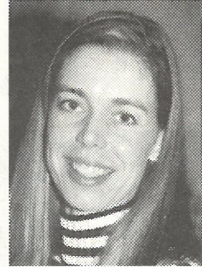
Andrés Duany
Project Director
DPZ



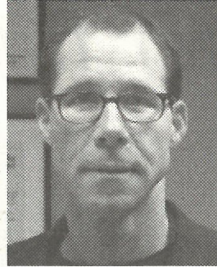
Jorge Planas
Project Manager
DPZ



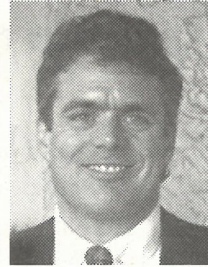
Galina Tahchieva
Design
DPZ



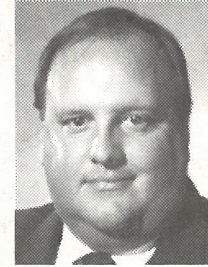
Debra Hempel
Charrette
Coordinator



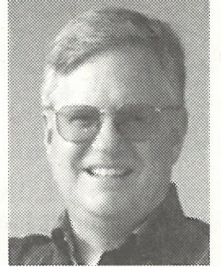
Jeffrey Siewert
Vice President
JEA



James A. Moore
Project Principal
HDR, Inc.



Neale Stralow
Senior Consultant
HDR, Inc.



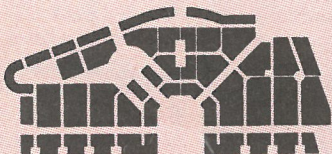
Rick Hall
Transportation
Hall Planning and
Engineering

Additional DPZ team members: Maximo Rumis, Marcela Leiva, Gustavo Sanchez.

DPZ Projects Under Construction

Blount Springs, Ala.
Grangemoor, Ala.
Mount Laurel, Ala.
Tannin, Ala.
Civano, Ariz.
Playa Vista, Calif.
Bradburn, Colo.
Prospect, Colo.
Abacoa, Fla.
Amelia Park, Fla.
Avalon Park, Fla.
Fifth Avenue South, Naples, Fla.
Rosemary Beach, Fla.
Seaside, Fla.
Southlake, Fla.
Downtown Stuart, Fla.
West Palm Beach, Fla.
Windsor, Fla.
Covington, Ga.
Riverside, Ga.
Downtown Baton Rouge, La.
Kentlands, Md.
Lakelands, Md.
Mashpee Commons, Mass.
Aldea, N.M.
Cheshire, N.C.
Trillium, N.C.
Vermillion, N.C.
Downcity Providence, R.I.
Habersham, S.C.
I'On, S.C.
Westhaven, Tenn.
Legacy Town Center, Texas
Belmont Greene, Va.
Middleton Hills, Wis.

DUANY PLATER-ZYBERK & Co.
TOWN PLANNERS



DPZ

About DPZ

In 1980, the planning profession was turned upside down. The reason was a new development in the Florida Panhandle called Seaside that actually dared to model itself after a traditional town. "Ridiculous!" scoffed other planners. "Who wants to live that way anymore?"

To their surprise, lots of people did. As it became a real-estate success story, Seaside garnered state and national awards while receiving international media coverage. The result: an almost instant rewriting of planning textbooks across the country and the globe.

Seaside was designed by architects Andrés Duany and Elizabeth Plater-Zyberk, husband and wife, educated at Princeton and Yale, and one-time founders of Arquitectonica, a firm still renowned for its jazzy modern additions to the Miami skyline.

"We grew tired of designing buildings that had no relationship to the environment around them and eventually realized that this was not an architectural problem, but a planning problem," said Duany. Since Seaside, Duany and Plater-Zyberk have dedicated their careers to solving that problem with the design of dozens of new neighborhoods, towns and cities based on the age-old concept of the traditional neighborhood. Their firm, Duany Plater-Zyberk & Company (DPZ) currently designs 20 projects a year, each one a further refinement of the principles first tested at Seaside; each one a demonstration that, as described by the author Philip Langdon, "there is a better way to live."

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Jones Edmunds & Associates

Jones Edmunds & Associates (JEA) is a privately-owned firm with more than 215 full-time engineers, scientists and support personnel housed in five offices. A Florida-based corporation, Jones Edmunds offers a full range of engineering and environmental sciences consulting.

Jeffrey Siewert, vice president of JEA, has over 23 years of consulting engineering experience in the fields of civil and transportation engineering. After obtaining a BSCE degree from the University of Miami, Siewert went on to Tulane University in Louisiana where he obtained two post-graduate degrees -- one in civil engineering, the other in petroleum engineering.

Siewert has lived and worked in the Southeastern region of the United States for most of his life. He has practiced engineering and transportation planning in Louisiana and Florida. Currently, Siewert is vice president of Jones Edmunds & Associates in Tampa where he over-

sees business development and project tasks in the fields of transportation, hydrology and infrastructure engineering.

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HDR Planning

Founded in 1917, HDR is a national architecture, engineering, planning and consulting company with 65 offices and over 3,200 employees. Within the company, HDR Planning focuses on the integration of community, mobility and environment with an overall goal of creating dynamic, mixed-use environments with a distinctive sense of place: "places where people want to be." Areas of focus include regional planning, community design, transit-oriented development, corridor design, mixed-use development and redevelopment, and real estate consulting. Recent projects include Phase II of the Northwest Hillsborough Regional Plan, Charlotte Transit Land-Use Plan, DeBary Town Center, Brandon Main Street, North Greenwood Neighborhood Development Plan and many others.

James A. Moore, HDR's national community design principal came to HDR in 2000, after a thirteen-year career as a university professor and consultant, where he focused on traditional neighborhood design, the integration of transportation and land use planning, sustainable design and infill redevelopment. While serving as project principal for HDR, Moore organized and led the city of Madeira Beach through a visioning workshop. The results from that workshop were documented in the Madeira Beach Vision Plan, which Moore produced, and is being used as the basis for the Madeira Beach charrette.

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Hall Planning & Engineering

HPE has established itself as a progressive transportation planning and engineering firm that is committed to land use based transportation planning. Based on the planning and design expertise of Rick Hall, P.E., the firm focuses on both transportation planning and preliminary engineering, specifically the vital interface between planning and design.

Hall Planning and Engineering
1237 North Adams Street
Tallahassee, FL 32303
Phone: 850.222.2277

THE CITY OF MADEIRA BEACH

The Importance of this Plan to the Community

By James A. Moore

Across the country, communities of all sizes, shapes and conditions are grappling with the same issues that face the city of Madeira Beach. In fast-growth areas such as the Southeast and Southwest, people are concerned that increased development will deteriorate their quality of life. In areas where populations and investments are declining, people worry they will not be able to maintain their lifestyles. In addition, people have become aware of slow and inevitable declines in community life in areas that have stagnated.

However, just as individuals change over time, so do communities. The city of Madeira Beach, officially incorporated in 1947, has reached its first level of full build-out. There is little, if any, undeveloped land left within city limits. Much of what one sees in touring the city, though, is not new. It is not unusual to see buildings from each of the last five decades within a few hundred yards of each other. While the community is vital and active, it also appears chaotic, with little physical cohesion or sense of place.

It is clear, too, that private sector investment and reinvestment in the community is not as active as it might be and that there is a general sense of stagnation. Many of the commercial proper-

ties in the city have reached a stage in their life where they generate enough revenue to maintain the status quo but do not represent the investment potential to be redeveloped or significantly upgraded.

A large number of the residential properties in the city were built in the early years after incorporation. Though many are in good shape, others are clearly in need of attention. Current regulations and codes

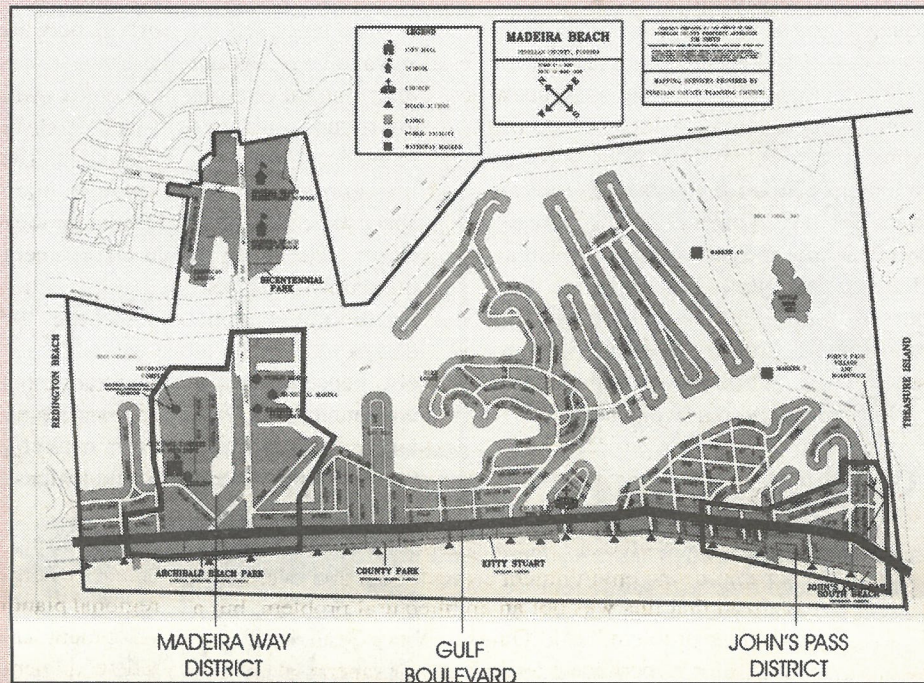
often prevent redevelopment or seriously hamper such attempts.

Gulf Boulevard, which literally serves as the spine of the city, is the primary commercial street in Madeira Beach and its most common address. It includes every type of land-use along its mile-and-a-half length, and for many in the community, it is "Main Street." However, Gulf Boulevard is also a state road (SR 699) that has been exces-

sively widened in recent years. In its current incarnation, it is a prime example of a road that attempts the paradoxical and frustrating task of being a "through" place and a "to" place at the same time. The victims are both the visitors and residents looking for a place to stop, and the commuters looking to travel through the city.

Madeira Beach is clearly grappling with serious issues related to its physical, social and economic future. It is also clearly a community blessed with enormous potential. Physical attributes include miles of Gulf and Intracoastal waterfront, the city's location adjacent to a deep-water channel to the Gulf of Mexico, its direct road connection to the mainland, and the generally pleasant Florida climate. Community attributes include the deep roots of many residents, a clear sense of the "small town" character that makes the city a desirable place to live, and a burgeoning resolve among residents, owners and business people to take matters into their own hands.

The vision plan was the first step in this effort. The master plan is the next step. As a product, it will establish the ground rules and guidelines for the next 20 years of growth. As a process, however, it's an opportunity for those who care about Madeira Beach to participate in crafting these 20 years.



The "Madeira Tomorrow" Visioning Program

By James A. Moore

Last February, the city of Madeira Beach hired HDR, Inc., a Tampa-based planning and consulting firm, to assist them in developing a vision plan for the community. For months, residents, business owners, city staff and members of the city commission had been debating the best way to take charge of growth and redevelopment in the city. City leaders and community members felt redevelopment of the city was lagging behind other jurisdictions, and many were frustrated at both the complexity of attempting change and the general lack of results.

Over 100 members of the Madeira Beach community convened for two days in April to help define a vision for the future of the city. Working together and in sub-groups, these residents, property owners and business people discussed the perceived strengths and weaknesses of the city, as well as opportunities for the future and threats that might prevent these from coming to fruition. Known as "SWOT" (strengths, weaknesses, opportunities and threats), this initial analysis was revealing.

A majority of the participants felt both the surrounding natural environment and the physical environment of the community were significant assets. Paramount among these strengths was the "small town

character and feeling" that Madeira Beach maintains.

Traffic and spotty physical infrastructure were seen as the biggest weaknesses of the community, along with a set of codes and regulations that many felt were an enormous hindrance to desirable private sector redevelopment and change.

The participants felt that the key opportunities for Madeira Beach related to the overall community character, particularly in terms of strengthening the "small town" feeling, and beautifying the city as a whole. Threatening these potentials, however, was the perception that growth was essentially "unmanaged," combined with "complacency" within the public and private sectors, "declining infrastructure," and overall "environmental degradation."

The ultimate product of the Vision Workshop was a consensus statement of the crucial issues facing Madeira Beach's short-, medium- and long-term future. The most critical goals, as determined by the workshop participants, were as follows:

- Enhance the waterfront and natural environment.
- Improve the aesthetics of the city
- Develop a master plan for 150th Street/Madeira Way.
- Revise, update codes and regulations.

Develop a master plan for the city as a whole.

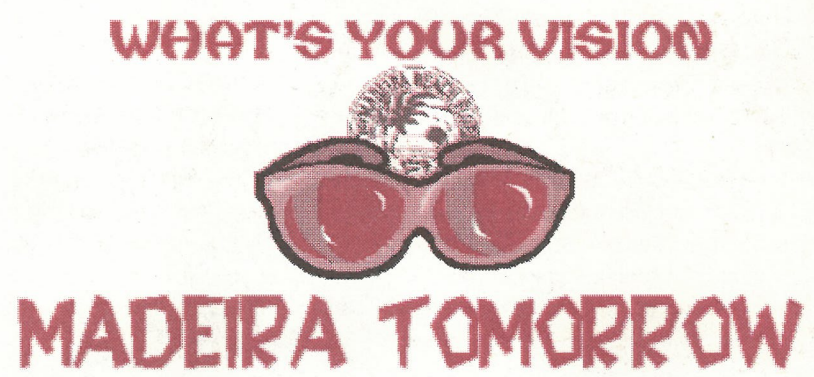
The results of the visioning workshop were discussed and debated in the ensuing months. It became clear the workshop had been a necessary and beneficial first step in helping the community come to terms with future growth and development. The workshop had been extremely helpful in facilitating broad-based community participation and eliciting ideas and concerns. As such, it had become a means whereby members of the community could become part of an ongoing process.

It was also clear, however, that the results of the vision workshop were not, by themselves, a plan for the future. At best,

the results contained the genesis of a program for a plan, but more important, the workshop and the results served as a mandate to build on this program and do a full-fledged master plan.

Recognizing that the workshop and the resulting issues suggested the need for a comprehensive review of future growth and development options, the City Commission voted in November to commission a master plan for all of Madeira Beach.

Subsequently, they contracted with the firm of Jones Edmunds & Associates (JEA) of Tampa, to work with HDR, Inc. and Duany Plater-Zyberk, Inc. (DPZ) of Miami, to develop this plan.



TOWN SPACE: PUBLIC AND PRIVATE

It can take months or years of living in a traditional neighborhood to fully understand how well it works. You may know you like the feel of the street but can't explain what makes it different. Here we'll look at the design elements that establish attractive, functional transitions from public to private space.

PUBLIC

Sidewalks

The sidewalk is the human-scaled network of a neighborhood. It encourages walking and puts you in contact with neighbors. If there are shops and offices that can be walked to, sidewalks encourage those trips. And if the neighborhood is served by mass transit, sidewalks will take you to the stops and stations. Walkable neighborhoods, with nearby businesses and connections to mass transit, are impossible without side-



Sidewalks allow for walking, providing an alternative to taking the car. (New Haven, Conn.)

walks threading them together.

Sidewalks help the environment, because every journey made on foot reduces automobile pollution. They help us savor our surroundings as we stop to admire someone's garden, a new paint job or a bird's nest. Sidewalks promote exercise for adults and children -- what better place for hopscotch, tricycles and chalk drawings? As the CNU Charter says, sidewalks also foster "independence to those who do not drive, especially the elderly and the young." So sidewalks, along with mixed housing types, support a diversity of ages in our neighborhoods.

People who live in traditional neighborhoods are blessed with sidewalks that let them walk past each others' lovely homes and through green spaces owned by all. They encourage us to connect with our neighbors. In this pedestrian way, they bring the world a little closer.

Open Space

"Open space" is one of the most popular buzzwords in municipal planning today. Developers are often required by law to reserve a certain percentage of their land as open space. So you will see conventional developments and TNDs having a similar amount of open space *when measured as a raw percentage*. However, there are vast differences in the way that space is designed.

Typically, much of the open space in

a conventional suburban neighborhood is found around the edges of the development, with a few lots backing up to it. Thus, much of the open space is cut off from the community, becoming useless and unseen by most of the residents. Recreational space is consolidated into large facilities that you must drive to, far from the everyday environment.

In a traditional neighborhood, squares, greens and parks accommodate recreational and aesthetic uses throughout the neighborhood. They are placed prominently in front of lots instead of being hidden behind them. Care is taken to locate open space along routes pedestrians will travel -- highly visible from nearby residential and commercial buildings. Because the squares and parks are dispersed throughout the neighborhood, more people can enjoy and benefit from having these public spaces within view or located only a short walk away.

Alleys

The alley is a staple feature of traditional neighborhoods that has many benefits. First and foremost, alleys remove garages from the front facades and tuck them out of sight behind the houses. Alleys make it possible to look down the street at a beautiful, unblemished stretch of homes and trees. Pedestrians can walk along the sidewalk without fear of being backed into by an automobile. Trash cans, utility boxes and other paraphernalia are out of public view and easily accessible by service vehicles. Emergency vehicles have easier access to all areas of



Alleys are used for play, leisurely walks and service pick-ups. (Kentlands, Md.)

your property.

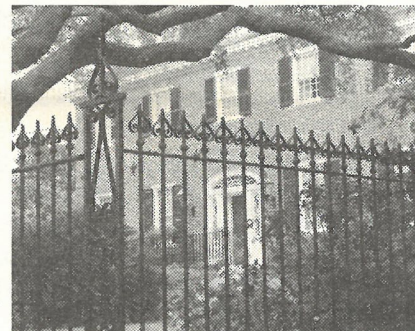
Another benefit is the ability to build apartments above garages. These "carriage houses" or "granny flats" help to create diverse housing options. They usually have one bedroom and are ideal housing for an elderly parent or single adults. Owners like them as a source of rental income.

PRIVATE

Fences

In traditional neighborhoods where houses sit close together, the fence has social and aesthetic functions. It sets up a comfortable border, a buffer between you and the folks next door. While many people who are drawn to TNDs think of themselves as highly gregarious, most also have an innate need for privacy which the fence protects.

The fence sets the yard off from its surroundings, like a frame around a picture. A yard can look okay on its own, but framed with the right fence it looks fantastic. Front yard fences should be low enough and have enough open space to permit a view of the house they adorn. The fence should complement the style of the house, perhaps by echoing decorative motifs. Sometimes the design of the gate alone can add variety. Fence materials used in traditional communities often reflect regional styles, and can include wooden pickets, wrought iron, stone, brick and hedges.



Fences along sidewalks create a pleasant visual effect and help separate private space from the public realm. (Charleston, S.C.)

Traditional communities have widely varying policies on front yard fences, from required painted-wood picket fences to no requirement at all. Whether required or not, fences are one more way that we express ourselves through our homes. They offer beauty, protection and something to lean on.

Porches

Any description of a new traditional neighborhood inevitably mentions the porch. These covered outdoor rooms give us the chance to be part of street life, at the same time offering a comfortable cushion of privacy. From a porch, you can watch rainbows, sunsets, fire engines, thunderstorms, skateboarders, dogs, and neighbor after neighbor strolling down the street.

Porches serve many functions. They're a halfway spot for talking to those we don't know quite well enough to invite inside. They're a gathering point for kids and an acceptable territory for teenage courtship. You can visit with a friend on a porch without worrying about the mess inside your house.



Porches allow us to be part of the street life while providing a cushion of privacy. (King Farm, Md.)

Porches should be deep enough to move around on, least six feet, and many are built from 8 to 10 feet deep.

Many homebuyers feel they have to sink every dollar into getting the largest possible interior floor space. A porch, on the other hand, may seem like a frill they can live without. Yet, a well-designed porch offers valuable and attractive living space.

Yards

Traditional neighborhoods have smaller lots than conventional developments, and this feature gets a great deal of attention. Smaller lots allow a neighborhood to be walkable; parks and businesses can be nearby while alternatives to driving are more available.

Some, such as the Llerena family, worry about losing the yard as a place for family activities. "I was devastated at first" by the loss of space, said Allison Llerena, who moved from a 2-acre spread in N.J., to a traditional neighborhood townhouse in Md. She found that the park across the street made a fine replacement, with a wider selection of playmates and maintenance provided by the city.

Others worry about a loss of privacy. In a traditional neighborhood, design rather than distance helps to ensure privacy. Fences, shrubbery and trees provide property borders, while window placement and treatments protect sightlines.

Avid gardeners may wonder if small yards can satisfy, but small gardens can be exquisite. They can provide a feeling of privacy and coziness, and are not overwhelming in size. The small space is manageable and has corners and terraces that provide plenty of creative opportunities.

Finally, the small lots of a TND offer freedom from lawn maintenance chores. At his previous house, Mario Llerena was spending two days a week on his lawn every summer. "It eats into your hobbies and your activities with your children," he said. His advice: "Leave your big property behind, and gain a life!"

TRADITIONAL NEIGHBORHOODS

Making the Connection

Look at a map of your neighborhood, one that shows not just the streets, but the paths and bike trails as well. Now imagine you have no car.

How difficult is it to get to the market, the dry cleaners, the movies or a restaurant? How close is the nearest park? Maybe these places are nearby as the crow flies, but is the travel route long and inconvenient? If so, your neighborhood is probably short on connections.

Connections are the places where one street meets another, where sidewalks join alleys, where paths converge with sidewalks. Connections make it possible to take a number of different routes in order to reach the same destination.

Traditional neighborhood developments (TNDs) are planned to include many connections to move people and cars smoothly and efficiently. In order to include as many connections as possible, streets are laid out in a grid-like fashion (see diagram at right).

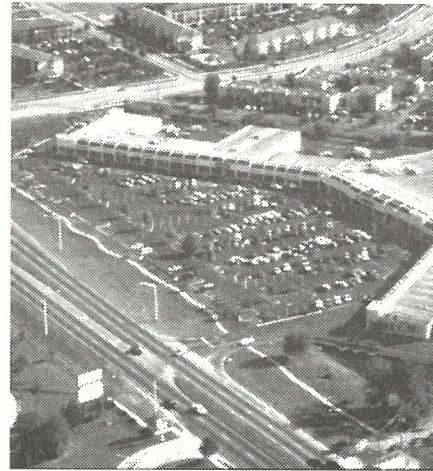
Note the number of cross streets. They create travel options that disperse pedestrians, cars and bicycles throughout the neighborhood. Cross-street corners are also places for meeting friends or waiting for a bus.

Although a large number of connections were included in older neighborhoods, they have been mostly eliminated from the

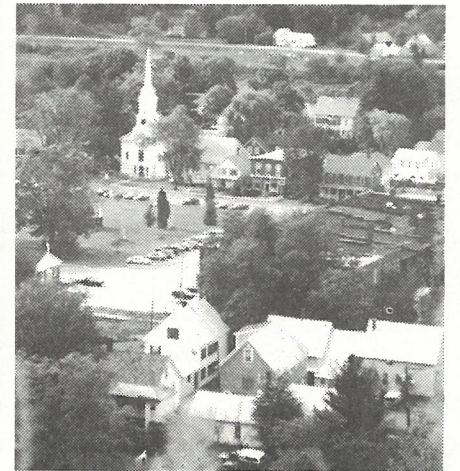
design of contemporary suburbia. Dead-end streets with cul-de-sacs to ease turning have replaced the interconnected network of thoroughfares. All traffic is eventually funneled into large "collector" or "arterial" roads, resulting in an undesirable congestion of traffic.

Traffic congestion may be the most visible negative consequence of conventional neighborhood design. However, the social connections lost by eliminating street corners and sidewalks are equally disturbing. The telephone, pager and Internet have made instant communication something we all do with ease. Meanwhile, the opportunities for face-to-face contact have become increasingly scarce. The more time we spend interacting with remote-control devices, the more we want the human touch. TNDs, through their very design, offer a way to reestablish those connections both on the ground and in our emotional lives.

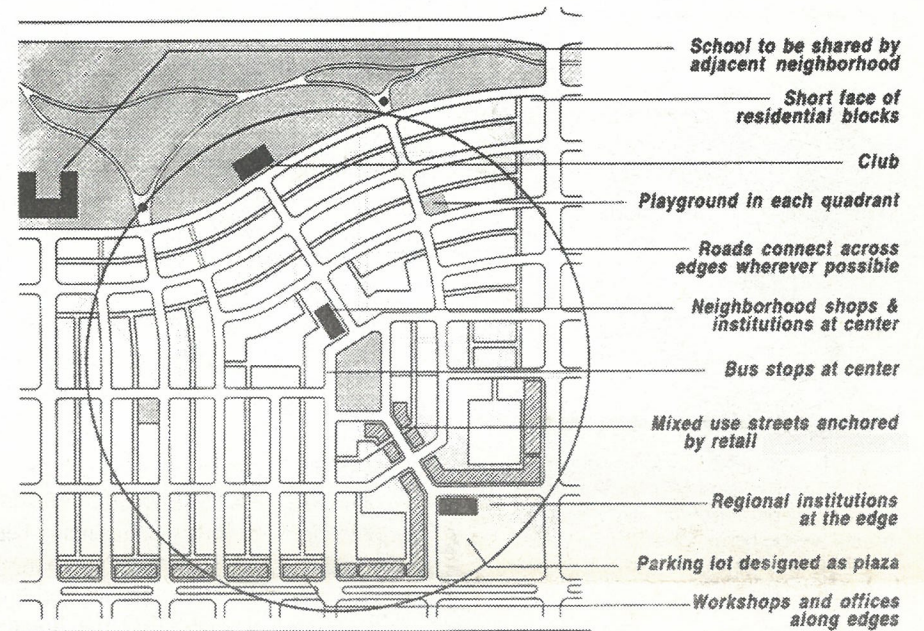
The TND Model, as shown in *The Lexicon of the New Urbanism* by Duany Plater-Zyberk & Company. A network of streets and alleys connect houses to civic buildings, parks and shops.



Conventional development provides few connections to destinations like the mall.



Towns provide many connections between home, church, school and shops.

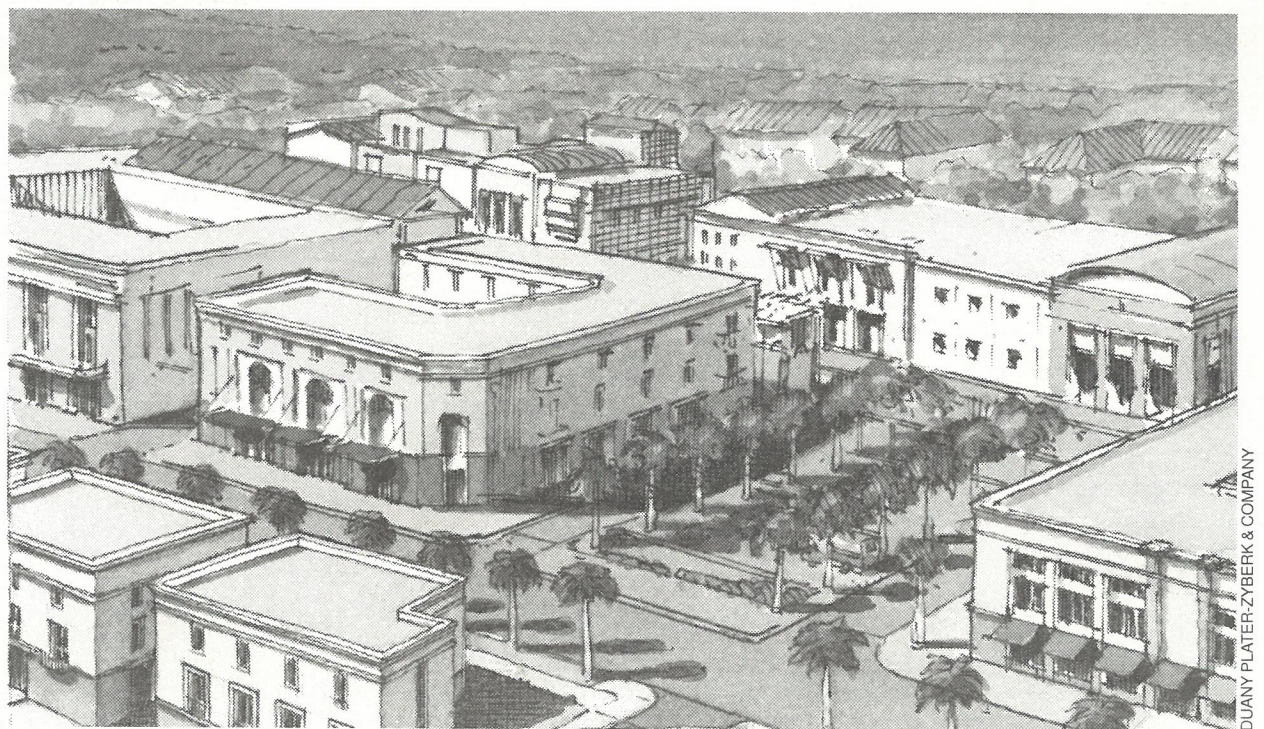


It's All About Mixing the Uses

Town-making principles begin and end with the premise that uses within a neighborhood [residential, lodging, office, retail, manufacturing and civic] should be combined in such a manner as to benefit the surrounding area. This approach represents an attempt to replicate the planning of our country's older towns rather than continue the more recent practice of building out single-use pods.

Traditionally, American town planning was the work of pragmatic pioneers, government consultants or, in the early 20th century, developers using architects and town planners. After the Second World War, however, planning practices took a complete about-face. Zoning ordinances were adopted by thousands of municipalities in a sweeping movement across the country. Using these conventional zoning ordinances, master plans were drawn up for individual municipalities marked with symbols like R-1, R-2, R-3 (residential); C-1, C-2 (commercial); and I-1, I-2 (industrial). These symbols stipulate the use and density in each area. Single-family homes were completely separated from townhomes and apartment buildings. Commercial buildings could only be built in spaces marked with the "C" code, totally segregated from the residential areas. High-speed roads, or "collectors," were designed to connect all of the separated uses. Under these conventional zoning practices, "open space" is provided in the form of buffers, easements and setbacks instead of traditional parks and squares.

What planners did not foresee was the outcome that would result from this experiment being fully built out. Instead of roads moving people swiftly from home to work to play, they have become clogged with traffic. People, now slaves to their automobiles, spend hours every day in the car shuffling children and themselves from one use to the other. Gaining access to cultural and social experiences



This drawing, prepared for a charrette in Fort Myers, Fla., illustrates the disposition of mixed-use buildings within the neighborhood.

has become a frustrating, time-consuming experience.

Traditional town planners are now making an effort to return to the way things were once done -- intermixing uses within neighborhoods and developing plans with flexibility. This is not always easy: In order to accomplish mixed-use planning, local governments must either grant numerous variances to overcome the restrictions of current zoning policies or adopt entirely new ordinances that allow for this type of zoning.

Dozens of municipalities are currently adopting traditional neighborhood development (TND) ordinances that restore the option of creating new development in traditional patterns. These ordinances enable a broad range of activities within a neighborhood. People are able to move with ease from home to shopping and workplaces. Automobile reliance is reduced because biking and walking options are provided.

DUANY PLATER-ZYBERK & COMPANY

C S D

Conventional Suburban Development

vs.

T N D

Traditional Neighborhood Development

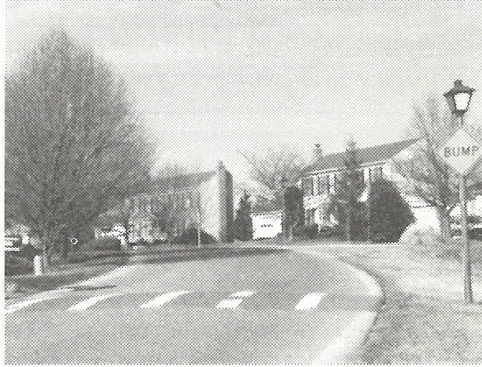
Automobile Domination

Houses are set back away from the street, on a street pattern of cul-de-sacs and loops. Through traffic is possible only by means of a few "collector" streets which, consequently, become easily congested. Parking lots and garages dominate the landscape. Long driveways lead out onto wide streets, and turns are constructed with large turning radii to make it easy for cars to maneuver at high speed. (*Huntersville, N.C.*)



Uniform Housing

Housing ranges from garden apartment to single-family houses, but each market segment is segregated. Moving up or down within your existing neighborhood is not possible. When children leave their childhood home or individuals reach retirement age, they must move out of their community. (*N. Potomac, Md.*)



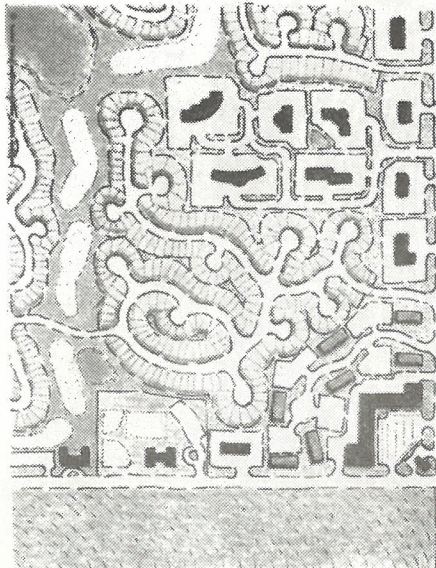
Strip Shopping

Commercial establishments are located in strip malls along high volume collector roads. Residents must rely on their cars to fulfill all their daily needs. Buildings are not held to the architectural standards found in neighborhoods. Non-descript "boxes" are the norm. (*Gaithersburg, Md.*)



Fragmented Plan

- The development is a disorganized collection of pods, built to the scale of the automobile.
- Residential areas, shopping centers and business parks are included, but they are isolated in pods.
- Open space is in the form of buffers, easements, setbacks and land between pods.
- Civic buildings are placed on cheap, undistinguished sites.



Automobile Integration

In traditional neighborhood developments, people are given priority over the automobile. Building size and placement gives spatial definition to streets and squares. Streets are laid out in a network so that there are alternate routes to most destinations. This permits most streets to be narrower with tighter corners to slow down traffic. Trees, sidewalks and on-street parking are provided. Garages are typically located in alleys. (*Southern Village, N.C.*)

Housing Choice

Traditional neighborhoods are comprised of a variety of types of residential homes -- single-family, townhomes, cottages, accessory units above garages. This allows for a wide range of pricing within the neighborhood. Moving up or down within the existing neighborhood is possible. (*I'On, S.C.*)



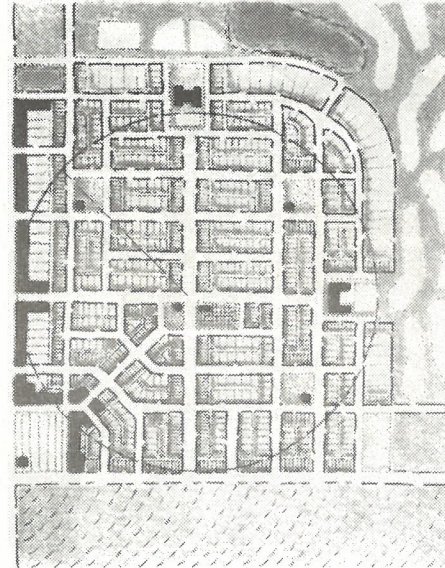
Town Shopping

Because traditional neighborhoods are zoned mixed-use, commercial establishments can be built within the neighborhood. Walking to a book store, the pharmacy or a restaurant is once again possible. This reduces the amount of time spent driving for homeowners living within the community. (*Kentlands Market Square*)



Coordinated Plan

- The neighborhood area is limited in size, with clear edges and a focused center.
- Shops, workplaces, schools and residences for all income groups are located in close proximity.
- Squares and parks are distributed and designed as specialized places for social activity and recreation.
- Well-placed civic buildings act as symbols of the community identity and provide places for purposeful assembly.



Diagrams by Tom Low for Duany Plater-Zyberk & Company

Certain Residents Suffer Particularly From Suburban Sprawl:

* **The young**, who are below the legal driving age and are therefore dependent upon adults for their social needs. They are bused from schools, because they are located far from the neighborhood, and isolated at home until their working parents arrive. The alternative is to relegate one parent to a career as the child's chauffeur. The single-family house with the yard is a good place for childhood only if it is structured as part of a neighborhood, where the child can walk or bicycle to school, to play, to the store, to the movies and to friends.

* **The middle class**, which is forced into multiple automobile ownership. The average yearly cost of car ownership is \$4,500 -- the equivalent of a \$40,000 mortgage payment. The possibility of owning one car less is the single most important subsidy that can be provided towards affordable housing. Furthermore, by forbidding mixed-use areas, the investment of personal time in the activity of commuting is mandatory. A person who drives two hours a day spends the equivalent of eight working weeks a year in the car.

* **The elderly**, who lose their self-sufficiency once they lose their drivers' licenses. Seniors who would otherwise be capable of independent living are consigned to specialized retirement communities in sprawl. This isolation has negative consequences for society at large and for the seniors themselves.

Above excerpt taken from a presentation by Andrés Duany to the American Institute of Certified Planners.

MORE

Piqued Your Interest?

Suburban Nation

By Duany, Plater-Zyberk and Speck

The Next American Metropolis

By Peter Calthorpe

The Regional City

By Peter Calthorpe and William Fulton

The New Civic Art

(forthcoming)

By Duany and Alminana

New American Urbanism

By John Dutton

The Death and Life of Great American Cities

By Jane Jacobs

The New Urbanism

By Peter Katz

Geography of Nowhere

By James Howard Kunstler

Home From Nowhere

By James Howard Kunstler

Architecture, Choice or Fate

By Leon Krier

A Better Place to Live

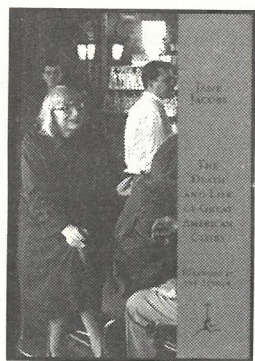
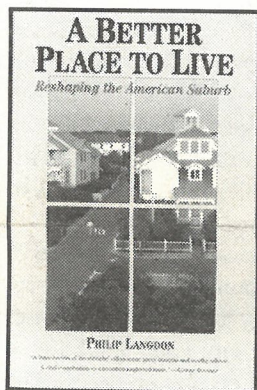
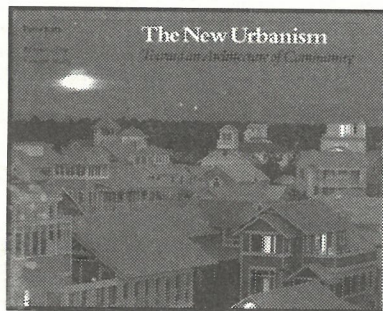
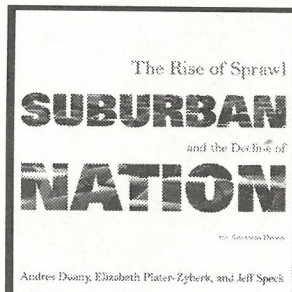
By Philip Langdon

The Charter of the New Urbanism

Edited by Michael Leccese and Katherine McCormick

American Architecture and Urbanism

By Vincent Scully



Ten Keys To Livable Towns

By Dan Burden

Walkable communities are destinations. These livable towns are talked about, celebrated and loved for their uniqueness and ability to champion the natural environment and human spirit. There are a number of key measures that can be taken to create communities like these. Such towns have crystal clear visions for the future, and they are in the process of achieving each of the following measures:

1. Compact, lively town center. Buildings frame streets; block lengths are short. Merchants take pride in their shops' appearances. A variety of stores offer local products and services. Significant housing is found at downtown or village center sites. There is unique and distinct personality or character to the place.

2. Many linkages to neighborhoods (including walkways, trails and roadways). People have choices of many routes from their homes to the center; the most direct are walking routes. All sidewalks are at least 5 feet wide and most are buffered from streets by planting strips, bike lanes or on-street parking. Well-maintained sidewalks are found on both sides of most streets. Bike lanes are found on most streets. Most blocks have good ADA access in all directions.

3. Low speed streets. Most motorists behave well in the downtown or village center and near public areas by yielding to pedestrians. Motorists make their turns at low speed. Few places force motorists to stop. Yield conditions are most common.

4. Neighborhood schools and parks. Most children are able to walk or bicycle to school and nearby parks. There is limited or no busing of school children. Most residents live within a half-mile (preferably a quarter-mile) of small parks or other well-maintained and attractive public spaces.

5. Public places for all. Services and facilities are provided for children, teens, people with disabilities and senior citizens. Public restrooms, drinking fountains and sitting places are plentiful.

6. Convenient, safe and easy street crossings. Downtowns and village centers have frequent, convenient, well-designed street crossings.

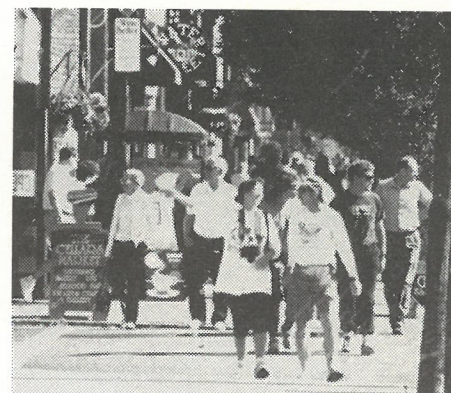
7. Good landscaping practices. The community has many parks and "green" streets with trees and landscaping. Heritage trees line many streets. Homes are clustered to maximize green space. Trails, bridges and promenades provide access to the natural areas in town. Landscaping is respectful of place, often featuring native species, drought resistant plants, colorful materials, stone treatments or other local treats. In desert and high country areas, many methods are used to minimize use of water and other precious resources.

8. Coordinated land use and transportation. People understand and support compact development, urban infill, integral placement of mixed-use buildings, and mixed-income neighborhoods. The built environment is of human scale. Heritage buildings are respected. People support their small, local stores. Residents seek ways to include affordable homes in most neighborhoods. Residents have choice of travel modes to most destinations.

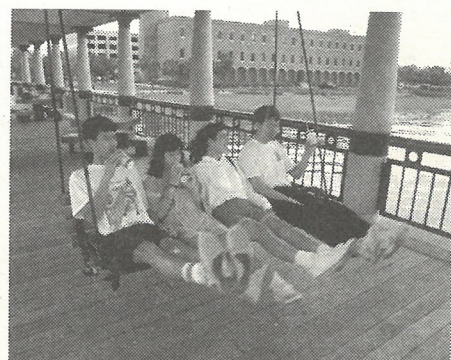
9. Celebrated public space and public life. Whether it is a plaza, park, street or waterfront, well-loved public spaces are convenient, secure and comfortable. Sometimes they are even festive! These places are tidy, often surrounded by residences where people keep an eye out for appropriate behavior. There are many places to sit, few or no large blank walls, and few or no open parking lots. Any parking lots have great edges and greens.

10. Many people walking. Many diverse people are walking in most areas of town. There are no rules against loitering. Linger in public places is encouraged and celebrated. Children rarely need to ask parents for transportation.

Note: Dan Burden is a transportation consultant and is executive director of Walkable Communities, Inc., a non-profit consulting firm. The "Keys to Walkable/Livable Communities" and "Further Indicators of Walkable Communities" are posted at the following website: www.walkablecommunities.com.



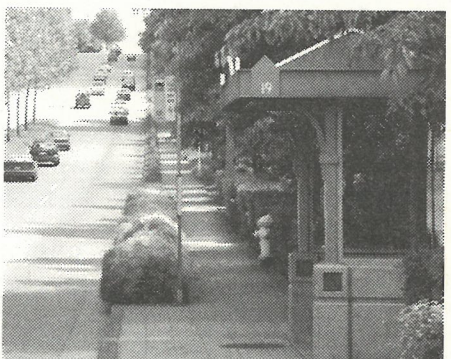
A compact, lively town center surrounded and supported by residential housing.



People can find public places for practice, fun and spontaneous play.



There are public spaces for all with a variety of shops and services provided.



Transit service is provided and is reliable and runs frequently.

Congress for the New Urbanism
The Hearst Building
5 Third Street, Suite 725
San Francisco, CA 94103
www.cnu.org

New Urban News
P.O. Box 6515
Ithaca, NY 14851
www.newurbannews.com

The Town Paper
309 Main Street
Gaithersburg, MD 20878
www.TNDtownpaper.com

Walkable Communities, Inc.
320 South Main Street
High Springs, FL 32643
www.walkablecommunities.com

National Town Builders Association
P.O. Box 18224
Washington, DC 20036
www.ntba.net

Urban Land Institute
1025 Thomas Jefferson St., NW
Suite 500 West
Washington, D.C. 20007
www.uli.org

HISTORIC MADEIRA BEACH

A Fishing Village Grows Up

By James A. Moore



Madeira Beach was first explored by Europeans in the early part of the 16th century, but it was well into the 19th century before any settlements were established. John's Pass, the inlet that defines

the southern edge of the city, was created by a mammoth hurricane during the summer of 1848. In 1865, a plantation was established near Indian Rocks Beach. The only other settlers along the barrier islands were itinerant fishermen living in shacks and houseboats.

In 1912, George Roberts purchased 128 acres of land on the north side of John's Pass and named it "Olive Island." He built a cheap hotel that was known for its rum and fresh seafood. His ambitions to build a substantial resort went for naught, however, and he eventually went bankrupt.

By the end of World War I, Albert Archibald owned most of Madeira Beach. While Archibald's new purchase clearly had enormous natural beauty, numerous obstacles confronted him and his goal of turning Madeira Beach into a Gulf coast version of Miami Beach. There was still no direct access from the mainland, no fresh drinking water on the island, nor any utilities. There were, however, numerous mosquitoes to make life miserable for unprotected visitors. In addition, the beaches were susceptible to complete inundation by frequent hurricanes and tropical storms.

The first link from the mainland came in 1923 with the construction of the Corey Causeway. Aware of the value created by

such a linkage, Archibald donated land for a veteran's hospital in return for the construction of the Welch Causeway in 1927. The following year, a bridge was constructed over John's Pass connecting Madeira Beach to Treasure Island.

Archibald built one of the first permanent buildings on the Beach: a combination public bathhouse/vacation residence at the Gulf terminus of the causeway. Over the years, Archibald expanded the facility into a miniature amusement park including picnic shelters, an open air roller skating rink and water toboggan slide, ski-ball alleys, shooting galleries, pony rides, swings and a fishing pond; during the winter months, he hosted a very popular monkey show.

From the moment the first bridge crossed John's Pass, the location was cherished by local fishermen attracted by the schools of black grouper, kingfish, mackerel, mangrove snapper and other species that swam through the channel. Tourist guides highlighted this location by the mid-30s and soon charter boats began using John's Pass as their base. In 1943, the number of full-time and visiting fisherman in Madeira Beach prompted the Rev. Phillip H. Harris, a retired minister, to create the Church by the Sea. The first services were held in temporary quarters, but by 1945 a permanent Spanish-Style structure was under construction at 137th Avenue and Gulf Boulevard.

At the end of World War II, Charley Rice built two businesses that would, over time, become synonymous with Madeira Beach -- John's Pass Seafood and the Kingfish Restaurant. Rice's ventures were just two



1981: Aerial view of John's Pass Village from the southeast.

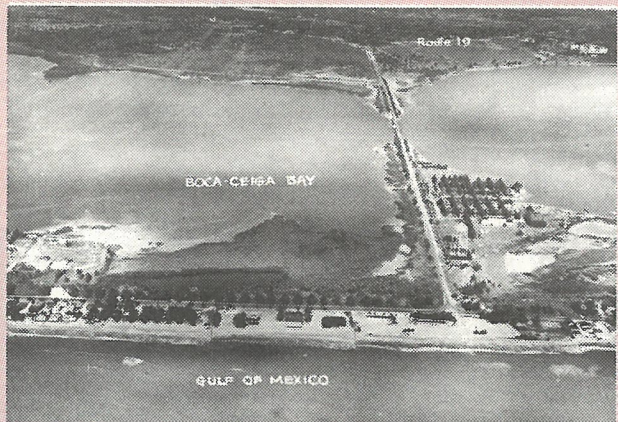
PAT SHONTZ

of the many new developments that occurred during the post-War years. In 1947, the original Town of Madeira Beach was incorporated. During the mid-1950s, the city expanded in size through aggressive infilling of Boca Ciega Bay. Most landfill areas were originally small islands or shoals in the bay; these were built up and then physically attached or bridged to the rest of the city. In 1964, the city and the county established a permanent bulkhead line two feet outboard of all existing seawalls. This line effectively prohibited any future physical expansion via land filling.

Prior to terminating landfill developments, the city reclaimed a 15-acre parcel from Boca Ciega Bay just north of the Causeway. In 1964, the city completed a new municipal building on this property. The facility included a city hall, police station, fire station and meeting hall.

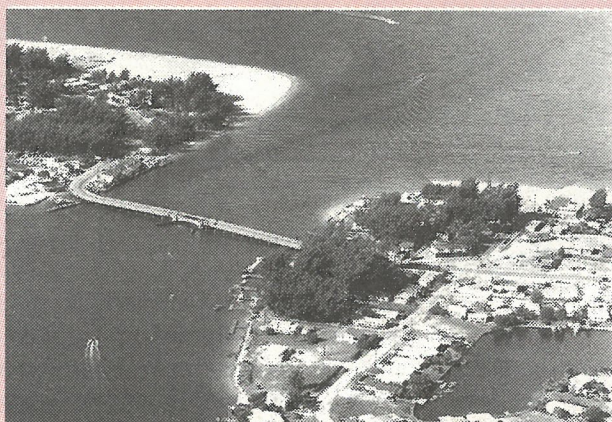
Bridges play a significant role in a city

built on an island. In 1971, the original bridge between Madeira Beach and Treasure Island was torn down and replaced by a newer, larger structure located several hundred feet west of the earlier bridge. Merchants whose stores had been located along the older route recognized that the sudden loss of traffic could wreak havoc with their businesses. Led by Jabo Stewart, a group of business owners hired an architect to design a new complex for them both to help regain lost traffic and to entice tourists and other visitors. Beginning with one or two stores, John's Pass Village expanded over time. In the early 1980s, the waterfront boardwalk was rebuilt providing extensive access to the Pass. John's Pass Village has emerged as one of the top tourists spots on the beaches with its range of shops and restaurants and eclectic beach-style architecture.



1930: Aerial view from the west showing the recently completed John Welch Causeway Bridge.

KEN JACOBSEN



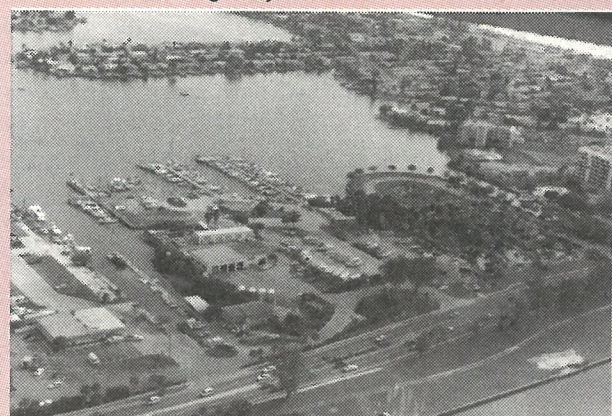
1940: Aerial view of the John's Pass Bridge taken from the east above Boca Ciega Bay.

KEN JACOBSEN



1949: Aerial view from the southwest showing Madeira Beach with the mainland behind.

KEN JACOBSEN



2000: Aerial view from the north showing the causeway and municipal marina.

THE CITY OF MADEIRA BEACH

Madeira Beach Charrette

February 23 - March 1

Come help us plan your town.

SEE FRONT PAGE FOR SCHEDULE.



MADEIRA TOMORROW CITY WIDE CHARRETTE

charrette; chăr-rĕt, a charrette is an intensive, multi-disciplinary planning process. It is designed to facilitate an open discussion between all of the stakeholders of a given project, including architects, community groups and neighbors. A charrette is usually a short process, resulting in a clear, detailed, realistic vision for the future.

**BE PART
OF YOUR
CITY'S
FUTURE**

EVENT SCHEDULE

SATURDAY FEB 23RD

5:00 PM OPENING PRESENTATION*

SUNDAY FEB 24TH

2:00 PM TOPIC: NEIGHBORHOODS

MONDAY FEB 25TH

10:00AM TOPIC: GULF BOULEVARD

1:00 PM TOPIC: MADEIRA WAY

150TH AVENUE

MUNICIPAL CENTER

3:30 PM TOPIC: JOHN'S PASS AREA

TUESDAY FEB 26TH

**10:00 AM TOPIC: WATERFRONT &
NATURAL
RESOURCES**

2:00 PM TOPIC: CODES

FRIDAY MARCH 1ST

6:00 PM FINAL PRESENTATION*

***THESE SESSIONS WILL BE HELD AT THE MADEIRA
BEACH MIDDLE SCHOOL AUDITORIUM, ALL OTHER
EVENTS WILL B HELD AT CITY HALL..**

**MADEIRA BEACH
CITY WIDE CHARRETTE**

FEB 23rd - MAR 1st

**FOR INFORMATION CONTACT
THE CITY OF MADEIRA BEACH**

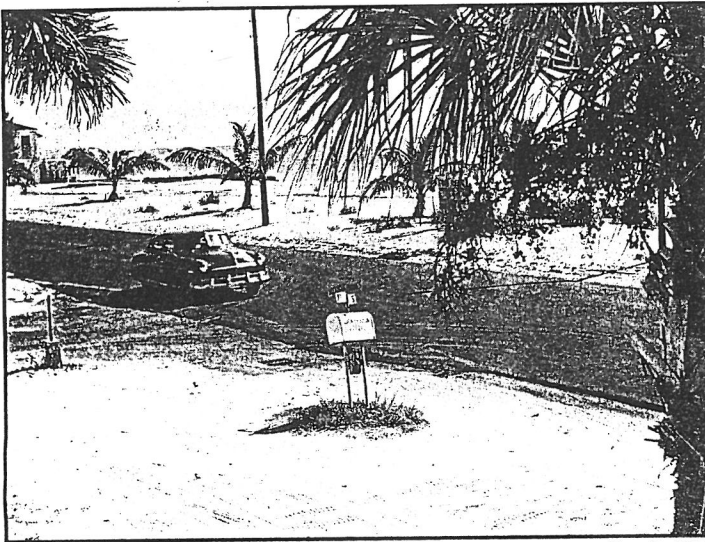
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NEIGHBORHOOD TIMES

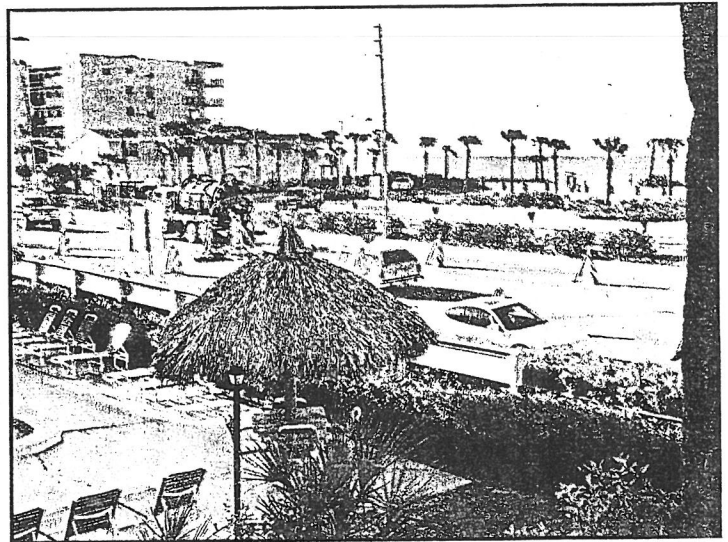
FEBRUARY 24-26, 2002

A TWICE-WEEKLY SECTION OF THE *St. Petersburg Times*

Funky, but fading



Times files (1951)



Times photo — FRED VICTORIN

You can buy five T-shirts for \$10 in Madeira Beach. And shark's teeth and conch shells. In the "grouper capital of the world," every restaurant menu has it broiled, blackened or fried.

But condominiums block the sunset, and the properties are worth exponentially more

than the outdated and graying buildings that occupy them.

Even the county has concluded that the beach cities look tired.

James Moore sees potential.

"You've got a deep-water outlet to the gulf. You've got phenomenal amounts of waterfront property because of all the dredging. You've got a direct bridge to the

mainland," said Moore, an architect with a company that is helping the city reinvent itself.

In workshops this week, neighbors, business owners and city leaders will consider what they want this fun, funky but fading beach town to look like.

Other Pinellas beaches, facing the same problems, are taking note.

— AMY WIMMER

PLEASE SEE STORY, PAGES 16-17



Seats up for grabs in Treasure Island

Challengers say incumbent commissioners are spending too much of the city's money. Story, PAGE 7

3 referendums, 2 seats on ballot

South Pasadena voters will pick from five candidates and vote on three ballot issues. Story, PAGES 5-6

No mud slung in Gulfport race

Two first-time council hopefuls like their city and just want to see it keep improving. Story, PAGE 6

CANDIDATE FORUMS

TREASURE ISLAND: 7 p.m. Saturday, Treasure Island Tennis & Yacht Club, 400 Treasure Island Causeway.

SOUTH PASADENA: 7 p.m. Feb. 27, City Hall, 7047 Sunset Drive S.

INDIAN ROCKS BEACH: 7 p.m. March 4, City Hall, 1507 Bay Palm Blvd.

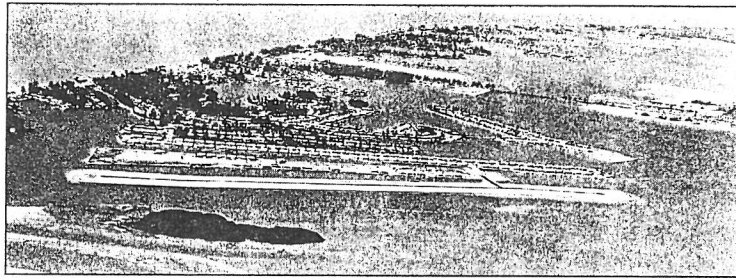
GULFPORT: 7 p.m. Feb. 26, City Hall, 2401 53rd St. S.

ST. PETE BEACH: 6:30 p.m. March 7, City Hall, 7701 Boca Ciega Drive. District 1 forum will begin at 6:30 p.m.; the mayoral candidates' forum will begin about 7:15 p.m.; and the District 3 forum will begin about 8:15 p.m.

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Crystal Island, formerly an island of mangroves, was carved into a neighborhood of waterfront homes.



Times files (1961)

Inspired, not tired

Madeira Beach steps, not shuffles, forward to turn a dated hodgepodge into an attractive, cohesive city.

By AMY WIMMER
Times Staff Writer

Madeira Beach. Longtime resident Debra Spaeth remembers when Gulf Boulevard offered more than an occasional glimpse of its namesake, when the old Welch Causeway that brought mainland visitors to the beach welcomed them with a panorama of sand and surf.

"You used to come to the top of the bridge and see the water before those buildings were built," Spaeth said.

"Those buildings" are the Ocean Sands condominiums, twin towers built about half a block apart in an early and futile attempt at compromise: Allow development on the tax-rich waterfront and save a piece of the view for residents and tourists.

It didn't work. There is virtually no beach visible from the bridge from Tyrone, just identical tall buildings, inordinately far apart.

From St. Pete Beach to Clearwater, the beach communities have approved condos, mansions and hotels that cover up the best amenity. The shell shops, T-shirt retailers and swimsuit-clad tourists along Gulf Boulevard are the best indicators there is sand beyond those concrete walls.

If you need one word to describe the county's famous beaches, it might be "tired." That was the conclusion of a 2000 study by the St. Petersburg/Clearwater Area Convention and Visitors Bureau of the tourist destinations Pinellas must compete with.

This week, Madeira becomes the first barrier island city to take a serious crack at turning its mish-mash of transient housing, sky-rise condos, tourist shops, old beach shacks and huge new Boca Ciega Bay-front homes into something cohesive.

The rest of the county, particularly communities like St. Pete Beach that are considering master plans of their own, is watching.

"We applaud Madeira Beach's efforts to improve the look and feel of their beaches and their city overall," said Zaneta Hubbard, spokeswoman for the Convention and Visitors Bureau. "In the end, we all benefit."

In a series of workshops called charettes (see box, this page), three companies hired by Madeira Beach will lead residents through the city's hot spots:

- Gulf Boulevard, where poles support ugly utility wires that are expensive to bury underground.
- Madeira Way, the city's closest thing to a classic downtown, which greets travelers arriving from the Tom Stuart Causeway, formerly the Welch Causeway.
- Madeira's residential neighborhoods, which

Influence the vision

Urban planners will hold the following presentations and workshops in Madeira Beach:

Neighborhoods. 2-3:30 p.m. Sunday, Madeira Beach City Hall, 300 Municipal Drive.

Gulf Boulevard. 10-11:30 a.m. Monday, City Hall.

Triangle of Madeira Way, the Municipal Center and 150th Avenue. 1:30-3 p.m. Monday, City Hall.

John's Pass Village and surrounding area. 3:30-5 p.m. Tuesday, City Hall.

Waterfront and natural resources. 10-11:30 a.m. Tuesday, City Hall.

Codes. 2-3:30 p.m. Tuesday, City Hall.

Final presentation. 6-8 p.m. Friday, Madeira Beach Middle-School gymnasium, 591 Tom Stuart Causeway.

dredges carved from mangrove islands in Boca Ciega Bay.

Based on what residents have to say in this series of workshops, planners will design a new Madeira. By the end of the week, they'll have charts and drawings that depict what the city could be.

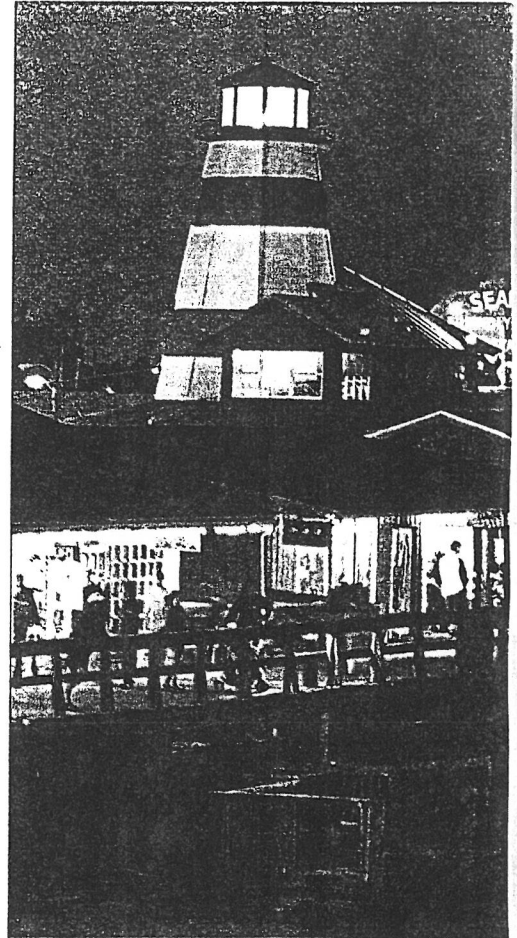
And by the end of the year, the city hopes to have a new set of codes to facilitate the changes residents want to see. The entire process is included in the \$200,000 that Madeira Beach is paying the three companies: Jones Edmunds & Associates, an engineering firm; HDR, a Tampa-based planning company; and DPZ, a Miami-based planning and architecture company.

Help for a built-out city

Andres Duany, the "D" in DPZ, is best known for his working planning new towns designed to resemble old-fashioned ones. Seaside, a Duany creation, was used as the backdrop for the 1998 feature film *The Truman Show*.

Duany has also had a role in redeveloping cities, such as his plan for downtown Sarasota. He gained recognition recently when he helped Asbury Park, N.J., quell a controversy surrounding a developer's plan to raze the Stone Pony, an old Bruce Springsteen stomping ground.

Duany's solution? Townhomes built around the landmark and marketed to people who want to live close to concerts. One council member said Duany "managed to convince the developer that not only would people want



Madeira Beach began its plans for sprucing up in John's developed the "village" theme in the 1970s, when the city spent \$1.6-million in the past two years to give the ragged villa

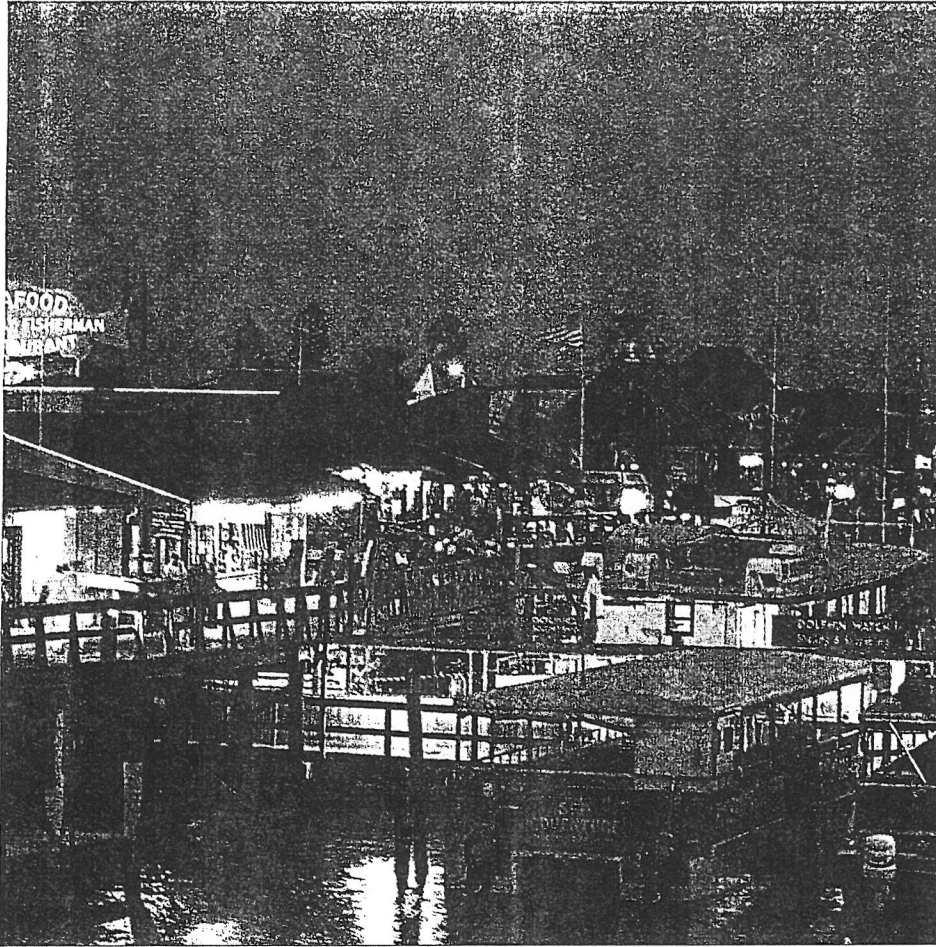


Times files (1980)

This photo was taken 22 years ago, when these condominiums were new, but this stretch of Gulf Boulevard looks the same today. The three 10-story condos were built in a last-minute run on building permits, just before a five-story height limit went into effect. Planners say redevelopment in Madeira Beach is difficult because developers cannot justify buying 10 stories' worth of condominiums if they can put only five stories in their place.

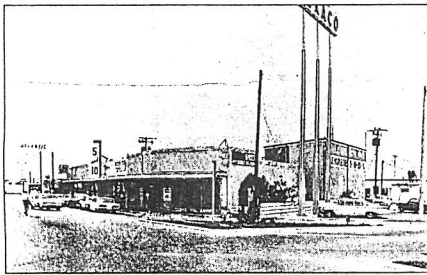
to live near the Stone Pony, but that they'd pay more to be part of the complex."

Because Madeira and the rest of the beach cities are already developed, those are the projects that interest



Times photo — DIRK SHADD

n's Pass Village, the popular tourist destination that resembles a fishing village. Merchants there old John's Pass Bridge was replaced by a new one that diverted traffic around the area. Madeira spent village a facelift.



Times files (1965)

The "triangle" business district formed by Gulf Boulevard, Madeira Way and 150th Avenue is Madeira Beach's closest thing to a historic downtown. Here, the old Isle Variety Five & Dime sits at Gulf Boulevard and 150th Avenue. The building was torn down in 1965 because it did not bring in enough to meet property taxes.

local leaders most.

"We are not Seaside," said Doreen Moore, a city commissioner who is liaison to a citizens committee. "We do not have a clean slate."

So can a built-out city like Madeira Beach expect to change its face when so much of what happens hinges on help from private property owners?

City leaders say they don't have much choice if they hope to lure tourists and keep taxes down for locals.

"We've been given the responsibility, charged with a challenge, to see that this has to go forward," said Moore said. "This is just the beginning process, and it's really important that we don't drop the ball."

"Madeira Beach is the first piece of the beach puzzle."

Residents get to dream

The process started last year, when James Moore, a community design principal with HDR, led a two-day workshop in Madeira Beach. About 100 residents identified the areas that need help and brainstormed about what they would like to see.

The city decided to take that process a step further by hosting a week of public workshops that began Saturday.

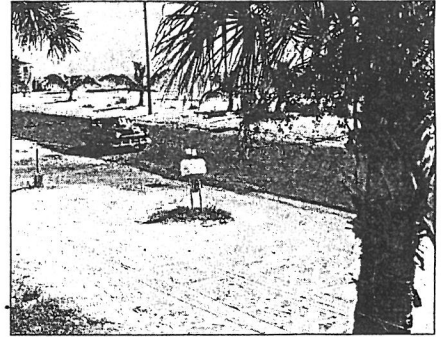
The planners will physically locate a satellite office inside City Hall — complete with computers, draft tables and fax machines — where they will work between sessions to create a picture of what residents want. When the workshops end Wednesday, the planners will spend the next two days putting residents' visions on paper.

At a final presentation Friday night, neighbors will get to see their dreams.

Codes are dated

Madeira's decision to look in the mirror comes at a critical point in the city's history. As the oldest beach buildings deteriorate and the value of the properties they occupy escalates, developers are looking for ways to make new projects fit with what the community wants.

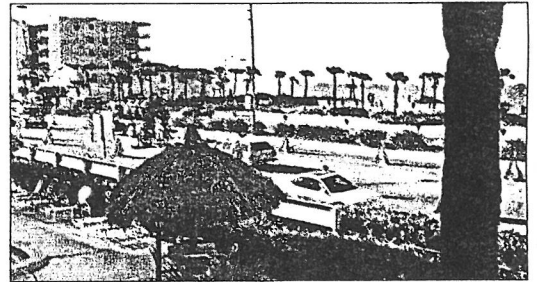
Gators owner Sid Rice, whose family compiled several Gulf Boulevard properties linking the gulf and bay sides of the street near John's Pass Village, has proposed con-



Times files (1951)

ABOVE: This photo was taken from the roof of the old Madeira Beach City Hall in 1951, four years after the city incorporated.

BELOW: The land shown in the photo above has remained one of the few undeveloped patches of sand on the gulf because it was set aside for a county park, as seen in this photo taken last week from the same location — a condominium balcony, these days.



Times photo — FRED VICTORIN

vention facilities, a yacht club and a gulf front hotel — the first new one in Pinellas in a decade — but the project has no chance if residents do not embrace it in the master plan.

The development of Madeira Beach mirrors development along the other gulf beaches: The dredges cleared out the mangroves, digging canals in places such as Crystal Island that created more pricey waterfront lots.

Such dredging was outlawed in the 1960s, but development maintained its pace. By 1980, the city recognized that allowing condominiums as high as 10 stories had stolen the gulf views from Gulf Boulevard. Commissioners restricted construction to five stories.

Now Madeira is faced with dated codes and restrictions, and officials fear they are lagging behind the redevelopment going on elsewhere on the beaches. Take the height cap, which is intended to preserve the city's character. Developers are reluctant to take on a dilapidated 10-story condominium that, if rebuilt, would be limited to five stories.

A 32-year-old Holiday Inn remains the city's largest single taxpayer.

Many residents blame the city's dated regulations for slowing redevelopment.

"I'm just hoping that we get our codes and our zoning right up to date where they ought to be," said longtime resident Pat Shontz, who is part of the visioning committee. "We're way back in the '50s when we talk about codes in this town."

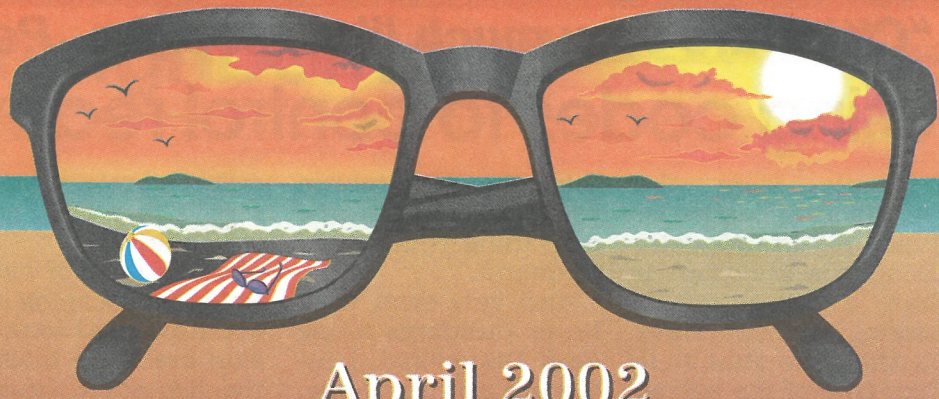
Madeira Beach's weeklong project got under way Saturday night with a keynote speech from Duany. The city hopes that people return to this week's workshops energized and interested.

"Everybody will go home, and it will start them thinking," said Jeffrey Siewert, project manager for Jones Edmunds, the engineering firm working with Madeira Beach.

MADEIRA BEACH

Master Plan

"The Post Charrette Report"



April 2002

The process

• **April 20-21, 2001:** Visioning Days, a weekend of large- and small-group discussions identifying issues of major concern. High on the priority list: develop a master plan.

• **Feb. 23 to March 1, 2002:** The Charrette, a week of interactive meetings with a team of urban planners and citizens. The themes identified during Visioning Days were addressed and ideas developed for a master plan.

• **April 16, 2002:** Dr. James Moore presented a "conceptual backbone" of the master plan. Changes have been made since the final presentation at the charrette. Some of the drawings have been modified, some added, as the master plan is now 80 percent completed. The reception of the overall plan by officials appeared to be positive.

• **Mid-May, 2002:** The master plan is expected to be completed, and the draft documents delivered to City Hall.

• **End of May, 2002:** The draft of the master plan will be reviewed and comments received for approximately three weeks. These comments will be considered in drafting the final plan.

• **End of June, 2002:** The final document is expected to be delivered to City Hall.

• **Approval process:** - A public hearing will be held to transmit the documents to the Pinellas Planning Council and the state Department of Community Affairs. There will be a period for comment from these agencies, and the master plan may be amended.

- A second public hearing will be held to review the proposed master plan on the city level.

• **By the end of 2002:** The master plan will be voted on by the commission. Original estimates had the final approval at November 2002, which officials said could still happen, if the process follows a smooth course.

It's all about having a plan

□ A vision for the future is proposed in a master plan for Madeira Beach.

MADEIRA BEACH - The final presentation. The planners' vision for the city.

Nearly 300 citizens waited in the middle school gymnasium for a glimpse of what might be in their future. On Friday, March 1, with the weeklong charrette behind them, residents waited to hear Andres Duany make a final presentation that would summarize the proposed master plan to be considered by the Board of Commissioners.

With an opening and closing presentation made in the middle school gymnasium, the workshops that took place every day drew impressive crowds to City Hall - residents, business people, property owners and developers.

They shared ideas and heard proposals from Duany, a national-

ly renowned urban designer. The planning team, with a work area that took up half of the meeting hall in City Hall, listened and responded, feverishly working on computers and drawings. The designers and architects represented three companies hired for the job of conducting the charrette, and developing a master plan for the city, including the collaboration of codes and inter-agency regulations.

The team was still working on drawings when Duany, of Duany Plater-Zyberk & Company, entered the gymnasium with Dr. James Moore, of HDR Planning. Jeff Siewert, from Jones Edmunds & Associates, with whom the city often works, was also on hand. But true to its French origin, when art students threw artwork on a little cart at the last minute as it hurried through town, the results of the charrette were not yet ready, and it was 20 minutes after the publi-

cized start time.

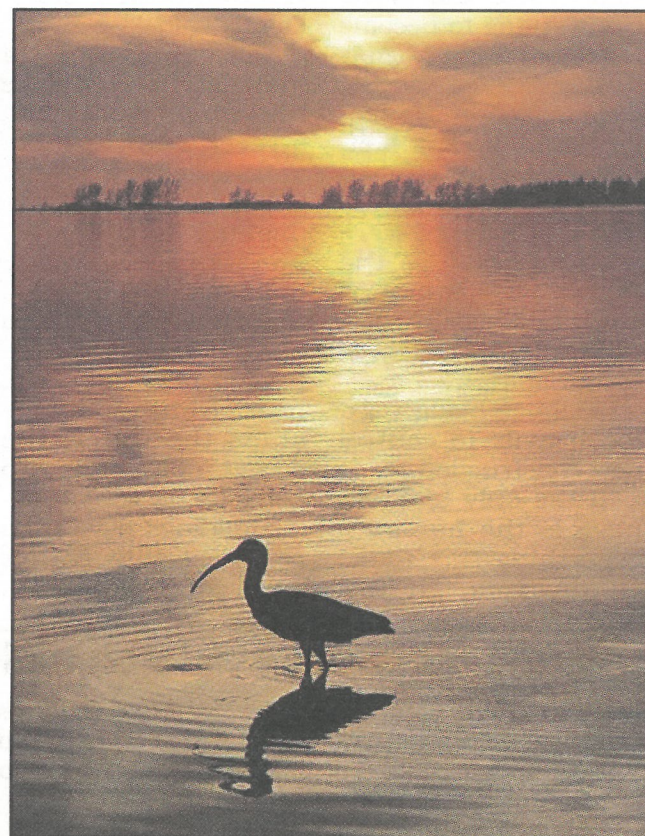
Duany took the opportunity to talk about Madeira Beach, its extensive waterfront and what is known as first-generation buildings. Eventually through attrition, all of the buildings will probably be replaced, he said. The master plan looks at 20 to 30 years ahead, at a full generation of change.

Change itself will take place one way or another.

"Vision is simply looking ahead far enough in the future to see cities actually change," he said. "If there is a model it can be change for the good ...

"The crucial part of this plan is that you have caught this city early enough that it can actually grow to become better and perhaps even great."

And the little cart arrived, the drawings illuminated on the screen behind Duany. With a warning that "some of you will be shocked," Duany began the show.



How did we get to this point?

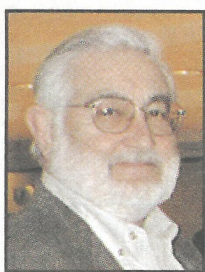
During last spring's Visioning Days, Dr. Moore led the city through a weekend full of presentations and small-group discussions, during which approximately 120 citizens agreed that the city needs to have a master plan - a plan to guide its

future.

They agreed they loved their city, and they also agreed that they wanted some control over the changes that will inevitably take place over the next 20 years or so.

The Board of Commissioners acted on the

See PLAN, page 8



The future is looking brighter every day

By Tom De Cesare, Mayor of Madeira Beach

I would like to take this opportunity to thank all of

you for a successful visioning process. From the beginning, when we dedicated a weekend to the identification of specific issues important to us, we had a remarkable response. More than 100 people turned out that weekend in the spring of 2001 to share their concerns and ideas for our great community.

This interest has continued, and grown. The last week of February, we spent day after day gathering together as a community to look hard at the city we all call home. We heard some tough truths about the path we are currently on to a future that seemed uncertain.

At the end of the week, after the planning team we hired spent long hours drafting a possible road to a newer, more controlled future, 300 of you came to hear all about it.

Amazing! If that's not success, I don't know what is.

I see this as a city filled with people who truly care, and I thank each and every one of you for your interest and participation in the process.

I would also like to thank our Board of Commissioners, who commissioned the charrette and supported it every step of the way.

Thank you to the planning professionals who came to know our beloved Madeira Beach very well, especially Andres Duany, Dr. James Moore and Jeff Siewert.

At one point during the charrette, Mr. Duany was asked what he liked the best about our city. He said he liked the people the best. He said the people who work at our City Hall are all wonderful - helpful, knowledgeable and efficient. He spread this compliment to all of the people that he came in contact with during the week - and that surely was a lot of people - citizens, developers, commercial people and property owners.

That should make all of us proud.

With a great group of people together in one place, I know that we can do anything to which we set our minds. I know that our future is bright, and that this process alone has been a positive thing for us as a city.

Now, let's get to work and keep the future coming.



Charrette Topics

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This publication is a report on the final presentation of the Madeira Beach Charrette. The Madeira Beach Master Plan has not yet been approved by the city's Board of Commissioners.

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“Cities are very much like people ... People treat you better when you demand it.”

Using codes to control redevelopment

People from the neighboring barrier islands look to Madeira Beach as a center. It has a post office, stores, a school. There is the idea that it is “the core of the barrier islands.” Andres Duany said he felt “this is the city wanting to become bigger and more mature.”

He looked at the history of the height limitations in the city. In the 1970s, 11- to 12-story buildings were allowed. Then, the limit was knocked down to five or six stories. Now, it is at three to four stories.

Height is being used too heavily to control new construction.

“If the only tool you have is the hammer, everything is a nail,” Duany said. “If you

think the only problem you have is height, the only thing you can do is lower it.”

And yet, even with lower buildings along Gulf Boulevard, people are still unhappy. “It’s not the height. It’s something else,” Duany said.

Add the tool of frontage. How does the building meet the street? That is more important than height, Duany said. Presently, parking lots are allowed in the fronts of buildings. The fronts of buildings are treated like the backs of buildings, because the beachfront side worships the water; the street side ends up being its back.

“Buildings have been replaced with rather soulless buildings ...

rather careless buildings ... they don’t raise your spirit.”

Add the tool of width. Ratio, landscaping and architectural expression are more tools at the disposal of the city.

By raising “the skirts” of buildings on the gulf, passersby can actually see beach and water underneath – the space allows a breeze, which can also pass through gaps between buildings.

“It’s a matter of getting psychologically to a place where the city is not a beggar, which is simply not grateful for a building for its tax base, and it actually asks that something be given back,” he said.

Duany insisted on the city shedding its image. “You have to

break that mold that things are just good enough here.” A McDonald’s restaurant, for example has three styles available. The city’s type is the worst; it never asked for better.

“I’ve seen cities just transform themselves by developing a kind of pride ... it’s like maturing.”

When a building is demolished, it should always get better.

While the city does not use important tools to control its redevelopment, it uses too many restrictions in its codes. To understand the effects of the codes, the planners drew the implications of every building according to the current codes.

Limitations are put on setbacks, height, floor ratios, lot coverage, impervious coverage and parking ratio.

That’s too complicated, Duany said. Builders see loopholes, and everything becomes open to negotiation.

Duany proposes dealing with one thing: “the envelope ... how big things are.”

Height itself is presently measured from the base flood elevation, not from the ground. So when the code says an allowable height of 40 feet or three stories, the actual allowable height is 51 feet. Why have the stipulation of height “or” number of stories in the code? Duany wondered.

“We need incentives for great things to happen,” said Duany, and to do that, the codes need to have a reward system of some kind.

With the city allowing a builder to go up to 50 feet anyway – the proposal is to throw in an extra floor for a list of “good behavior” items that the city wants to see.

Setback requirements in the present code actually encourage bigger buildings by allowing wider setbacks as the lots get wider – the incentive is there for wider buildings. So, smaller buildings are eaten up, which takes up more space and creates more of a wall effect.

The city needs to give incentives to a small property owner to build to avoid the sellout to larger conglomerates because smaller buildings are nicer, “even if it’s higher it’s the gap that’s important.”

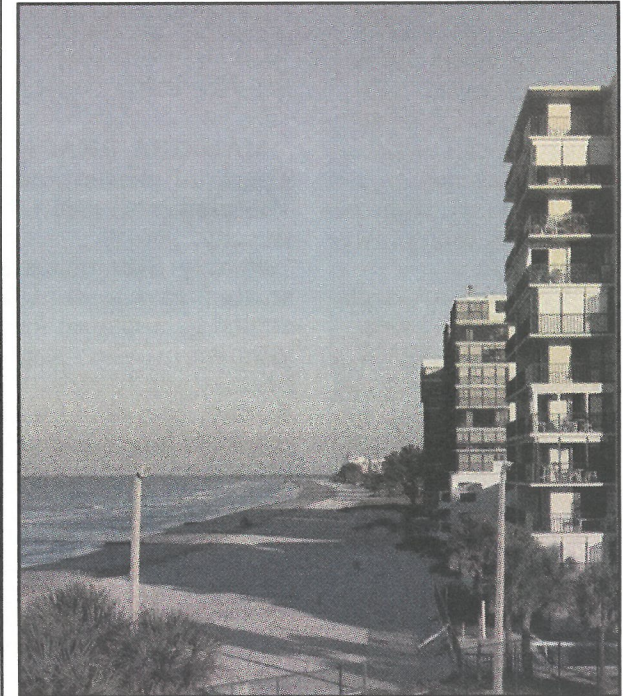
The shadows know

The charrette team spent hours studying the issues brought to them at the workshops. The fact that taller buildings cast shadows on the beach was one detail a photographer was sent out to document during the week.

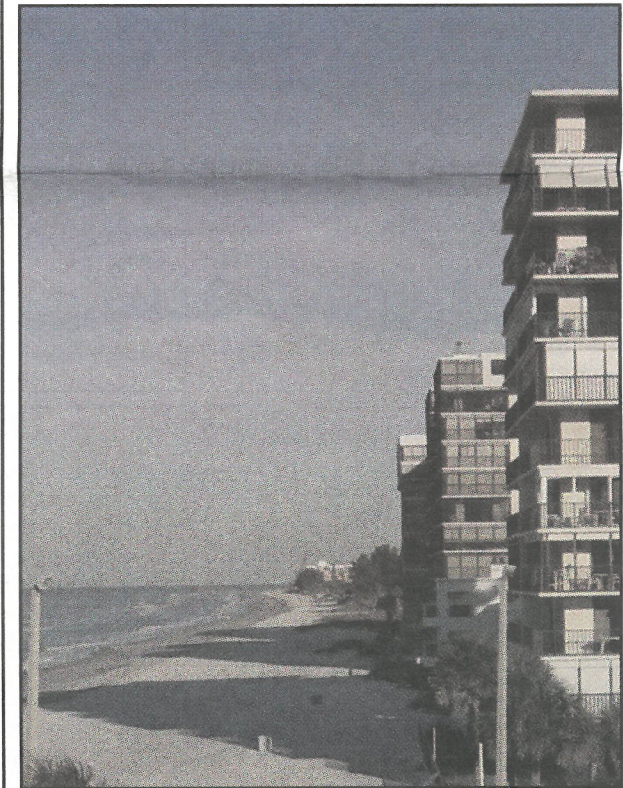
Andres Duany offered no great words of wisdom on the re-

sults, except to say that the gaps between the buildings are really doing their job, and to repeat that the height cannot be the only determinant that is focused on.

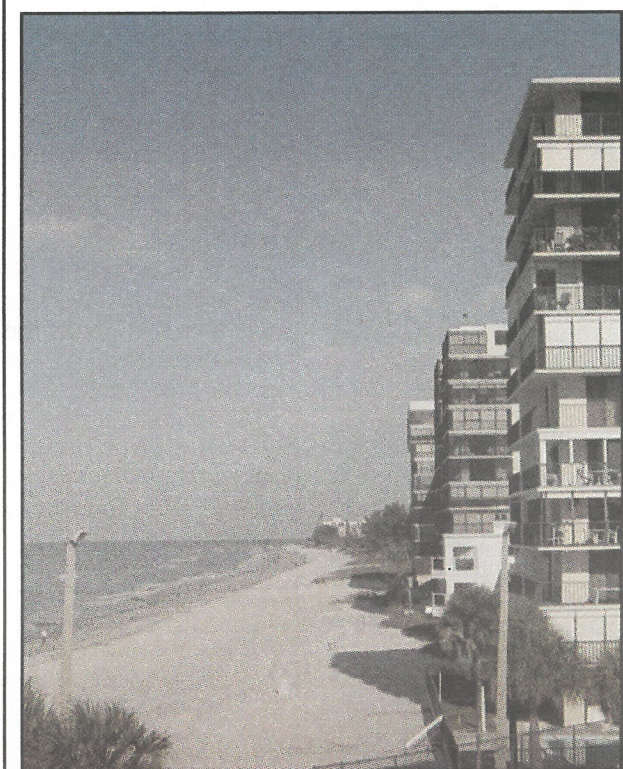
These photos were taken by a design team member who was stationed on the beach at sunrise.



7:15 a.m. Long shadows ...



7:45 a.m. Gaps between the buildings ...



9:15 a.m. By this time, the shadows are virtually gone.

What a difference a porch makes

While everyone wants to keep things the same, the old Florida neighborhoods are changing because no one is willing to give up their own rising property value.

With new buildings replacing older homes, a myriad of architectural designs share the same street. “They are not cooperating,” Duany said, proposing that newer, bigger homes mirror features on existing, smaller homes – the shape

of windows, or roof style, for example, to help it blend in.

He also proposes rewarding everyone who builds an open porch, as it pertains to setbacks and encroachments.

There are many benefits to porches. They give back to the street, they always look nice, and best of all, porches will enable the different architectural styles to blend.



What’s there now



What it could look like with porches

Welcome to the neighborhood

A big part of the master plan rests on the assumption that residents want to maintain a community feel, and create, if not restore, neighborhoods.

Neighborhoods are referred to in urban planning as "pedestrian sheds."

These are walkable areas, within which a person can obtain ordinary daily needs.

Prior to the 1950s, developments were structured as neighborhoods. Most adults can walk a quarter of a mile, or a five-minute jaunt. That is the "sacred dimension" that has always been used when planning for neighborhoods.

Within this walking distance there should be a center, where such items as bread and milk can be obtained, along with a haircut, perhaps, or a little something from the specialty store.

This is important to the happiness of a city. Fifty percent of all Americans don't drive, because they are too young, too old or too

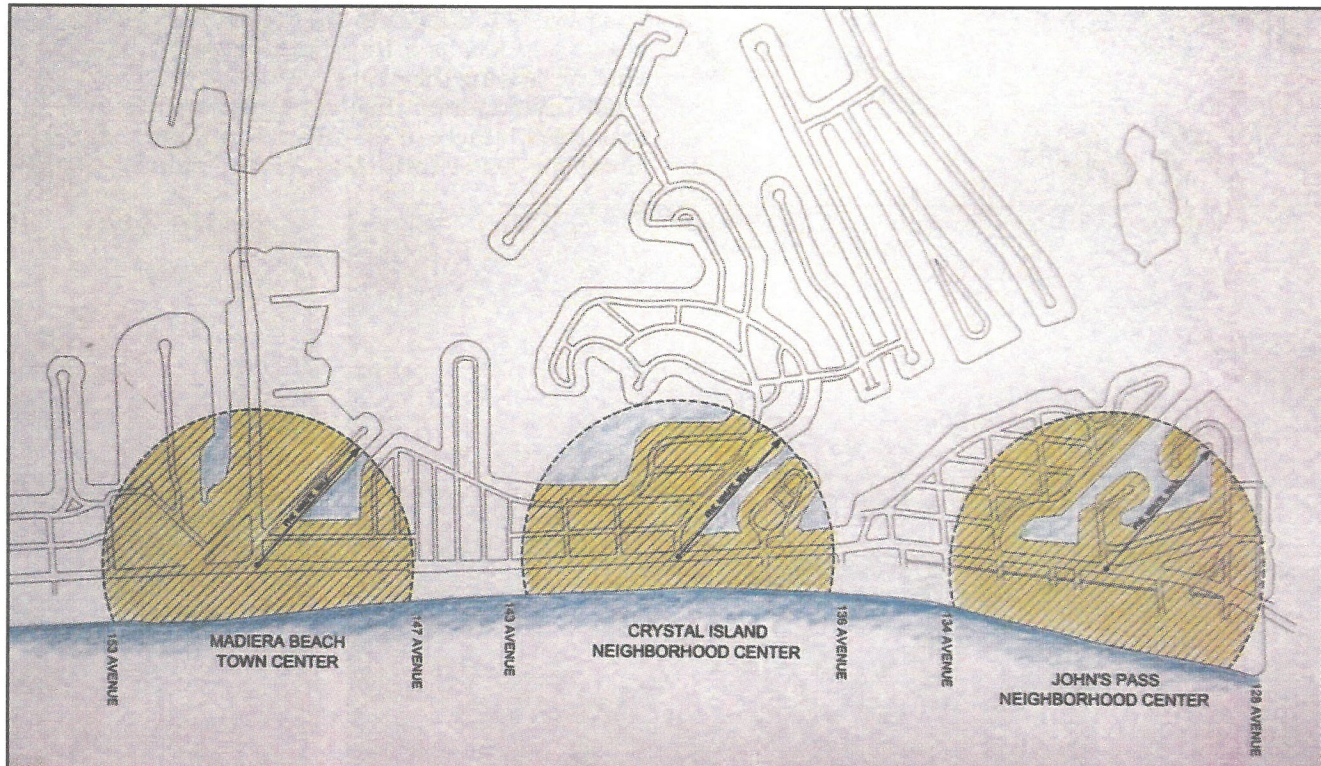
poor. "There is no disgrace in any of them," he added - it's just a fact.

On the other hand, a typical building design such as the convenience stores that presently exist can have the effect of an atomic bomb on the neighborhood: it kills it.

The master plan proposes three neighborhood centers along Gulf Boulevard. One is at Municipal Way; one is at 140th Avenue; the other is at John's Pass.

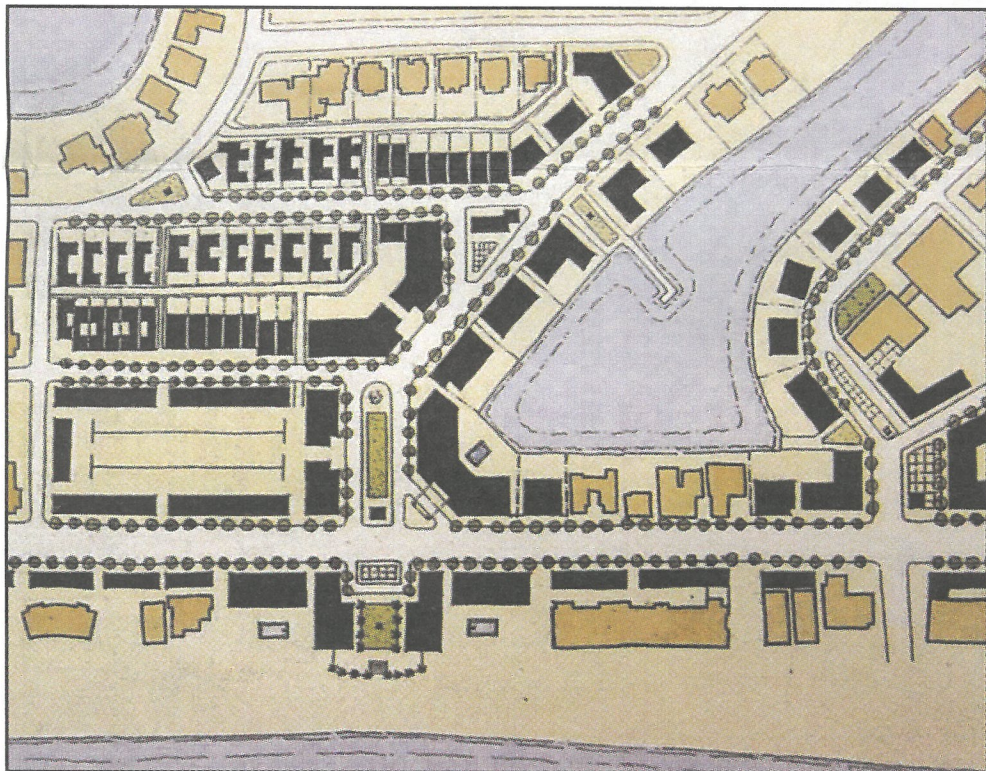
The drawing that shows the parts of the puzzle that could join to create wonderful centers is a bit scary to some property owners, who see their own buildings razed in the final drawing. But Dr. James Moore, one of the design leaders, has explained that a "plan" is just a plan. The same thing could be accomplished in different ways, depending on how the future of specific properties are handled in the future.

What the three centers have in common is



The three neighborhood centers proposed in the master plan would be a big step toward making the city "walkable." Residents are reminded that "plans" are not set in stone, and can be accomplished with variations in the details.

a place to walk from neighborhoods and shop, with parking provided to accommodate those entering the neighborhoods. Landscaping and improvements to Gulf Boulevard would originate at these centers, and spread to the rest



This drawing depicts a neighborhood center at 140th Avenue, located where condominiums are now, with parking in the middle. It also shows a landscaping plan at the entrance to the neighborhood, and a little park at the beach access, across Gulf Boulevard.

Basic terms

Master plan A plan for the future of the city that includes a vision for up to 30 years in the future, while detailing the regulations necessary to accomplish the goals set forth in the master plan document. It is one component of the comprehensive plan.

Comprehensive plan The local plan addresses a number of different issues, including transportation, natural resources, public services and facilities, and issues addressed in the master plan. In their comprehensive plans, cities and counties analyze current conditions, identify goals, and design the strategies to reach these goals. The local plan is coordinated with the county's, which is coordinated with other area plans throughout the state. It is reviewed on a regular basis.

Land development regulations (LDRs) A set of rules that implements the goals stated in the Comprehensive

Plan. While planning involves taking a long-term, big-picture view of the community, LDRs are what guide daily land use decisions. They are essentially the "rules of the road" for developers and landowners. Land use regulations result from the community planning process.

Zoning regulations Zoning separates an area into specific categories (residential, commercial, multi-family, etc.), in which certain uses are allowed. Zoning laws regulate changes and restrict those changes that do not conform to the zoning category. Zoning districts also can have overlay districts, which create special allowances or restrictions for the affected area.

Building codes A set of specific regulations addressing the materials and workmanship that goes into the construction of any structure. The entire state is under the Florida Building Code.

The mosaic

Related to codes are zoning categories, in which specific land use criterion spelled out in one category is different from another - commercial, residential, multi-family, etc.

In trying to figure out why the city's redevelopment has so far turned out incoherent buildings, Andres Duany and the planning team closely inspected the codes. Much to their surprise, they found that the city's codes are put together well.

What they did discover was that one specific residential zone included huge areas of the city, many of which are quite different in character from each other. Take, for example, the different type of neigh-

borhoods that make up the whole of the city's residential areas.

"Your city is too complicated for so few categories," said Duany. There are too many nonconforming structures, and there are lots that are simply not buildable.

What to do?

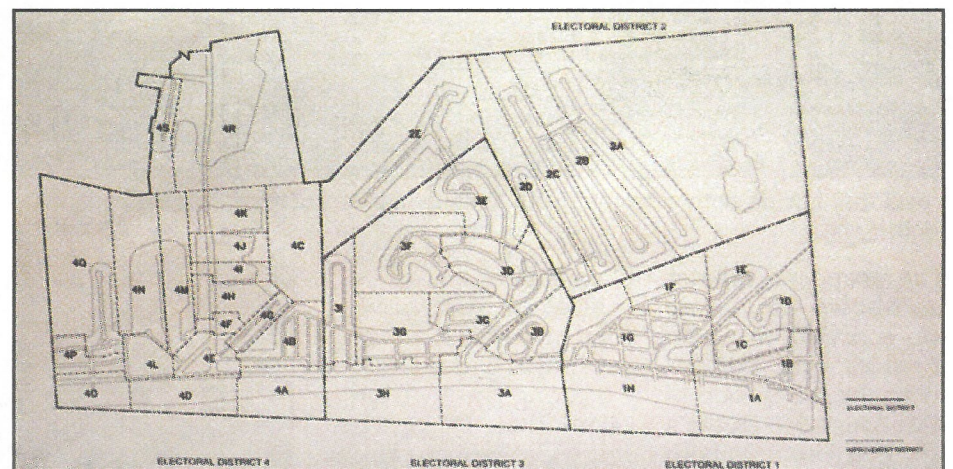
Instead of creating more zoning categories, the proposed master plan includes a "mosaic." There are the same number of zoning categories, but each one is split up into sections, or what could be deemed "neighborhoods."

The master plan proposes the creation of small associations within these areas that could get together and work on a project. They

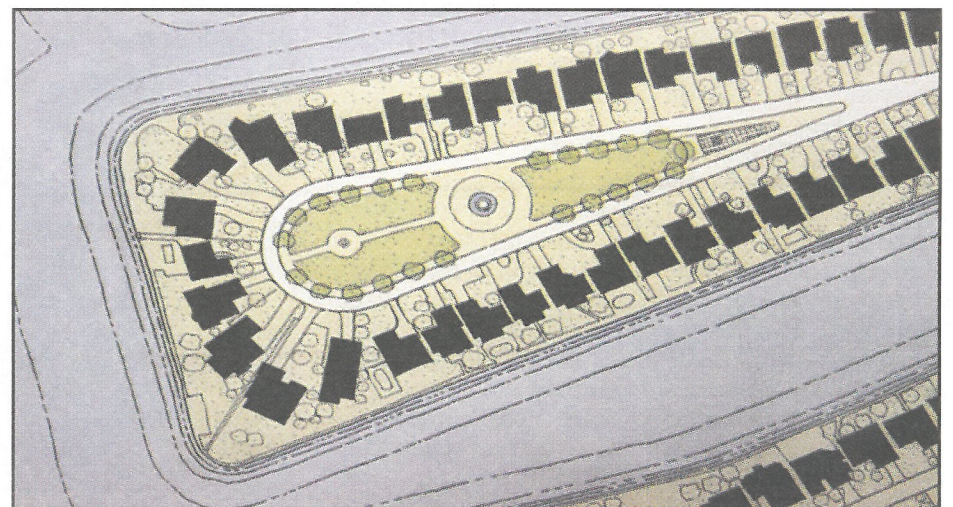
could assess themselves if they want to embark on a sizable project, for example the development of Teardrop Park on Lillian Drive on Crystal Island. Improvements there have been voted down in the past, he noted. But the area has a responsibility to give back to the public realm, he said.

"We need to break up this city into smaller increments so that individuals can act on their own behalf," he said.

This would also help to decrease the tension between groups of varying economic means within the city, and enable those who invest more in their properties the opportunity to make their own neighborhoods more desirable.



The "mosaic" breaks the electoral districts down in "neighborhoods," which would be allowed to improve their common areas.



Teardrop Park, on Lillian Drive, Crystal Island, is a perfect spot for a developed park.

"The hub of the Gulf Beaches"

The Gateway

As drivers enter Madeira Beach from the cities and highways of Pinellas County, they reach the Tom Stuart Causeway. They inexplicably slow down. Their eyes are drawn to the water. They go over the bridge and feel as if they have entered a park without ever leaving their cars.

As they continue their drive down 150th Avenue, they relax. Maybe they turn off to take a slow ride along the waterfront. Maybe they stop at a shop,

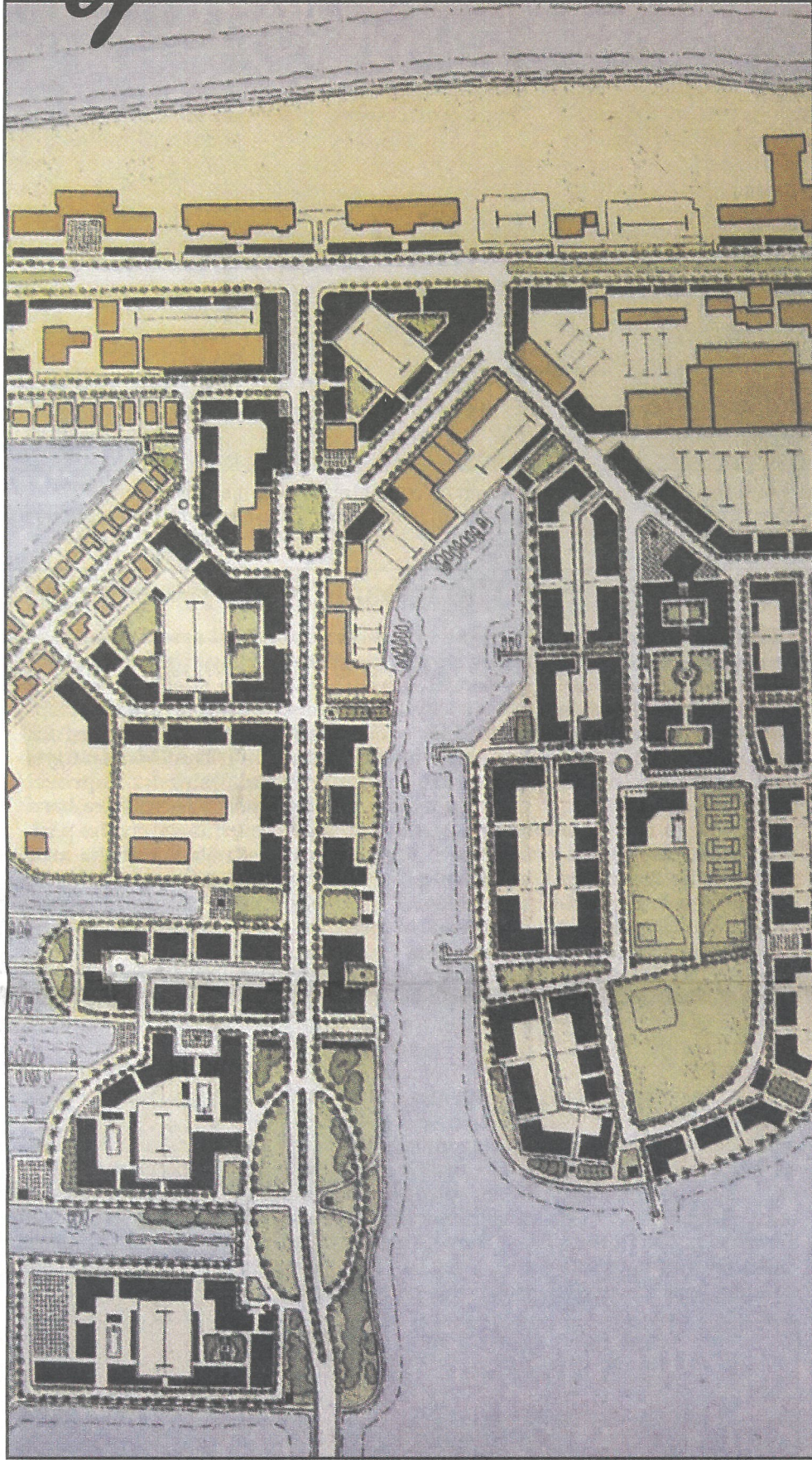
and before getting back into the car, decide to take an easy walk by the water.

Andres Duany has a clear vision for 150th Avenue. "It's better than Naples," he said.

"Imagine, on the backs - boats and ocean. On the front - Fifth Avenue.

"Vanity and sophistication on the front. Sandals and water in the back.

"Fantastic."



An oval that covers both sides of 150th Avenue makes a grand entrance to Madeira Beach.

The proposed master plan shows Causeway Park, a project about to get under way, continued to the other side of 150th Avenue to create a huge "entry oval" on both sides of the road, the oval surrounded by 30-foot royal palms.

Public roadways and walkways surround the waterfront, "just like all the great cities."

The city's public works building is replaced by shops, restaurants and the marina.

Bringing 150th Avenue closer to an actual "avenue," four-story liner buildings stand along sidewalks with trees.

"And then, to remind you that you have really arrived, there is actually a square," at Madeira Way, signaling a turn for

shopping.

All along Madeira Way, there are shops in front, parking in back.

Making the turn onto Municipal Drive, the Madeira Beach Yacht Club Condominiums could eventually be rebuilt and, in such a desirable location, will transform themselves, Duany predicted.

On the outer edge of the Winn-Dixie parking lot, there are more shops on the corner to mask the parking.

Duany is proposing the city develop its waterfront, with civic and cultural buildings, and a central park.

The ballfields and recreation area would be redesigned.

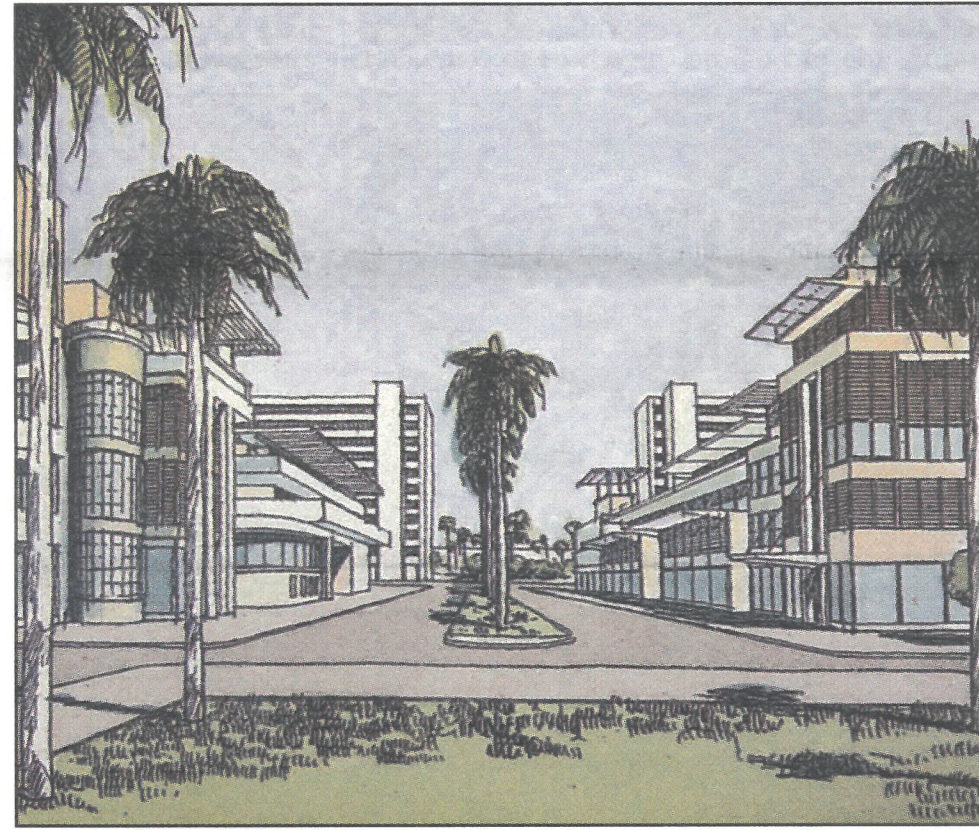
"This could be a magnificent place."

What's there now ...



The view as a driver comes over the bridge, onto 150th Avenue

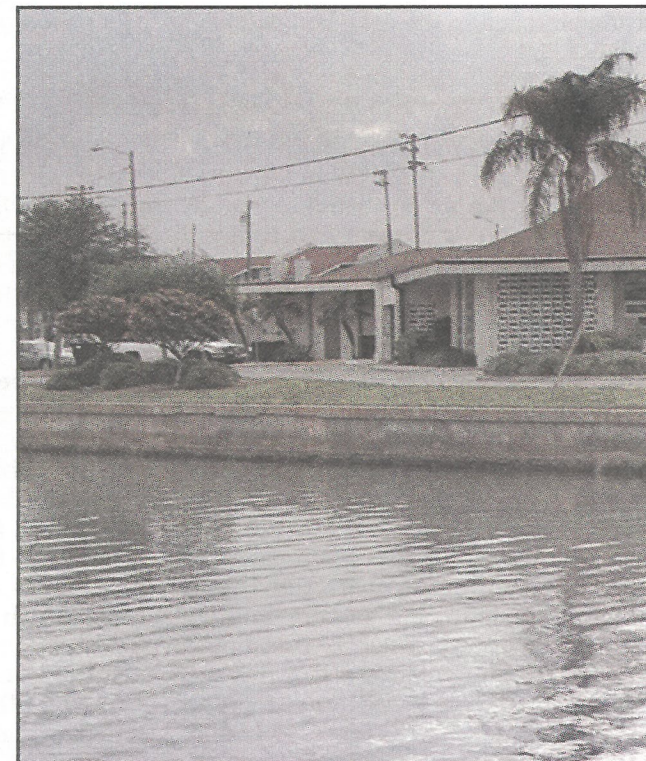
What could be ...



Liner buildings on 150th Avenue, a square ... sophistication on the front, sandals and water on the waterside



Development is proposed for the corner by the Winn-Dixie parking lot.



A design to develop the waterfront by City Hall is included in the proposed master plan.

The present ...



Gulf Boulevard at the end of Municipal Drive – lots of concrete

The future ...



Liner buildings are inexpensive and easy to build.

“At some point that highway of yours has to become a boulevard.”

The vision pivots on the maturing of Gulf Boulevard

“Take Gulf Boulevard and make it a great public space.”

That would be the greatest accomplishment of the master plan, as envisioned by Andres Duany.

Gulf Boulevard should be built up to be a “boulevard,” not the “strip highway” it is now.

That alone would enormously affect life in Madeira Beach.

The process of transformation is a normal one.

The sequence begins with a road. That becomes a highway, and then a strip highway, and ultimately it becomes a boulevard as the city matures.

It’s time to mature, said Duany, slow the traffic down, and provide buffers for pedestrians to feel safe and enjoy their strolls.

Plazas are big in the plan.

Locations such as the parking lot that adjoins the Winn-Dixie lot, off

Municipal Way, becomes a plaza.

The parking lot in front of Church By The Sea becomes a plaza, a potential civic center on which cars would still park when needed.

The parking lot across from Holiday Inn becomes a plaza.

There’s a plaza to the entrance of the John’s Pass residential area.

When the Gulf Boulevard Improvement Plan was conceived to affect the barrier island communities from Clearwater Beach to St. Pete Beach, a landscape architect was invited to submit an islandwide plan. What he had to work with, basically, was signage and plants. He added the undergrounding of utilities and nice lampposts along the way.

Duany said that these tools are not enough.

Gulf Boulevard has to be “manipulated” to make it pedestrian friendly.

As much as landscap-

ing, it needs to have cars parked on the sides of the roads. It needs to be re-striped and room made for parallel parking. It slows down traffic and protects pedestrians. The side parking could be banned at night, or at the very least during evacuations.

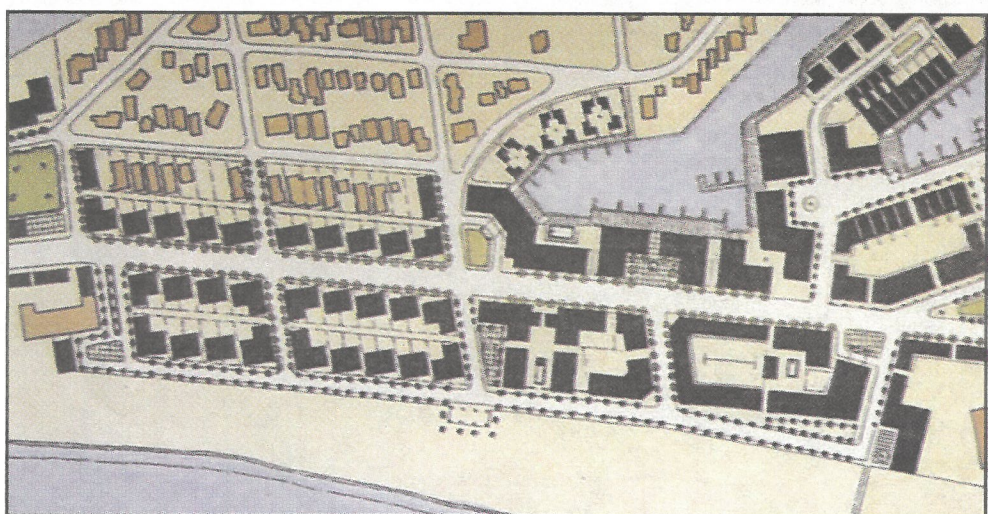
“Parallel parking is a prerequisite to any pedestrian environment,” Duany said.

Changes should begin at the neighborhood centers. The improvements will fill in the rest of the sections in time.

“This is what the landscape architect should be given,” he said.

Traveling into the neighborhoods, the planning team measured each major road in the city, and created different possibilities for each. Some have sidewalks; many have landscaping planted down the center.

All look just a little greener, a little slower and a lot more inviting.



This drawing shows a proposal for a road along the beach, paralleling Gulf Boulevard. The intent is to provide a vista for the public along the beach similar to Ocean Drive in South Beach, Miami. This has recently been modified.

“The pedestrian experience”

Walking is good for the health of a city

Towns and villages used to be built as something a person could walk.

In the post-war period, the idea was born that everyone had to have a car. In the time period during which Madeira Beach was built, cities were retrofitted for automobiles.

“We need to move this city toward a walkable city,” said Andres Duany. “That is the future because there is no solution to traffic congestion.”

In order to accomplish this, and bring balance to the city, mixed uses must be allowed so that people who have to stop driving for personal reasons can continue to live in the city by walking to meet

their daily needs.

The pedestrian areas need buffers, in other words, parked cars along Gulf Boulevard. Parallel parking allows a feeling of safety from the traffic, and it slows down traffic.

Gulf Boulevard, by Municipal Drive, is an example of an area needing vast improvements to help walkers enjoy the area, and not have to rush to get to where they are going, as they often seem to.

In front of the stores are parking lots, then a sidewalk, then Gulf Boulevard – nothing but concrete. Making the city “walkable” is an important goal of the master plan.

Lose the parking lots

On the corner of Gulf Boulevard and Municipal Way, across from the Holiday Inn, there is a parking lot. As pedestrians walk alongside it, the “perceived danger” of Gulf Boulevard is right beside them.

This is an example of a location that needs change. All parking lots in the city, said Duany, are ripe for re-development.

At this spot, he suggests building “liner buildings.” They are two stories, with the first floor providing parking – it can be transformed into a storefront or restaurant later – and the second floor holding office space, or living area. There is one there now, next to the Mobil gas station.

These styles are inexpensive to build. The

simple designs are being furnished to the city, with the idea of giving everyone that has a parking lot a copy, and “the right to build,” without having

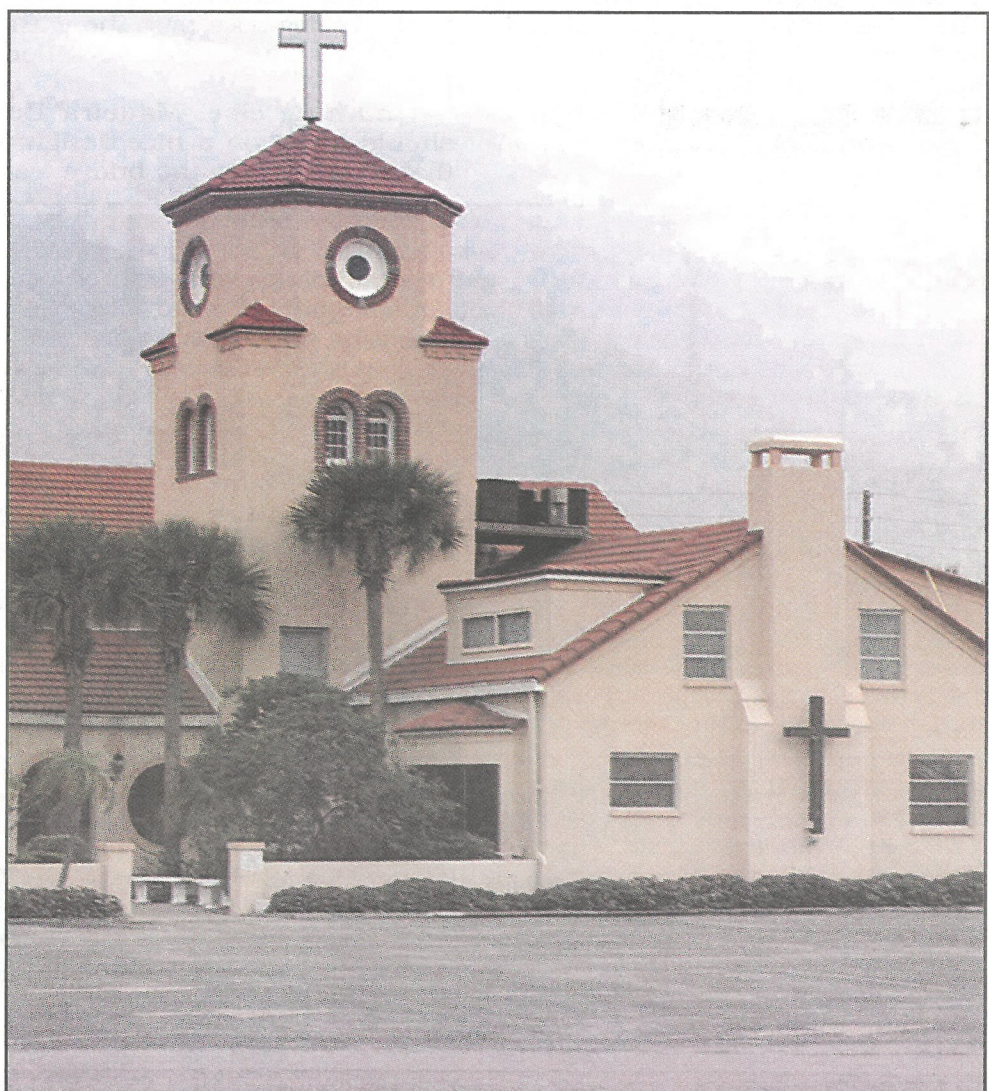
to go through the permitting process.

Parking also could be in the rear of the building.

“This would be so good for the city.”

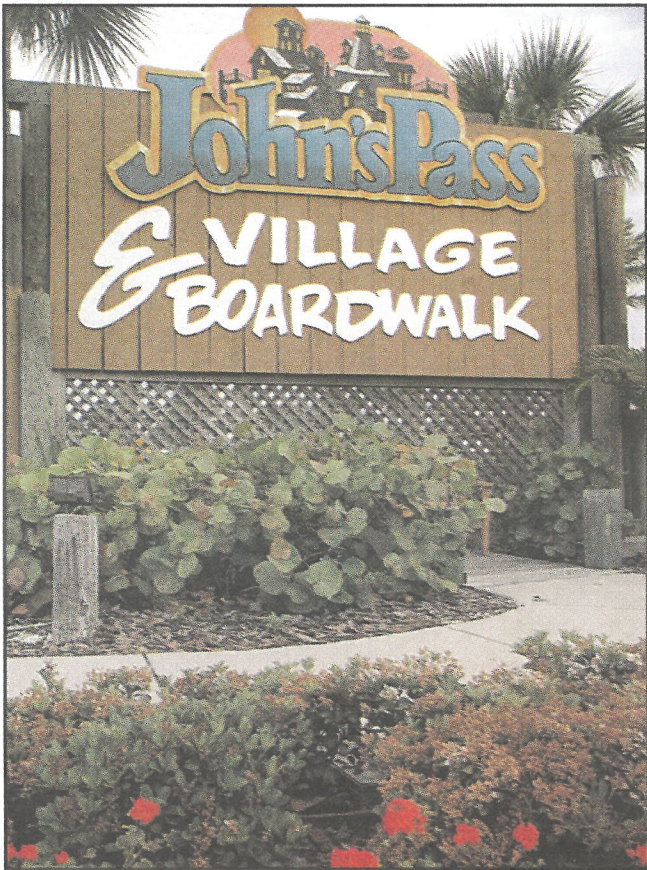


In the parking lot that is next to Winn-Dixie: a plaza



In front of the Church By the Sea: a plaza

John's Pass ... the mix of the Village and the village



John's Pass Village & Boardwalk has enjoyed recent renovations.

Andres Duany was as impressed with John's Pass Village and Boardwalk as its merchants and residents are, especially following the renovation of the shopping area.

What could make a better, and friendlier, pedestrian environment?

Its unique style is well done in some instances, Duany said. He is proposing more language in the code to demand that all buildings offer the same charm and help "complete the illusion" of an old fishing village - it seemed to amaze him that there were still some buildings that did not conform.

"You need to have buildings working together," he said.

John's Pass Village was created when John's Pass Bridge was moved. The main street moved west, and the shops along the avenue realized they had to do something to lure traffic back to them. The boardwalk was already there, of course, but the Village was born, and a unique pedestrian area evolved.

In the absence of walkable streets in the area, Duany said, those that survive naturally become tourist

destinations. "People just search them out."

Over time, Duany predicted, the Village's main street will revert to an actual main street and it will recover its usefulness to the residents.

The Village is an asset, and should not be a source of divisiveness, he said.

But conflicts are created because there is a residential area behind the Village.

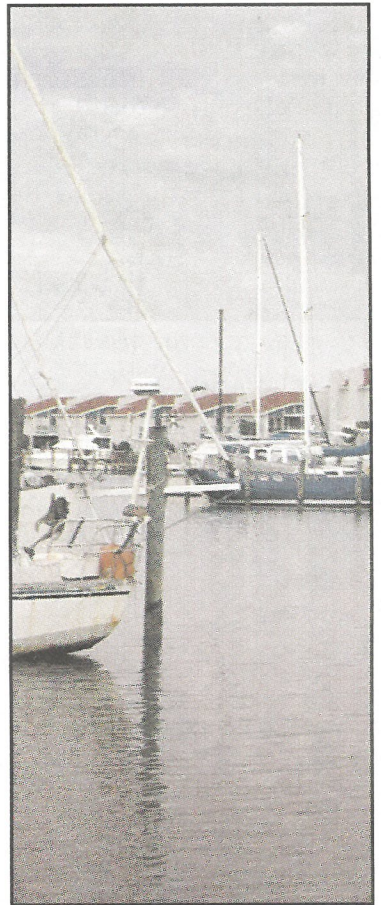
One street, Pelican Lane, is a particular problem, according to Duany. People who live on that street complain about having to face the back of the John's Pass Village shops. There is sound and visual blight.

Entering the neighborhood is another problem.

Duany said there are 18 houses in one section, an area that is ripe for redevelopment.

If the proposed plan is followed, a plaza would be created as residents enter the neighborhood, and a road built along the waterfront to return that part of the water to the residents.

"A city on the water"



People in Madeira Beach love the water.

People in Madeira Beach love natural things. They love the sunsets, and they worship the water. "It's a shock to us how much of it there is because almost none of it is seen," Duany said. "The water's gone. It's essentially been privatized." Many residents live on the water, but "those who are not on the water really don't have it."

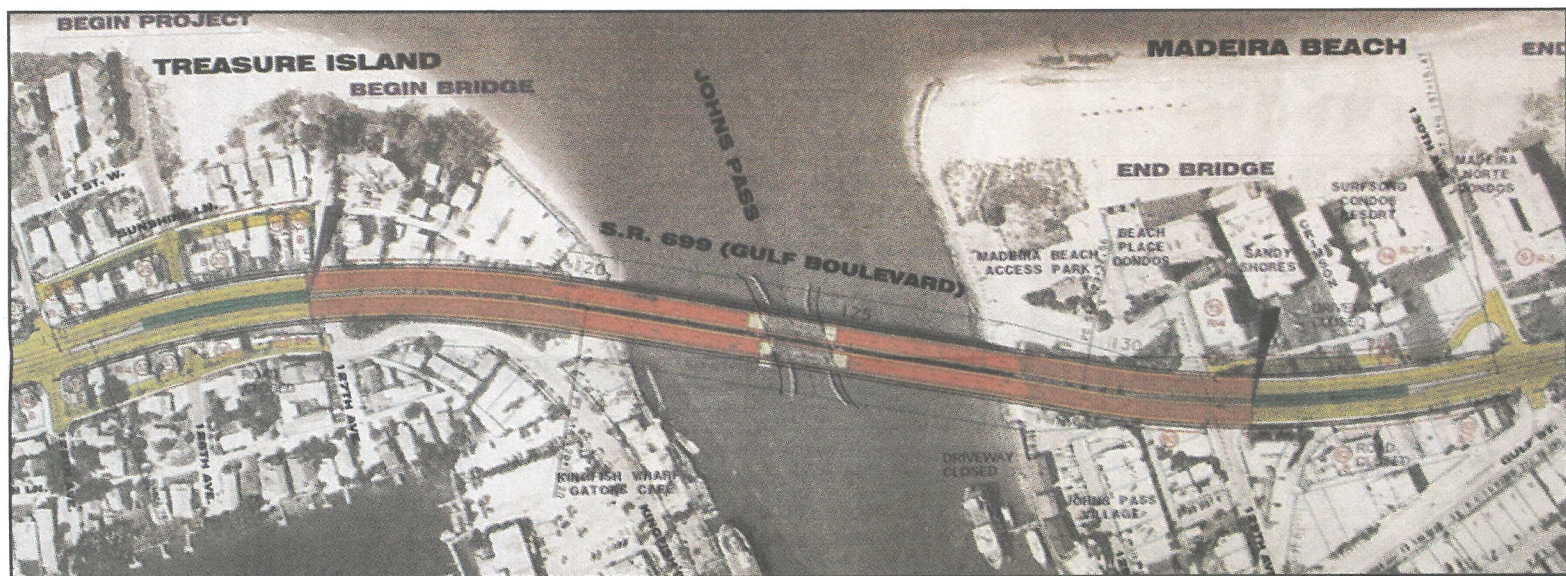
Ideas in the master plan bring the water back to the public, providing roadways and walkways along the waterfront.

Culverts or connections at the ends of the canals are proposed to improve the water quality.

The city needs storm drainage, Duany said, to stop the water running directly from the sewers and into the bay.

Also, he proposes the heavy use of native species of plants for landscaping, to eliminate the use of fertilizers - products that further pollute the waters - and reduce general maintenance.

Bridging the state plan with city's desire for better style



Planners looked at several options proposed by the state regarding the replacement of John's Pass Bridge.

The final design of John's Pass Bridge will be decided by the state Department of Transportation.

However, Duany maintained that, as state residents, the people of Madeira Beach are not without their rights when it comes to the replacement project of the bridge, and options being considered.

Looking at several models of bridge replacement proposals, Duany said to remember one thing: If the approach to the bridge goes past the entrance to John's Pass, "You've killed it. Dead."

If nothing else, Madeira Beach should insist on a nice design, one that would mirror the bridge leading

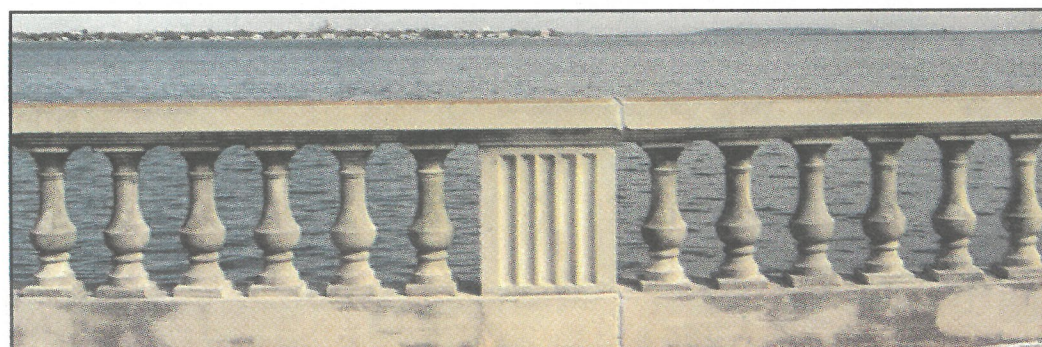
to Crystal Island, with a design similar to the one used on the bridge leading to Snell Isle.

Again, demanding a better design is a matter of shedding the "beggar mentality."

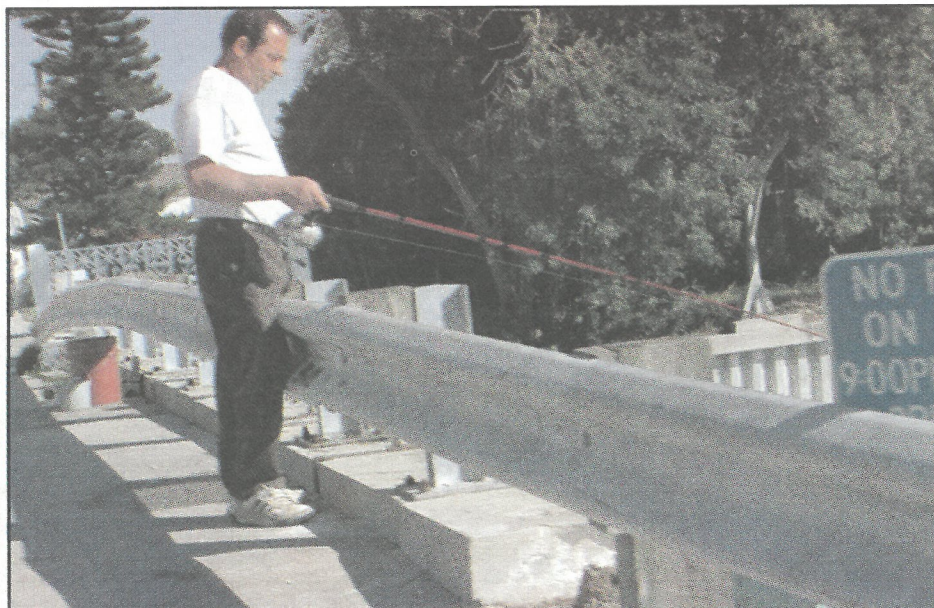
Since the charrette, the state has indicated that it plans to build the John's Pass Bridge at a height of 21 feet - one-half feet lower than the current structure. Some of its residents insist that a 29-foot high bridge, while maintaining the same footprint, would allow more boat traffic to fit under the expanse without lifting the drawbridge, thus cutting down on the number of times the bridge opens and snarls traffic.



The entrance to Snell Isle in St. Petersburg is a model the city could use in its design for its new bridges.



This ballustrade style is used on Bayshore Drive in Tampa.



At the Crystal Island Bridge a turnpike-style railing could be replaced with a nicer style.

PROPOSALS PRESENTED FOR THE MASTER PLAN HAVE NOT BEEN FORMALLY APPROVED

Master Plan impacts ongoing projects

By JEFF SIEWERT

The city is consistently improving various elements of its physical assets through its capital improvement program projects. Several of these projects are currently under way in areas that are critical to the master planning efforts.

These projects include 140th Avenue Improvements, Causeway Park and Pavilion Development, and the Crystal Island Bridge Replacement. These projects will have impacts on areas that have been identified as the three potential pedestrian sheds: John's Pass Neighborhood Center, Crystal Island Neighborhood Center, and the Madeira Beach Town Center.

140th Avenue

The 140th Avenue Improvements project will replace the storm sewer systems and increase inlet locations along its alignment from Gulf Boulevard to Island Drive, and Island Drive from 140th Avenue to the beginning of the causeway.

As part of the overall city's stormwater master plan, this project was designed to improve flood protection and water quality discharge into the Boca Ciega Bay. The high ranking of this project relative to the other stormwater improvement areas within the city was due to its facilitating access to Gulf Boulevard for the many island residents. This project is partially funded through Southwest Florida Water Management District (Swiftmud) grants and has completion time lines for design by October of this year.

Causeway Park

The Causeway Park and Pavilion Development project is also funded through grants and has time lines for advancement. This vacant land has long been earmarked for a development that would enhance the overall area and provide an attractive use.

The current project's objective is to provide a scenic recreational facility with specific areas designated for natural vegetation observation

and mangrove restoration. These features are requirements from the agency providing the grant.

The development area provides a significant opportunity due to its proximity to the water and entrance to the city. The pavilion architectural design could also have a significant impact on setting the trend for the area with regard to the selected style of architecture.

Crystal Island Bridge

The Crystal Island Bridge has had continuous maintenance problems since its initial construction. Now, this aging structure is scheduled for a replacement study. The location of the structure, as the gateway to the islands, provides many opportunities to review the type, style and function of this facility.

The phased project program will allow for the bridge concept, preliminary design and cost projections to be completed initially, with the detailed design and construction to follow once all permitting issues and funding opportunities have been reviewed.

What now?

The City Commission has initiated a review of these projects' scopes to evaluate the potential to integrate some of the ideas brought forth through the initial master planning activities. These steps were taken in order to avoid any potential for reconstruction after the master planning activities have been completed.

Many of the project elements associated with the designs of each of these improvements could be simply enhanced to provide a greater focus on the issues brought forth during the initial evaluation of the city's assets. The challenge in each is to develop realistic uses of existing rights of way, recognizing adjacent structures and current development plans, and working within the framework of the existing project budgets.

With the implementation of these projects a catalyst to launch the fully developed Master Plan could be created.



Causeway Park



Crystal Island Bridge



140th Avenue

The best-laid plan ... is a copy of something else that works

Cities built in the 1920s had master plans.

The first, and probably only regional plan in Florida, was written by a planner for St. Petersburg.

He came to St. Petersburg in the 1920s, did his research, went back to Boston, created the master plan and mailed it down.

"Elected officials were trusted then," said Duany.

In the post-war era, cities no longer initiated the plans. Developers did it.

What has resulted is that each project

became its own entity, and the American city has lost its cohesiveness.

Now, with plenty of public input, cities are developing master plans.

"The least thing you can do as a city is have a map and developers will follow it," said Duany. Developers will follow, that is, "as long as you have the reward" written into the language.

In Sarasota, a developer who follows the master plan has "a right to develop."

Without a plan, "there is always a cat fight."

To help envision proposed changes, Duany suggested Madeira Beach become "sister city" to two Florida cities. For commercial, he suggested Naples. For residential, the choice is Biscayne.

If there is a question concerning a design for example, the city could send some people to the sister city and see how they handled it there, and judge the results. The master plan will be a dynamic thing, one that will need tweaking as time goes by.

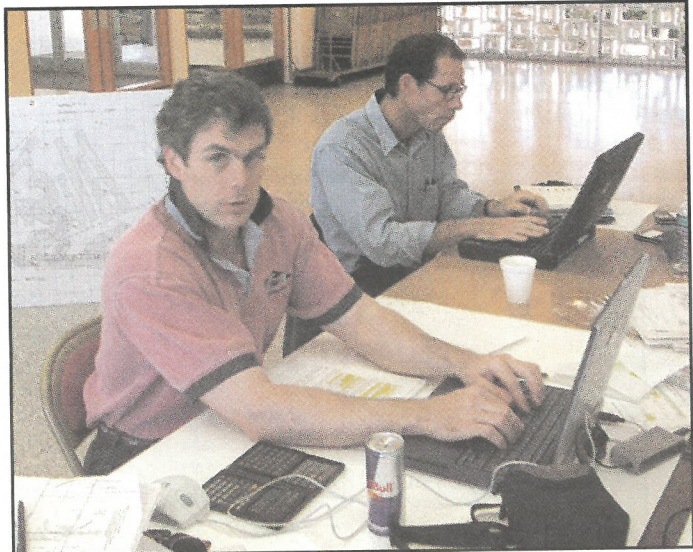
"None of the things we're proposing here

is pioneering. Others have done it first."

Many of the proposals were made by the design team itself, Duany said. They listened to resi-

Andres Duany dents, but the master plan is not really collection of the residents' ideas.

"Many are ideas from other places that have worked."



Throughout the charrette process, professionals worked to complete the designs that were being proposed. Here, Dr. James Moore, left, of HDR Planning, and Jeff Siewert, of Jones Edmunds & Associates, work on computer renderings.



Urban planner Andres Duany of Duany Plater-Zyberk & Company speaks to a roomful of residents during one of the charrette sessions held at City Hall.

PROPOSALS PRESENTED FOR THE MASTER PLAN HAVE NOT BEEN FORMALLY APPROVED

Where do we go from here?

By **JAMES A. MOORE**

The heart of the process of creating a new master plan for the city of Madeira Beach was the seven-day charrette that occurred at the end of February.

This intensive design workshop included a team of 10 consultants, and saw the participation of more than 100 residents of the city. The final presentation, held on Friday evening, March 1, was attended by nearly 300 people. The charrette helped spotlight the strengths and weaknesses of the existing situation in Madeira Beach and generated myriad ideas for creating a better future.

Shortly after the conclusion of the charrette, the consultant team began preparing the text of the master plan document that will guide future development in the city. A draft

of the completed document will be presented to the city around the middle of May for review and consideration. This will be the opportunity for citizens and community leaders to assess the proposed plan and provide additional input. It is the recommendation of the consultant team that if the plan document generates no substantive concerns from either the commission or the citizens, that it be adopted in principle as quickly as possible.

Adoption in principle presupposes that numerous specific details remain to be worked out. At the very least, the consultants will need to finalize any and all necessary revisions to the City's Comprehensive Plan, including necessary changes to the DNA of the Comp Plan, the Land Development Regulations.

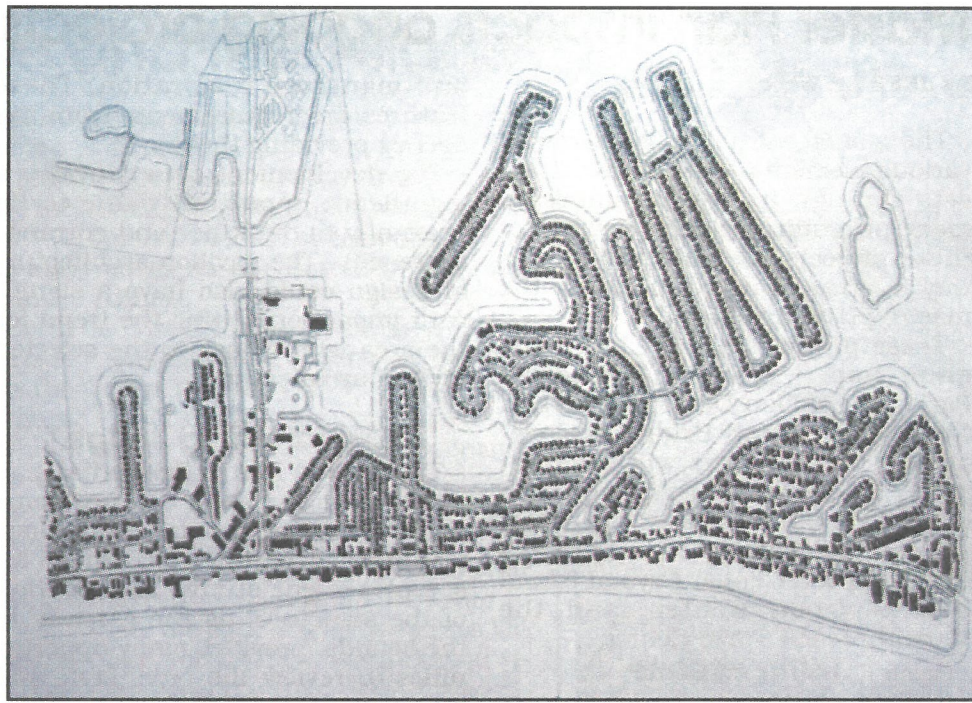
However, adoption in

principle also means that property owners or developers with potential projects will be able to work within the framework of the new master plan almost immediately. Initial projects will require coordination with and review from the city and/or its consultants, but the greater problem of uncertainty will have been removed.

The more quickly the major principles of the plan are adopted, the more quickly the specifics of the plan can be addressed, and the more quickly the city can proceed in addressing the future.

In considering the development and potential use of the master plan it is important to never lose sight of three important issues.

First, as has been noted extensively over the past months, change is coming.



Madreia Beach

Growth and development will occur throughout the county and particularly throughout the beach communities. The question is no longer "If" but rather "When" and "Where" and "How."

Second, the master plan serves as a means of getting out in front of

this growth and change and dictating precisely the "When," the "Where," and the "How" new development will be within Madeira Beach.

Finally, one should never lose sight of the long-term nature of this plan. The drawings and discussions presented here extend 20 and

even 30 years into the future. A lot will happen during this period, and while the plan might not be able to accurately predict exactly what will occur in particular locations and at what time, it does provide the confidence that the city and its citizens will be in control of this process.

The challenge

After the visioning process is over, "somebody has to pick up the ball and run with it," Duany told the packed auditorium March 1.

If the city lacks a comprehensive vision, eventually the political climate will turn to one question, "How do we stop growth?"

And then, it's back to the beginning.

A community cannot be successful if the visioning process creates friction. It cannot go back and forth about ideas on growth.

"That's chaos."

Thinking ahead to the effects this plan will have on the next generation, he challenged the residents.

"Conceive of yourselves as founders of this town."

PLAN, from page 1

outcome of the Visioning project and contracted with planning and architectural specialists that would guide the city through a charrette process and develop a comprehensive master plan that would act as a map for the coming years. The break-out sessions that took place during the charrette addressed the themes identified during the Visioning Days.

As a citizen group planned the details for the charrette, the planners collected data from numerous sources to identify the issues pertinent to Madeira Beach, and start building the knowledge that would later be used in the master plan itself, such as the constraints put on roads and construction by county, state and federal agencies.

The public responded positively to an educational process about the charrette, including a "Pre-Charrette" publication that explained the dynamics of urban growth and defined some of the lingo that would be used during the process.

By the end of the week, a plan for the future was identified - not one that will

necessarily be embraced in its entirety by everyone - but one that can give the city direction.

What is presented in this special "Post-Charrette" publication is a summary of the master plan as presented at the charrette. The Board of Commissioners will be considering its approval. Duany encouraged the commission to pass it immediately "in principle." Details of the plan can be changed, but Duany has warned that communities that wait to approve master plans watch them flounder and fail.

The master plan document is expected to be presented to the city in the coming weeks. From there, it must undergo a comprehensive plan review, county and state reviews, and the modification of current ordinances to allow the plan to proceed.

If all goes as scheduled, the process should be completed in November. Along the way, the decision and provisions of the plan will be under scrutiny at city workshops and regular commission meetings - all open to the public.

Express yourself!

At City Hall, your staff and elected officials welcome your attendance at meetings, which are always open to the public.

Regular meetings are held in the meeting room in City Hall, 300 Municipal Drive, the first and third Tuesday of each month at 7 p.m.

Meetings are broadcast on Cable Channel 15.

Agendas and public notices are posted at several locations throughout the city, including boards in front of the Winn-Dixie, Publix, John's Pass Village and the Library.

City Hall, open 8 a.m. to 4:30 p.m. Monday to Friday.

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This publication is posted on : TampaBayNewspapers.com & ci.madeira-beach.fl.us

Residents' response requested

Please fill out this survey and mail it or drop it off at City Hall, or e-mail your comments to us.

Did you attend any part of the charrette?

Please circle: Opening presentation; one or more workshops; final presentation

Did you participate in Visioning Days last spring?

What do you think of the visioning process?

Do you think the city provided adequate notice and education to the public about the process?

Do you support the master plan in principle?

What do you like the best?

What concerns you the most?

Is there a comment you would like to make?

This publication is posted on : TampaBayNewspapers.com & ci.madeira-beach.fl.us

Thank you!



Madreia Beach Post-Charrette Report

April 2002

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**2024 BOARD OF COMMISSIONERS MEETINGS - ACTION SUMMARY
(January 2024 – Just 2024)**

BOARD OF COMMISSIONERS ATTENDANCE

- January 10, 2024, BOC Regular Meeting – All present
- January 24, 2024, BOC Regular Workshop – All present
- February 14, 2024, BOC Regular Meeting – All present
- February 28, 2024, BOC Special Meeting - All present
- February 28, 2024, BOC Regular Workshop - All present
- March 13, 2024, BOC Regular Meeting – All present
- March 27, 2024, BOC Special Meeting – Mayor Rostek absent
- March 27, 2024, BOC Regular Workshop – Mayor Rostek absent
- April 10, 2024, BOC Regular Meeting – All present
- April 24, 2024, BOC Budget Workshop – Vice Mayor Brooks and Commissioner Tagliarini absent
- April 24, 2024, BOC Regular Workshop – Vice Mayor Brooks absent
- May 8, 2024, BOC Regular Meeting – All present
- May 22, 2024, BOC Budget Workshop- Commissioner Tagliarini absent
- May 22, 2024, BOC Regular Workshop – All present
- June 12, 2024, BOC Regular Meeting – Mayor Rostek and Commissioner Tagliarini absent
- June 26, 2024, BOC Budget Workshop – Commissioner Tagliarini absent
- June 26, 2024, BOC Regular Workshop – Commissioner Tagliarini absent
- July 10, 2024, BOC Regular Meeting – All present

PRESENTATIONS

January 10, 2024, BOC Regular Meeting

- Gulf Beaches Public Library Board Update & Upcoming Special Events – Helen Price, Library Board Trustee

January 24, 2024, BOC Regular Workshop Meeting

- Introduction of New Hires in the Fire Department
- Fire Crew of the Year, 2024
- Fire Inspector Reclassification to Fire Marshal
- Fire Lieutenant Promotion
- Brian Lowack, President/CEO, Visit St. Pete/Clearwater

February 14, 2024, BOC Regular Meeting

- Gulf Beaches Rotary Contribution – Presented by members of the Gulf Beaches Rotary Club

March 13, 2024, BOC Regular Meeting

- TI/MB Chamber of Commerce 2023 Community Partner of the Year

April 10, 2024, BOC Regular Meeting

- FY 2023 Annual Comprehensive Financial Report (ACFR) – Zach Chalifour, Partner with James & Co., P. L.

June 12, 2024, BOC Regular Meeting

- Brent Burish, CEO, HCA Florida St. Petersburg and Pasadena Hospitals

PROCLAMATIONS

January 10, 2024, BOC Regular Meeting

- Certified Registered Nurse Anesthetist Week; January 21-27-2024

May 8, 2024, BOC Regular Meeting

- Proclamation: National Safe Boating Week; May 18 – 24, 2024
- Proclamation: 55th Annual Municipal Clerks Week; May 5 – 11, 2024
- Proclamation: National Public Works Week; May 19 – 25, 2024

BOARD OF COMMISSIONERS MEETING MINUTES

January 10, 2024, BOC Regular Meeting

- 2023-12-13, BOC Regular Meeting Minutes – *Approved 5-0*

February 14, 2024, BOC Regular Meeting

- 2024-01-10, BOC Regular Meeting Minutes – *Approved 5-0*
- 2024-01-24, BOC Regular Workshop Meeting Minutes – *Approved 5-0*

March 13, 2024, BOC Regular Meeting

- 2024-02-14, BOC Regular Meeting Minutes – *Approved 5-0*
- 2024-02-28, BOC Special Meeting Minutes – *Approved 5-0*
- 2024-02-28, BOC Regular Workshop Meeting Minutes – *Approved 5-0*

April 10, 2024, BOC Regular Meeting

- 2024-03-13, BOC Regular Meeting Minutes – *Approved 5-0*
- 2024-03-27, BOC Special Meeting Minutes – *Approved 5-0*
- 2024-03-27, BOC Regular Workshop Meeting Minutes – *Approved 5-0*

May 8, 2024, BOC Regular Meeting

- 2024-04-10, BOC Regular Meeting Minutes – *Approved 5-0*
- 2024-04-24, BOC Budget Workshop Meeting Minutes – *Approved 5-0*
- 2024-04-24, BOC Regular Workshop Meeting Minutes – *Approved 5-0*

June 12, 2024, BOC Regular Meeting

- 2024-05-08, BOC Regular Meeting Minutes – *Approved 3-0*
- 2024-05-22, BOC Budget Workshop Meeting Minutes – *Approved 3-0*
- 2024-05-22, BOC Regular Workshop Meeting Minutes – *Approved 3-0*

July 10, 2024, BOC Regular Meeting Minutes

- 2024-06-12, BOC Regular Meeting Minutes – *Approved 5-0*

- 2024-06-26, BOC Budget Workshop Meeting Minutes – *Approved 5-0*
- 2024-06-26, BOC Special Meeting Minutes – *Approved 5-0*

PUBLIC HEARINGS – ORDINANCES

January 10, 2024, BOC Regular Meeting

- Ordinance 2023-21, Dune Protection and Beach Debris – 2nd Reading and Public Hearing – *Approved 5-0*
- Ordinance 2023-33, Amendment to Capital Improvement Element of the Comprehensive Plan – 2nd Reading & Public Hearing – *Approved 5-0*
- Ordinance 2024-01, Calling the March 19, 2024 Municipal Election – 1st Reading & Public Hearing – *Approved 5-0*

February 14, 2024, BOC Regular Meeting

- Ordinance 2024-01, Calling the March 19, 2024 Municipal Election – 2nd Reading & Public Hearing – *Approved 5-0*
- Ordinance 2024-03, An ordinance adopting a code provision regarding parking meter overtime and failure to pay provisions - 1st Reading & Public Hearing – *Approved 5-0*

March 13, 2024, BOC Regular Meeting

- Ordinance 2023-01, John's Pass Village Activity Center Plan – 2nd Reading and Public Hearing – The vote amended Ordinance 2023-01 to lower the bonus maximum in the Commercial Core from 100 to 87 UPA and the John's Pass Resort from 100 to 75 UPA - *Approved amendment 4-1 (Mayor against)*
- Ordinance 2023-02, Amending FLUM to add John's Pass Village Activity Center – 2nd Reading and Public Hearing – *Approved 4-1 (Mayor against)*
- Ordinance 2024-02, Open Accessory Structures – 1st Reading & Public Hearing – *postponed 1st Reading and Public Hearing of Ordinance 2024-02 to the April 10, 2024, BOC regular meeting and discuss it at the March 27, 2024, BOC workshop meeting.*
- Ordinance 2024-03, An Ordinance adopting a code provision regarding parking meter overtime and failure to pay provisions – 2nd Reading and Public Hearing – *Approved 5-0*

April 10, 2024, BOC Regular Meeting

- Ordinance 2024-04, Amendment to Code - Special Magistrate Code – Code Enforcement – 1st Reading & Public Hearing – *Approved 5-0*
- Ordinance 2024-06, Amendment to Code - Special Magistrate – Compensation – 1st Reading & Public Hearing – *Approved 5-0*
- Ordinance 2024-05, Amendment to Fees & Collections Procedure Manual – 1st Reading & Public Hearing – *Approved 5-0*

May 8, 2024, BOC Regular Meeting

- Ordinance 2024-04, Special Magistrate – Code Enforcement – 2nd Reading and Public Hearing - *Approved 5-0*
- Ordinance 2024-06, Special Magistrate Compensation – 2nd Reading and Public Hearing – *Approved 5-0*

- Ordinance 2024-05, Fees & Collection Procedures Manual FY 2024 Update – 2nd Reading & Public Hearing – *Approved 5-0*
- Ordinance 2024-02 Open Accessory Structures – 1st Reading and Public Hearing – *Approved 5-0*

June 12, 2024, BOC Regular Meeting

- Ordinance 2024-02, Open Accessory Structures – 2nd Reading & Public Hearing - *Approved 3-0*

July 10, 2024, BOC Regular Meeting

- Ordinance 2024-08, Fences – 1st Reading & Public Hearing – *Approved 5-0*

PUBLIC HEARINGS – ALCOHOLIC BEVERAGE LICENSE APPLICATIONS

February 14, 2024, BOC Regular Meeting

- (2COP) Alcoholic Beverage License Application# 2024-01 Osaka Japanese and Thai Restaurant of Madeira Beach – *Approved 5-0*

April 10, 2024, BOC Regular Meeting

- ABP 2024-02 Dockside Dave's Restaurant – *Approved 5-0*

May 8, 2024, BOC Regular Meeting

- ABP 2024-03 Sip & Scoop – *Approved 5-0 with the condition that a bike rack with at least three stalls be added on the premises*

CONTRACTS/AGREEMENTS

January 10, 2024, BOC Regular Meeting

- FY'24 Capital Garbage Truck Lease Approval – *Approved 4-1 (Vice Mayor Kerr against)*
- RFP# 2023-09, Patriot Park Dock Replacement Bid Acceptance and Approval – *Approved 5-0*

February 14, 2024, BOC Regular Meeting

- Field Internship Agreement with SPC – *Approved 5-0*
- RFP 2023-11, Digital Information Sign Purchase – *Approved 5-0*
- Purchase 2023 Chevy Silverado 5500 Regular Cab 2WD – *Approved 5-0*
- Fireworks Agreement – *Approved 5-0*

March 13, 2024, BOC Regular Meeting

- Code Enforcement/Satellite Office – *Motioned to allow staff to negotiate an agreement with Mali Corp. to construct the code enforcement office space – Approved 5-0*
- Approve Agreement with Network People for Security Focused Information Technology Support and Consulting Services - *Approved 5-0*
- RFQ 23-12, Planning Services to Create and Implement a New City Master Plan – *Motioned to proceed with Kimley-Horn for RFQ 23-12, Planning Services to create and implement a New City Master Plan Approved 5-0*
- ADA Bus Purchase – *Approved 5-0*
- Easement Agreement for Condo A Company, LLC – *Approved 5-0*

April 10, 2024, BOC Regular Meeting

- Code Enforcement/Satellite Office – Item moved to the May 8, 2024 BOC Regular Meeting
- RFQ 23-12, Planning Services to Create and Implement a New City Master Plan – *Motioned to approve the Consulting and Design Services Agreement and the Scope of Services with Kimley-Horn for RFQ 23-12 - Approved 5-0*
- ITB 2023-14 Coastal Groin Restoration Approval - *Motioned to approve contract with Speeler Co. to complete the Coastal Groin Restoration Project – Approved 5-0*
- Approval to surplus of #33 (2016 Peterbuilt rear load packer), #37 (2017 Peterbuilt rear load packer), and trade in #23 (2023 Kenworth T880 with a 32 CY rear load packer) and purchase a 2024 truck (Battle Motor with a Pac tech body) – *Approved 5-0*
- Engagement Letter for Magistrate Services with Bart Valdes (current Special Magistrate) for a term of one year – *Approved 5-0*
- The Board consented to Commissioner Kerr meeting with RJ Myers of Shumaker Advisors (Lobbyist) to get his feedback on advocating for additional Homestead rights. The topic would be put on the next workshop agenda.

May 8, 2024, BOC Regular Meeting

- Redington EMS Station Funding Agreement – *Approved 5-0*
- Approve Agreement with Mali Contracting Corp. to construct Code Enforcement/Satellite Office – *Approved 5-0*

June 12, 2024, BOC Regular Meeting

- Gulf Beaches Public Library FY 2025 Budget – *Approved 5-0*
- Fire – IAFF Local 4966 Collective Bargaining Agreement FY 24 – FY 27 – *Approved 3-0*
- Gulf Blvd. Undergrounding City Easement Approval - *Approved 3-0*
- Concession Stand and Enclosed Building Schematic Proposal – *Approved 3-0*
- City Manager Employment Agreement – 2nd Amendment – *Approved 3-0*
- Human Resources, Compensation, & Classification Study – Approve Consulting Agreement with RSC Insurance Brokerage, Inc. dba Risk Strategies Company (Gehring Group) – *Motion failed 2-1 - The item was postponed and continued to the next BOC Regular Meeting on July 10, 2024*
- Appointment of Alternate Trustee to the Gulf Beaches Public Library Board – *Approved 3-0 to postpone the item to the July 10, 2024 BOC Regular Meeting*

July 10, 2024, BOC Regular Meeting

- Human Resources, Compensation, & Classification Study – Approve Consulting Agreement with RSC Insurance Brokerage, Inc. dba Risk Strategies Company (Gehring Group) – *Approved 4-1*
- ITB #2004-05 Purchase ADA Restroom Trailer – *Approved 5-0 to move forward with purchasing from NIU Toilet for the amount of \$56,900, who is also on the Sourcewell purchasing program for government agencies under Contract #081721-NIU*
- Snack Shack Concession Agreement – Approve 2nd Amendment – *Approved 5-0*
- Appointment of Alternate Trustee to the Gulf Beaches Public Library Board – *Approved 5-0 to appoint Vice Mayor Tagliarini to serve as the Alternate*

RESOLUTIONS

March 13, 2024, BOC Regular Meeting

- Resolution 2024-01, 2023 Statewide Mutual Aid Agreement – *Approved 5-0*

April 10, 2024, BOC Regular Meeting

- Resolution 2024-02, Board of Commissioners Policy Handbook – *Approved 3-2, excluding rotation of roll call votes (Vice Mayor Brooks and Commissioner Tagliarini against)*

May 8, 2024, BOC Regular Meeting

- Resolution 2024-03, FY 2024 Budget Amendment #2 – *Approved 5-0*

REPORTS/CORRESPONDENCE – ELECTED OFFICIALS & CHARTER OFFICERSJanuary 10, 2024, BOC Regular Meeting

- City Clerk Report – January 2024

February 14, 2024, BOC Regular Meeting

- City Attorney – Updates: Schooner Litigation (Burke versus the City of Madeira Beach); William Gay versus Hendricks, Andrews, Hodges, and Price; and Fire Station Litigation
- City Clerk's Report – February 2024
- City Manager's Report – December 2023 and January 2024

March 13, 2024, BOC Regular Meeting

- City Clerk's Report – March 2024
- City Manager's Report – February 2024

April 10, 2024, BOC Regular Meeting

- City Attorney – Reminded the Board that he issued two memos this month. One on the end of the legislative session and the other related to a Supreme Court case about the use of social media
- City Clerk's Report – April 2024
- City Manager – reminded everyone of upcoming events

May 8, 2024, BOC Regular Meeting

- Board of Commissioners – 2024 BOC Meeting Calendar - The September 25, 2024, BOC Special Meeting was changed to Monday, September 30, 2024, at 5:45 p.m. for the 2nd Reading and Public Hearing to adopt the FY 2025 Millage Rate and Budget Ordinances. The Regular Workshop would be at 6:00 p.m. the same day. The October 9, 2024, Regular Meeting was changed to Monday, October 14, 2024, at 6:00 p.m. Commissioner Tagliarini said he did not have his work schedule but will give plenty of notice of any changes.
- City Clerk's Report – May 2024
- The City Manager reminded everyone that the next Budget Workshop meeting will be on Wednesday, May 22, 2024, at 4:00 p.m., followed by the BOC Regular Workshop meeting at 6:00 p.m. He reported there will be a beach cleanup with the Trash Turtles on May 18, 2024, from 7:30 a.m. until 10:30 a.m. at Archibald Park, followed by a life vest giveaway from 10:00 a.m. until noon. The Beach Groin project began Monday, May 13. The Clearwater Marine

Aquarium is ensuring the turtle nests will not be disturbed. Mayor Rostek asked for more participation in the Trash Pirates cleanups.

June 12, 2024, BOC Regular Meeting

- Board of Commissioners – 2024 BOC Meeting Calendar – *No changes made to the calendar*
- City Clerk’s Report – June 2024
- The City Manager reminded everyone of upcoming BOC meetings

July 10, 2024, BOC Regular Meeting

- 2024 BOC Meeting Calendar – *No changes*
- The City Manager reminded the Board of the four-hour mandatory ethics training on July 17 from 10:00 a.m. to 3:30 p.m. in the Chamber and other upcoming events. The City Clerk said lunch will be provided at the ethics training.

WORKSHOP AGENDA SETTING FOR UPCOMING WORKSHOP

January 10, 2024, BOC Regular Meeting (January 24, 2024, BOC Regular Workshop)

- Live-aboards Boats Anchoring
- Update on Stuart Park Resident Parking
- Update on Fitness Center
- JPV Zoning

February 14, 2024, BOC Regular Meeting (February 28, 2024, BOC Regular Workshop)

- Purchase Kubota Mini Excavator
- City Hall Satellite Office
- RFI 2023-14 Coastal Groin Restoration bid discussion
- JPV Activity Center and Zoning
- TBBCC Check Presentation
- Master Plan
- Roles and Responsibilities as Commission Members

March 13, 2024, BOC Regular Meeting (March 27, 2024, BOC Regular Workshop)

- JPV Zoning
- CRS and LMS
- Master Plan
- Board of Commissioners Policy Handbook – Review for changes
- RFP 2024-02 City Facility Cleaning Services bid discussion
- RFP 2023-14 Coastal Groin Restoration bid discussion
- Residential Parking discussion
- Ordinance 2024-02, Open Accessory Structures
- Ordinance 2024-04, Special Magistrate Provisions Relating to Code Enforcement
- Ordinance 2024-06, Special Magistrate Provisions Relating to Variances and Special Exceptions
- Special Magistrate Agreement Approval
- Ordinance 2024-05, Amend Fees and Collections Procedure Manual
- Bicentennial Park

April 10, 2024, BOC Regular Meeting (April 24, 2024, BOC Regular Workshop)

- Ordinance 2024-02 Accessory Structures
- Bicentennial Park Usage
- Residential Parking
- Beach Chairs/Umbrellas on Sand in front of Caddy's Restaurant
- Redington Beaches EMS Station Funding Agreement
- Updates to Fence Code G. John's Pass Village Zoning
- Additional Homestead Rights
- City Marina Development

May 8, 2024, BOC Regular Meeting (May 22, 2024, BOC Regular Meeting)

- City Manager's Employment Agreement – 2nd Amendment
- John's Pass Village Zoning
- Parking Garage Update
- Bicentennial Park
- Beach Chairs/Umbrellas on Sand in front of Caddy's Restaurant
- FY 2025 Gulf Beaches Public Library Budget
- Noise Ordinance
- HR, Classification, Compensation Study
- IAFF Collective Bargaining Agreement
- Consider hiring a Grant Writer on an as-needed basis

June 12, 2024, BOC Regular Meeting

- Impact Fees - Residential
- Snack Shack Agreement
- Proposed Parking Garage
- Grant writer consultant, various types of grants
- Beach Chairs/Umbrellas - Caddy's Restaurant
- Special area Plan amendments in the Code (R-3, C-3, C-4)
- John's Pass Village Zoning

July 10, 2024, BOC Regular Meeting

- Planned Development Amendment
- Proposed Zoning Change – 129th Ave. E.
- John's Pass Village Zoning
- Floodplain amendments
- Parking Garage
- PCSO Law Enforcement Services Agreement FY 2025
- RFP 2024-06 City Facility Cleaning Contract
- Mayor/District Commissioners Pay
- Flood Insurance Update/Homestead Issue – Letter to State
- Commission districts, why they have them, why the Mayor is at large, the challenges of changing that, and the pros and cons.

- Court of Honor
- Boat docks at Rock Park
- Kitty Stewart Park bathroom
- Undergrounding commercial utility projects going on that are not complete. Invite Duke Energy to attend.
- Residential undergrounding. What does that look like, how is Duke Energy involved, and what is the cost? Invite Duke Energy to attend.
- What are the rights on their beaches, public versus private? If their property lines are extending automatically down to the mean water line, then how much can that be regulated by the City or any municipality? If it is private property, can it be regulated? If it is public property, why can't they regulate it as long as it is a blanket regulation, not specifically to one property?

BOC WORKSHOP MEETINGS

January 24, 2024, BOC Regular Workshop Meeting

- Boats, Live-aboards and Anchoring
- FEMA/City Participation in Mitigation Restoration/Flooding Prevention Programs - Consensus to move forward.
- Board of Commissioners to schedule a Special Meeting in March following the March 19, 2024 Municipal Election and Certification of Election Results: Reporting the Election Results of the Charter Amendment and Induction into Office - Ray Kerr and David Tagliarini to serve a new two-year term as District Commissioner – The Special Meeting was scheduled for 5:30 p.m., Wednesday, March 27, 2024.
- John's Pass Village Activity Center Zoning - The Board asked the presenters to identify and include the structures with high densities in John's Pass Village in their next presentation.
- RFP 2023-11 Digital Information Sign – Consensus to move forward
- Kitty Stuart Park Parking Lot Overview: Financial Status, Increased Utilization, and User Engagement – Consensus to continue with the trial
- Refuse Collection Contracted Service Analysis – Consensus not to outsource the garbage collection at this time
- Fitness Center - Consensus to bring back the yearly cost to continue with the open registration.
- City Sponsored Fireworks - Consensus to bring a contract with proposed dates back to the next regular meeting for approval

February 28, 2024, BOC Regular Workshop

- BOC Roles & Responsibilities
- Code Enforcement/Satellite Office - Consensus to move forward with the project
- City of Madeira Beach Master Plan – Presented by Kimley-Horn
- John's Pass Village Activity Center Plan and Zoning
- Statewide Mutual Aid Agreement – 2023
- Redington Emergency Services Building Update
- ADA Bus Purchase
- City Attorney Trask gave an update on William Gay versus Hendricks, Andrews, Hodges, and Price

March 27, 2024, BOC Regular Workshop

- Board of Commissioners Policy Handbook – Review for Changes
- Engagement Letter to Serve as Special Magistrate for the City of Madeira Beach - Consensus to move forward
- Ordinance 2024-04, Special Magistrate – Code Enforcement – Consensus to move forward
- Ordinance 2024-06, Special Magistrate – Approval Process for Compensation Rate - Consensus to move forward
- Kimley-Horn Madeira Beach Master Plan Scope of Services Draft – Consensus to move forward.
- Local Mitigation Strategy (LMS) and Community Rating System (CRS) Update
- Ordinance 2024-02, Open Accessory Structures – Postponed to next workshop meeting
- John's Pass Village Activity Zoning Workshops
- Ordinance 2024-05, Fees & Collection Procedures Manual FY 2024 Proposed Update – Consensus to move forward to regular meeting for a vote
- Approval to Surplus & Purchase a Truck – Consensus to proceed with the trade-in and purchase
- ITB 2023-14 Coastal Groin Restoration Approval - Consensus to move forward with Speeler Co. for the groin restoration project

April 10, 2024, BOC Regular Workshop

- City Marina – Future Usage – Discussed ways to improve the City Marina
- Homestead Exemption, Property Tax Changes – Consensus for Commissioner Kerr to begin drafting a letter to be sent to Senator DiCeglie, Representative Cheney, and Lobbyist RJ Myers
- RFP 2024-01 HR, Classification, Compensation Plans Study - Consensus for the City Manager to negotiate an agreement with the Gehring Group.
- Redington EMS Station Funding Agreement - Consensus of the Board was to move forward with the agreement
- John's Pass Village Activity Center Zoning Workshop - Consensus to schedule a Special Meeting for a walking tour of John's Pass Village
- Ordinance 2024-02, Open Accessory Structures - Consensus to make the maximum height in residential areas 14 feet and 20 feet for commercial properties. Planning staff directed to look at the noise ordinance and bring it back at a future workshop.
- Potential Fence Code Amendments - Staff proposed adding a non-conforming section to the Code. All fences would have to meet the current Fence Code, there would be no non-conforming allowances.
- Parking – Residential - Consensus to add the measurements the Parking Department was using. The revision would be brought back for First Reading at a future meeting.
- Trash Collection – Residential – Discussed how the level of service decreased. Director Wepfer said if they outsourced sanitation, she would not be able to use her staff in a different department unless positions were created. She is almost fully staffed with one vacancy.

May 22, 2024, BOC Regular Workshop

- Bicentennial Park Usage
- City Manager Employment Agreement – 2nd Amendment - The City Manager said the City has an agreement with the Pinellas County School District to utilize and maintain Bicentennial Park, which is located on the east side of the Causeway. Any changes to the agreement would require the School District's approval.

- City Manager Employment Agreement – 2nd Amendment - The Board discussed a four-year extension with four additional leave days and would discuss a salary increase every May.
- Gulf Beaches Public Library FY 2025 Budget - Helen "Happy" Price, Gulf Beaches Public Library Vice Chairperson, gave an update on the FY 2025 budget. They proposed an increase of 1.04% from last year.
- Parking Hourly Rate Discussion - The consensus of the Board was to bring the ordinance for the increase back for first reading at the August meeting and second reading at the September meeting.
- RFP 2024-01 HR, Classification, and Compensation Plans Study - Jerry Cantrell, Civil Service Commission Chair, gave a PowerPoint presentation explaining the need for a new Compensation Study. The Gehring Group will be doing a complete study. For an additional \$10,000, they would include a review of job descriptions. The total cost is \$37,640. The City Manager said \$50,000 was budgeted for the study, and they would not need to borrow money from other funds.
- Impact Fees – Residential - Jerry Murphy, University of Florida and Planning Consultant to the City, explained that the way the Comprehensive Plan was established, they needed to have both commercial and residential impact fees. They would need to amend the Comprehensive Plan and show that residential growth has no impact on the community. There may be other options to look at. The consensus of the Board was to have the City Manager meet with the City Attorney and Community Development to decide the best course of action and bring it back to the Board.
- Chairs/Umbrellas on Sand at Caddy's Restaurant on Gulf Blvd. - The item was removed from the agenda.
- Noise Ordinance – Community Development Director Jenny Rowan said they were asked to include provisions in the ordinance that would address complaints about noise from accessory structures and special events. A subsection in Section 34-87 for mechanical machinery to include noise-dampening methods would be an option. Tom Edwards, District One, suggested putting a provision in the ordinance that would allow a citizen to object to a permit like the City of St. Petersburg has. He encouraged the Board to look at it.
- John's Pass Village Activity Center Zoning - Director Rowen discussed the item and said a summary of the public workshops is on pages 229-230 of the agenda packet.
- IAFF Local 4966 Collective Bargaining Agreement Oct 2024 – Sept 2027 - The City Manager said the estimated fiscal impact for the first year is about \$200,000.
- Gulf Blvd Undergrounding City Easement Approval - Director Wepfer requested the Board's approval for three easements for the final phase of the Gulf Blvd. Utility Underground project. The easements allow Duke Energy to place its equipment on the City's parcels rather than the FDOT right-of-way. The consensus of the Board was to bring it back to the next regular meeting for approval.
- Concession Stand and Enclosed Building Schematic Proposal - Director Hatch explained the item and asked for approval to move forward with the proposal provided by Colliers Engineering & Design, Inc., which is currently under contract with the City. Any grant writing will be done by them. Director Hatch will bring back the cost estimates and the source of funding.

2024-06-26, BOC Regular Workshop

- Grant Writer Consultant (Various Types of grants) – City Manager said he would discuss at a future workshop whether they can contract for specific grants
- Snack Shack Concession Agreement – 2nd Amendment
- Discussion – Resignation letter from former Mayor James Rostek

- MBTC Special Area Plan Amendments to C-3, C-4, R-3 Zoning Districts
- John's Pass Village Activity Center Zoning
- Caddy's Public Beach ABP
- Impact Fees
- ITB #2024-05 Purchase ADA Restroom Trailer

BOC SPECIAL MEETINGS

February 28, 2024, BOC Special Meeting (for a shade meeting)

- City of Madeira Beach vs. Wannemacher Jensen Architects, Inc. and Hennessy Construction Services Corp., Case #23-7114-CI, Circuit Court of the Sixth Judicial Circuit in and for Pinellas County, Florida.

June 26, 2024, BOC Special Meeting

- Discuss and approve the District 4 Commissioner Vacancy Application and Process for Selection and Appointment – *Approved application 3-0 / Approved process outlined in Mr. Trask's June 17th memorandum 3-0*

BOC BUDGET WORKSHOPS

- April 10, 2024, BOC Budget Workshop #1
- May 22, 2024, BOC Budget Workshop #2
- June 26, 2024, BOC Budget Workshop #3
- July

MUNICIPAL ELECTION & APPOINTMENT ITEMS

March 27, 2024, BOC Special Meeting

- March 19, 2024 Municipal Election – Reported the Unofficial Election Results – City of Madeira Beach to change the Candidate Qualifying Period to the first full week in December instead of the first two full weeks in December – **Failed 429/236 Votes**
- Induction Into Office – Newly Elected Members of the Board of Commissioners – David Tagliarini, District Commissioner 1 and Ray Kerr, District Commissioner 2

April 10, 2024, BOC Regular Meeting

- March 19, 2024 Municipal Election – Reported the Certified Final Election Results – City of Madeira Beach to change the Candidate Qualifying Period to the first full week in December instead of the first two full weeks in December – **Failed 429/236 Votes**
- Vice Mayor – Commissioner Brooks was appointed to serve as the Vice Mayor for a one-year term.

July 10, 2024, BOC Regular Meeting

- Review Applications for Board of Commissioners Vacancy and Appoint District 4 Commission Member – *Approved 4-0 to appoint Applicant Housh Ghovae was appointed to serve as District 4 Commissioner for the remaining term expiring in March 2025*

- Induction Into Office – District 4 Commissioner – *The City Clerk administered the Oath of Office to House Ghovae, Commissioner District 4*
- Appointment of Vice Mayor – *Approved 5-0 to appoint Commissioner David Tagliarini to serve as Vice Mayor for a remaining term expiring in April 2025*

LETTER OF SUPPORT ITEMS

February 14, 2024, BOC Regular Meeting

- Tampa Bay Coastal Master Plan Letter of Support from the City of Madeira Beach Mayor, James "Jim" Rostek – *Approved 5-0*

June 12, 2024, BOC Regular Meeting

- Tampa Bay Regional Planning Council – Coastal Master Plan Support Letter – *Approved 5-0*

July 10, 2024, BOC Regular Meeting

- Fiscal Year 2023 Edward Byrne Memorial JAG – Countywide Program funds for Projects within Pinellas County – *Approved 5-0*