



PLANNING COMMISSION MEETING AGENDA

Monday, August 05, 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. ROLL CALL
3. PUBLIC COMMENT

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

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

For any quasi-judicial hearings that might be on the agenda, an affected person may become a party to this proceeding and can be entitled to present evidence at the hearing including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing a notice of intent to be a party with the Community Development Director, not less than five days prior to the hearing.

4. APPROVAL OF MINUTES

A. Approval of Minutes

5. NEW BUSINESS

A. Ordinance 2024-09: Appendix D JPVAC Zoning

B. Ordinance 2024-10: C-1 refer to Appendix D

C. Ordinance 2024-11: Rezone JPVAC area to C-1

D. Ordinance 2024-12: C-2 to reserved

E. Ordinance 2024-13: C-3 to be consistent with MBTC SAP

F. Ordinance 2024-14: C-4 to be consistent with MBTC SAP

G. Ordinance 2024-15: R-3 to be consistent with MBTC SAP

6. OLD BUSINESS

7. ADMINISTRATIVE/STAFF PRESENTATION

8. PLANNING COMMISSION DISCUSSION

A. Planned Development Zoning

B. Floodplain amendments

C. Master Plan

9. NEXT MEETING

Next meeting is scheduled for Monday, September 9, 2024 at 6:00 p.m.

10. INFORMATIONAL MATERIALS

11. ADJOURNMENT

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

Any person who decides to appeal any decision of the Planning Commission with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the minutes to be transcribed verbatim; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation to participate in this meeting should call Jenny Rowan, Community Development Director at 727-391-9951, ext. 244 or email a written request to jrowan@madeirabeachfl.gov.

**THE CITY OF MADEIRA BEACH, FLORIDA
LOCAL PLANNING AGENCY / PLANNING COMMISSION**

Madeira Beach City Hall, Patricia Shontz Commission Chambers

300 Municipal Drive, Madeira Beach, FL 33708

www.madeirabeachfl.gov | 727.391.9951

July 1, 2024 - MINUTES

1. CALL TO ORDER

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

2. ROLL CALL

Members in Attendance:

Chairman Wyckoff
Commissioner Ghovae
Commissioner Connolly

Commissioner Meagher
Commissioner LaRue
Commissioner Dillon

Members Absent:

Commissioner Noble

Staff Representatives:

Jenny Rowan, Community Development Director
City Engineer, Marci Forbes
Andrew Morris, Long Range Planner
Lisa Scheuermann, Program Coordinator/Board Secretary
Jay Stearman, Planner II
Tom Trask, City Attorney

3. PUBLIC COMMENTS

Chairman Wyckoff opened the floor to public comment on any topics not related to items on the agenda.

One resident came forward to speak about parking changes.

4. APPROVAL OF MINUTES

Minutes from the June meeting were approved unanimously.

5. NEW BUSINESS

A. SP 2024-02 Sanderling Site Plan

Attorney Tom Trask noted that there were two submittals of Notice of Intent to be an Affected Party. He then noted the order the notices are presented:

1. Applicant
2. City
3. Affected Party.

Mr. Trask read the Quasi-Judicial Clause, asked if anyone had ex-parte communications and swore people in.

Jack Bodziak took the podium and introduced Britt Hays. They presented the site plan for the property located at 13495 Guld Boulevard, noting that it is in zone C-3. He also mentioned past and desired future use, and noted that the roof deck will not be open to the public and that the public will not have access to the roof. Only owners will have access to the roof. The owner plans to keep four units and sell four units. He further mentioned that it is planned to be three stories over parking. He then turned the podium to his partner, Britt, to present.

Britt took the podium and presented using a PowerPoint presentation.

The presentation contained:

- Nine units were reduced to eight units
- A plan for an upscale restaurant
- A landscape plan
- A rendering of the proposed building
- Two plans for two floors
- The plan for the roof

Jay Stearman presented for the City:

- Showed arial view
- View from ground angles
- C-3
- Lot coverage
- ISR
- Height
- Density
- Previous Variance 2024-03 altered setbacks
- Plans that detailed what the variance granted

- Floor plan complied with code
- Applicant will have to rework ADA requirement
- All other plans comply

Parking and landscaping:

- Presented parking details
- Requirements are met
- Noted specific points of compliance

Mr. Stearman said that Staff recommends approval with the condition that ADA requirements are met.

Mr. Trask invited the Affected Parties to speak.

Mr. Byam came forward and stated that he lives adjacent to the subject property and his concerns are traffic and parking. He mentioned parking from West Events.

He had questions about restaurant parking and said he would like monitoring of parking.

Mr. Szuwala came forward. He stated that that he lives across the street from the subject property.

His concerns are parking and traffic. He thinks that the area is too small for that many units and people.

Chairman Wyckoff asked if there was any public comment.

A resident came forward and stated that he lives three blocks away from the subject property and his concern is parking and rooftop activity. He requested a written agreement regarding rooftop noise.

There was no more public comment.

Jack Bodziak went to the podium and stated that his proposed plans are not related to West Events. He then offered to answer questions.

Discussion followed.

Following the discussion, Chairman Wyckoff asked for a motion. Commissioners and Attorney Trask discussed the motion.

With clarification from Mr. Trask, Commissioner Dillon made a motion to approve SP 2024-02 to be sent to the Board of Commissioners with the following conditions: That the condominium documents specifically lay out the noise code ordinance as it currently exists, that the condominium documents also require that the dog walk areas have dog waste bags and receptacles made available and that all parking must meet current code requirements including ADA requirements.

Commissioner Meagher seconded the motion. Roll was called.

- Commissioner Dillon: Yes
- Commissioner Meagher: Yes
- Commissioner Connolly: No
- Commissioner La Rue: Yes
- Commissioner: Ghovae: No
- Chairman Wyckoff: Yes.

The motion carried.

6. **OLD BUSINESS**

There was no old business.

7. **PLANNING COMMISSION DISCUSSION**

There was no planning commission discussion.

8. **ADMINISTRATIVE/STAFF PRESENTATION**

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

Jenny Rowan presented.

Discussion followed

Chairman Wyckoff asked for public comment

A resident came forward and spoke about rooftop use. He suggested they go to the Board of Commissioners instead of Special Magistrate.

B: John's Pass Village Zoning Draft

Jenny Rowan presented.

The entire area would be one category and the Character Districts would be beoken out by color. The same as last month's presentation.

Commissioner Dillon stated that he'd like the board to have more "teeth" when it comes to special exception uses. He'd like the applications to come before the LPA for approval after the Special Magistrate hears them.

Attorney Trask stated that this board can't second guess a quasi-judicial decision.

Discussion followed.

C: Master Plan

- Ms. Rowan gave the update that we had our first Master Plan workshop with Kimley Horn.
- Mr. Morris presented the interactive map that has been created for our residents to offer comments on.

9. NEXT MEETING

The next meeting is scheduled for August 5, 2024, at 6:00 PM.

10. ADJOURNMENT

Chairman Wyckoff adjourned the meeting at 8:49 PM.

Respectfully submitted:

Michael Wyckoff, Chairman

Date

Lisa Scheuermann, Board Secretary

Date



Memorandum

Meeting Details: August 5, 2024 – Planning Commission Meeting
Prepared For: Planning Commission
Staff Contact: Community Development Department
Subject: Ordinance 2024-09: Appendix D John’s Pass Village Activity Center Development Standards

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 is bringing all four ordinances to the August 5, 2024, Planning Commission meeting for recommendation, after Planning Commission recommendation the first reading and public hearing for all ordinances related to John's Pass Village Activity Center Zoning will go before the BOC. All ordinances must then go to the BOC for a second reading and public hearing with approval before adoption.

Fiscal Impact

N/A

Recommendation(s)

Staff recommends 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
- 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

Division 1. General Provisions

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

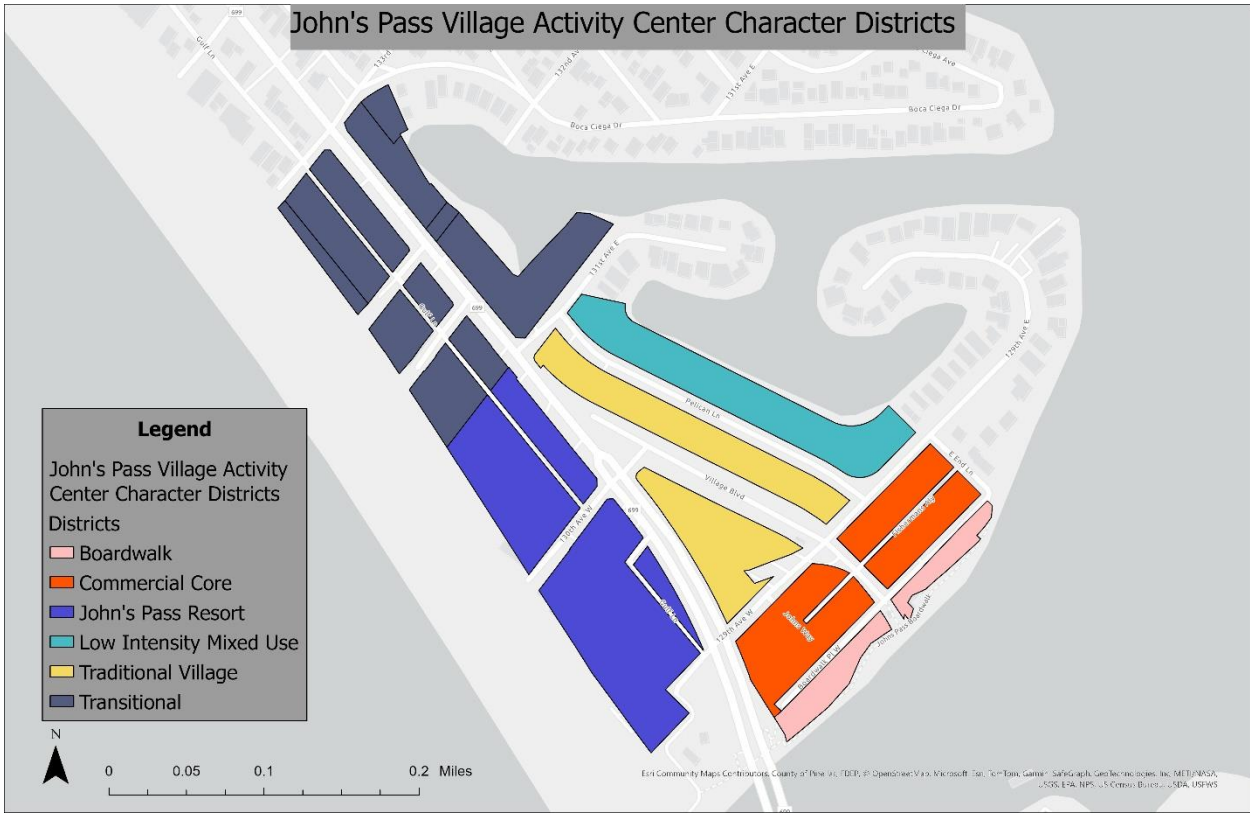
The John's Pass Village Activity Center Development Standards are land development regulations that establish the regulations and means to preserve and rebuild the existing character, uses, and density and intensity of John's Pass Village. The John's Pass Village Activity Center Development Standards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

Section D-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 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 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. Other customary accessory uses ancillary to the permitted uses.
 - d. 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.
 - e. Home occupation.
- 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.
 - a. Open terrace uses.
 - b. 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 and 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, excluding drive-through windows.
- b. Retail commercial and business service, excluding drive-through windows.
- c. Commercial recreation.
- d. Open rooftop and 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 and 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): ten feet.
 - i. Awnings may protrude into the setback a maximum of four 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 ten-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 or 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 both sides.
 - 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 both sides.
 - 2) Lots between 120 to 240 feet wide: 15 feet on both sides.

- 3) Lots wider than 240 feet: 20 feet on both sides.
- 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.
 - 2) Lots 51 feet or greater in width, the minimum total side yard setback is 15 feet with a minimum of 7 feet on either side.
 - iv. Multifamily, temporary lodging, and retail commercial:
 - 1) The minimum side yard setback is 10 feet for lots less than 120 feet wide.
 - 2) For lots wider than 120 feet but less than 240 feet, the minimum side yard setback is 15 feet.
 - 3) For lots wider than 240 feet, the minimum side yard setback is 20 feet.
 - d. 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.

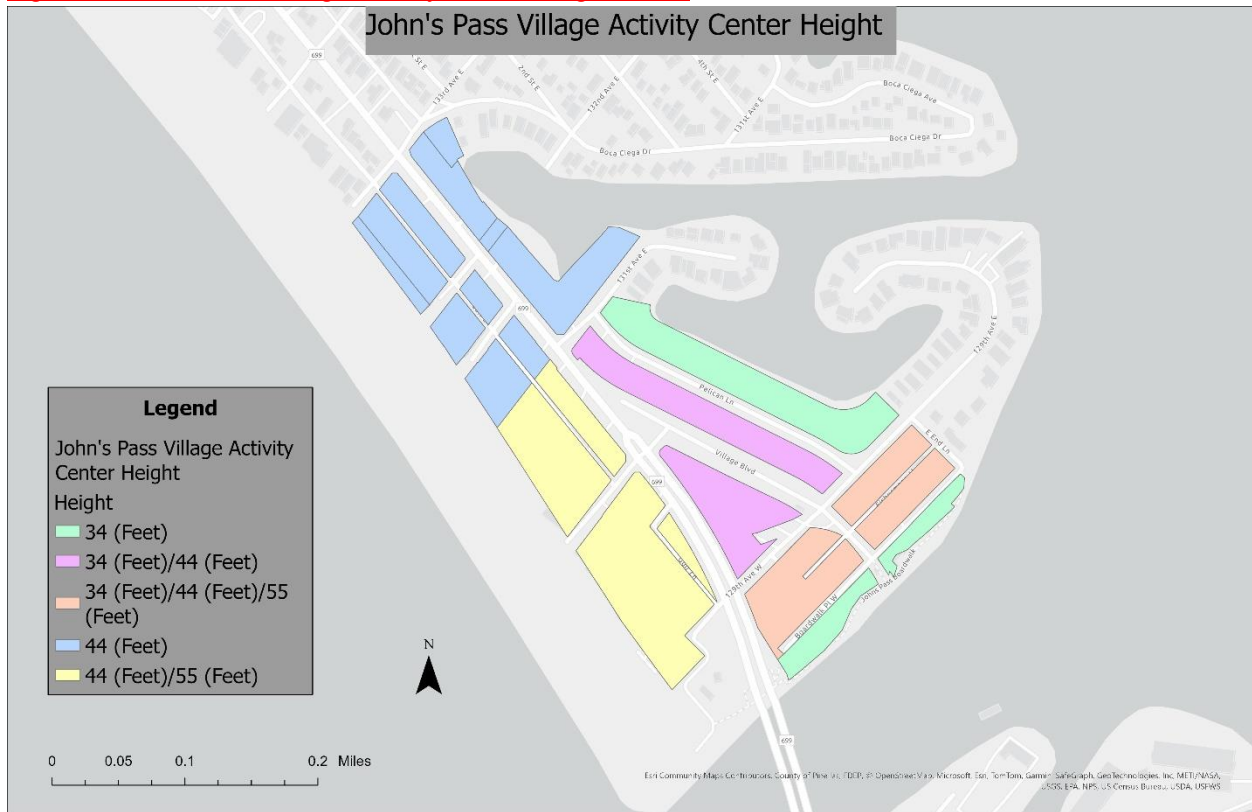
- i. Enclosed stairways and elevator shafts are allowed within the step back.

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
- 2) Commercial Core:
 - a. Lots equal to or less than ¼ acre in size: 34 feet.
 - b. Lots between ¼ to ½ acre in size: 44 feet.
 - c. Lots equal to or larger than ½ acre in size: 55 feet.
- 3) John's Pass Resort:
 - a. Lots equal to or less than ½ acre in size: 44 feet.
 - b. Lots greater than ½ acre in size: 55 feet.
- 4) Low Intensity Mixed Use: 34 feet.
- 5) Traditional Village:
 - a. Lots equal to or less than ½ acre: 34 feet.
 - b. Lots greater than ½ acre: 44 feet.
- 6) Transitional: 44 feet

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

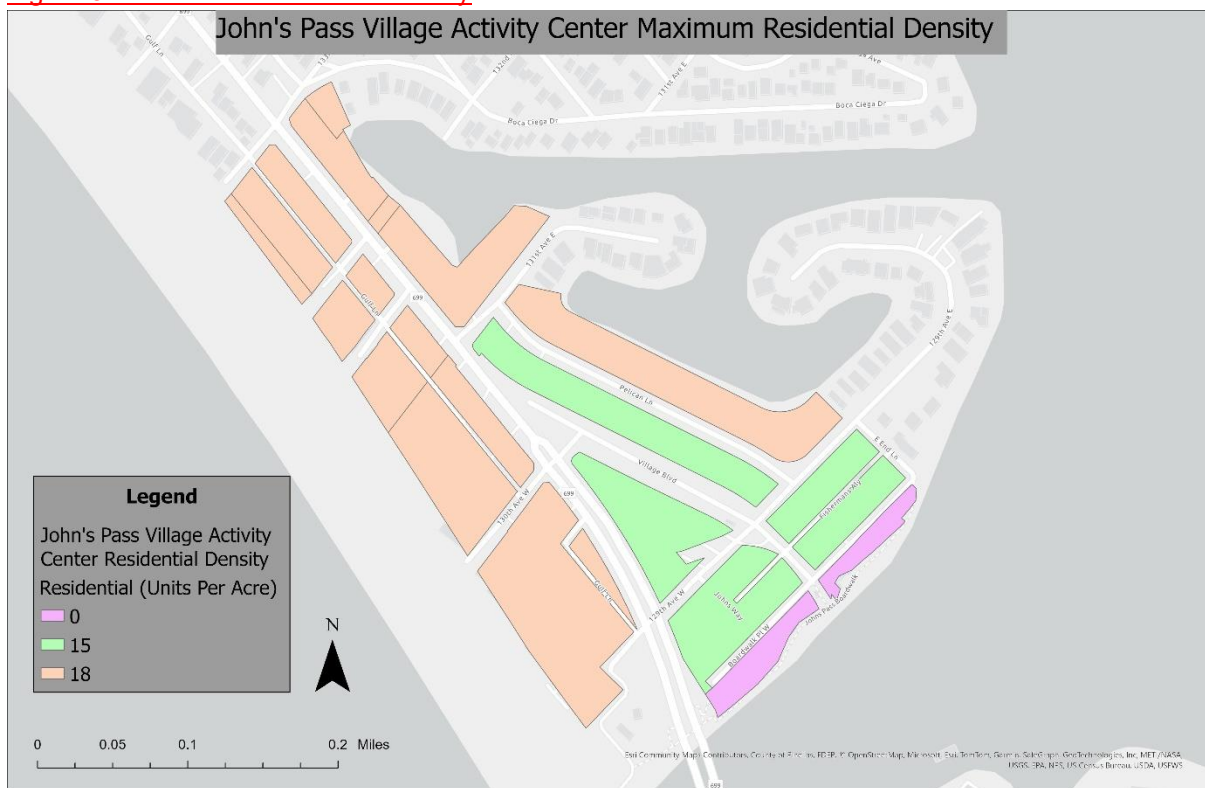
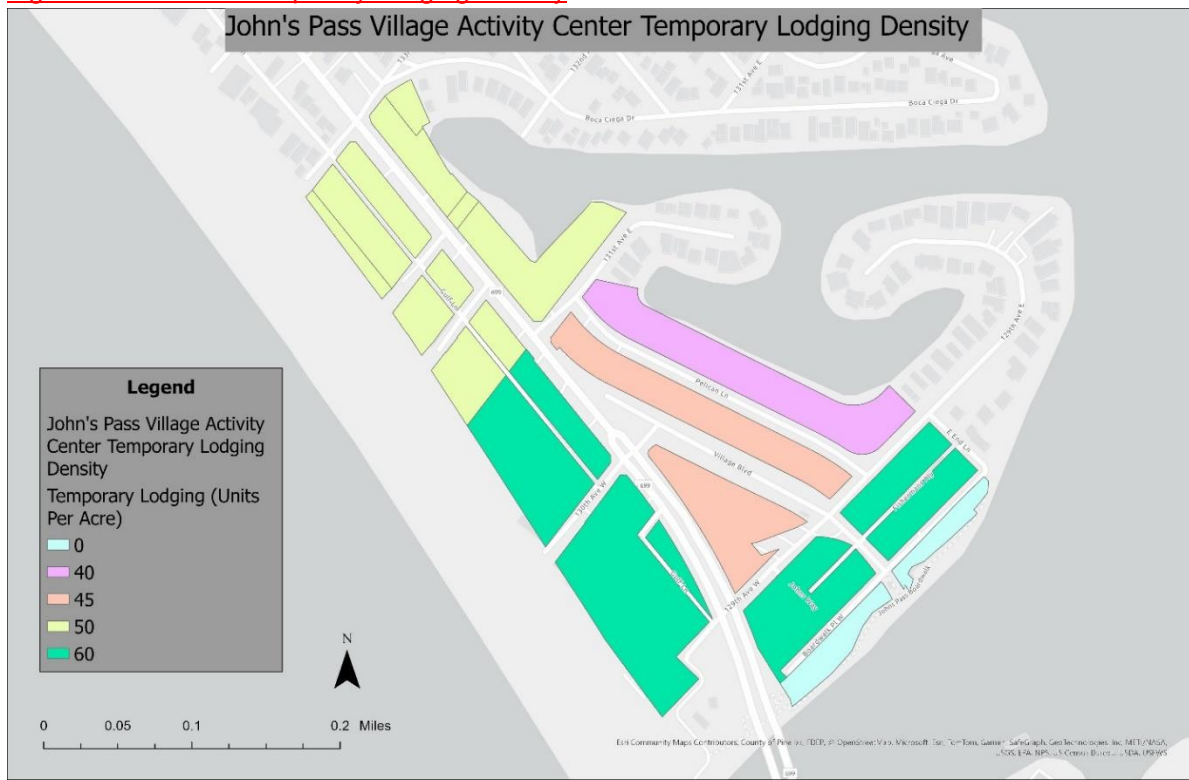


Figure 4. Maximum Temporary Lodging Density

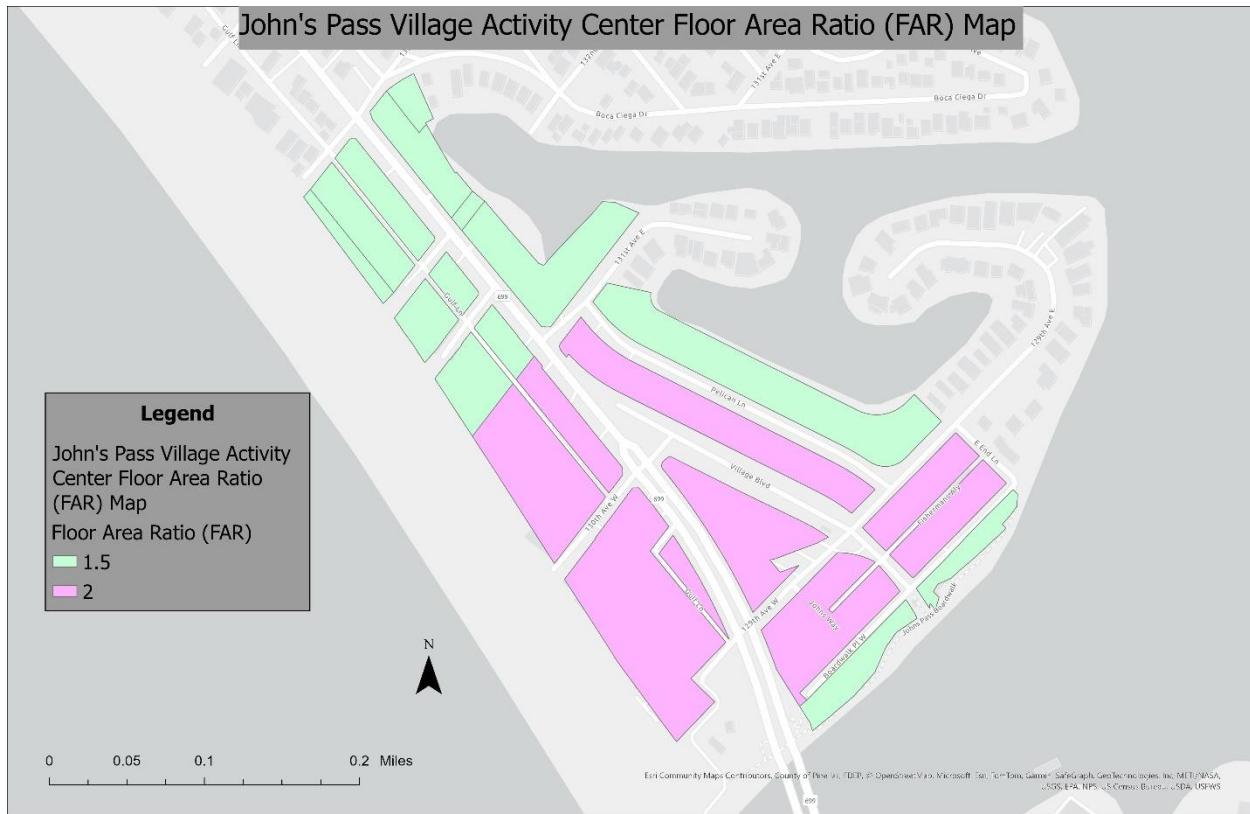


Section D-110. – Maximum floor area ratio.

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 should 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

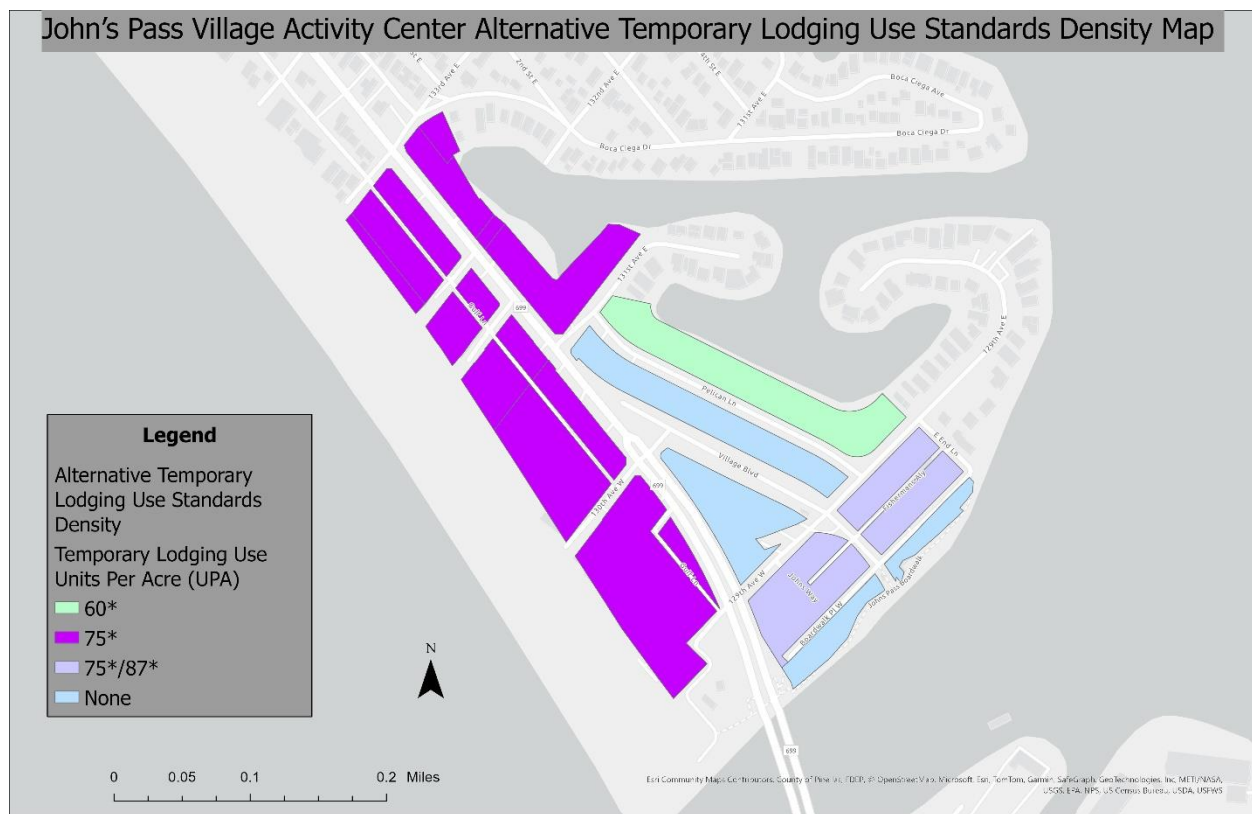
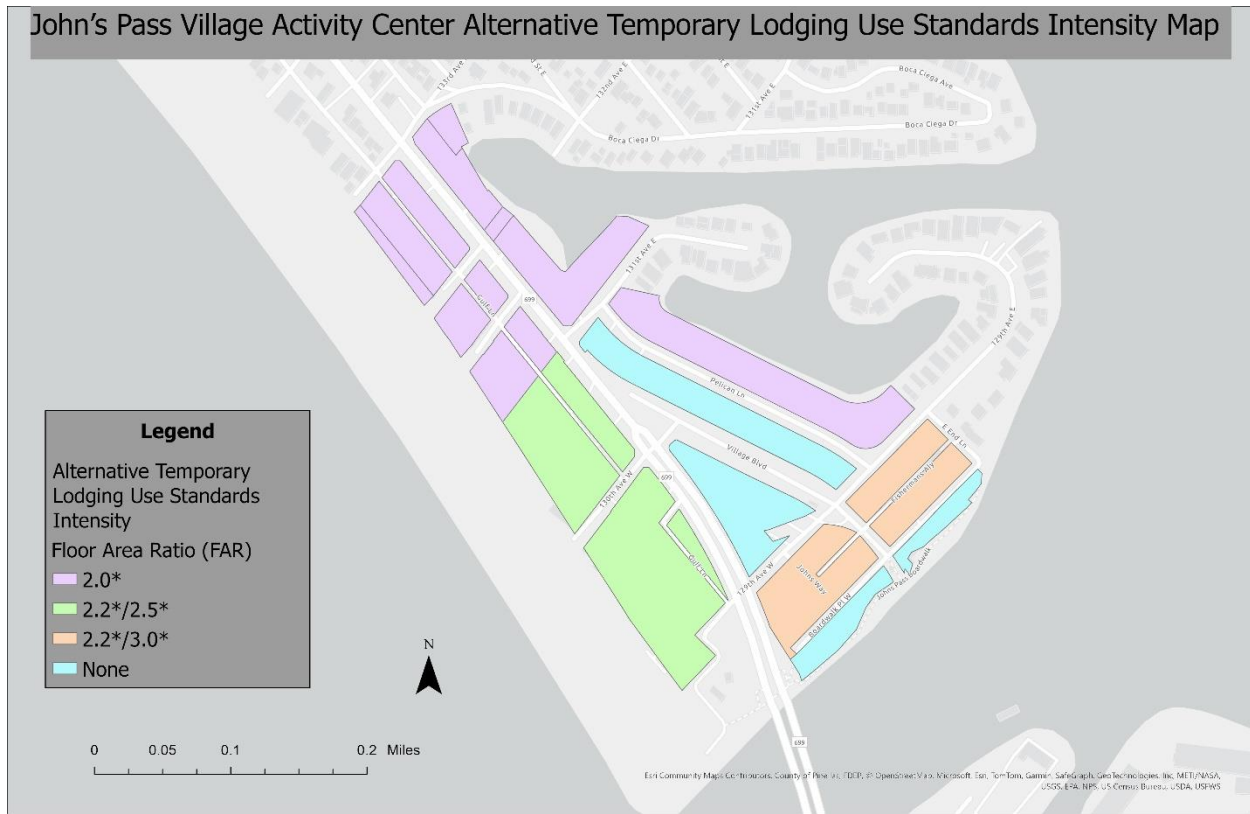


Figure 7. John's Pass Village Activity Center Alternative Temporary Lodging Use Standards Intensity Map



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, 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.
- 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: _____

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.



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 5A.

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 SETBACK REQUIREMENTS; PROVIDING FOR BUILDING 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.

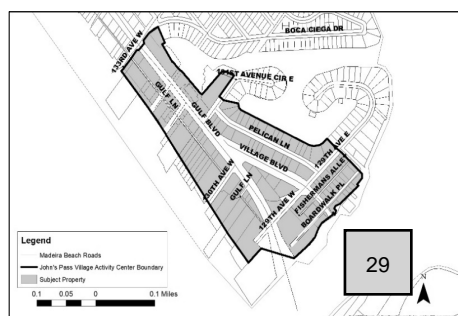
ORDINANCE 2024-12

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.





Memorandum

Meeting Details: August 5, 2024 – Planning Commission Meeting
Prepared For: Planning Commission
Staff Contact: Community Development Department
Subject: Ordinance 2024-10: C-1 refer to Appendix D

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.

Staff is bringing all four ordinances to the August 5, 2024, Planning Commission meeting for recommendation, after Planning Commission recommendation the first reading and public hearing for all ordinances related to John's Pass Village Activity Center Zoning will go before the BOC. All ordinances must then go to the BOC for a second reading and public hearing with approval before adoption.

Fiscal Impact

N/A

Recommendation(s)

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: _____

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.



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 5B.

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 SETBACK REQUIREMENTS; PROVIDING FOR BUILDING 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.

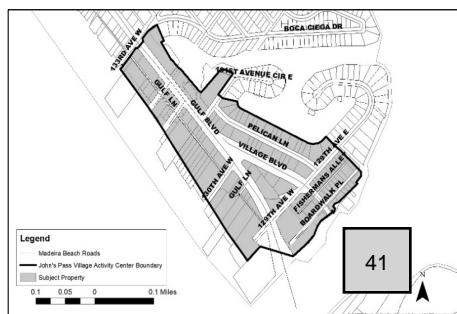
ORDINANCE 2024-12

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.





Memorandum

Meeting Details: August 5, 2024 – Planning Commission
Prepared For: Planning Commission
Staff Contact: 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

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.

Staff is bringing all four ordinances to the August 5, 2024, Planning Commission meeting for recommendation, after Planning Commission recommendation the first reading and public hearing for all ordinances related to John's Pass Village Activity Center Zoning will go before the BOC.

Fiscal Impact

N/A

Recommendation(s)

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

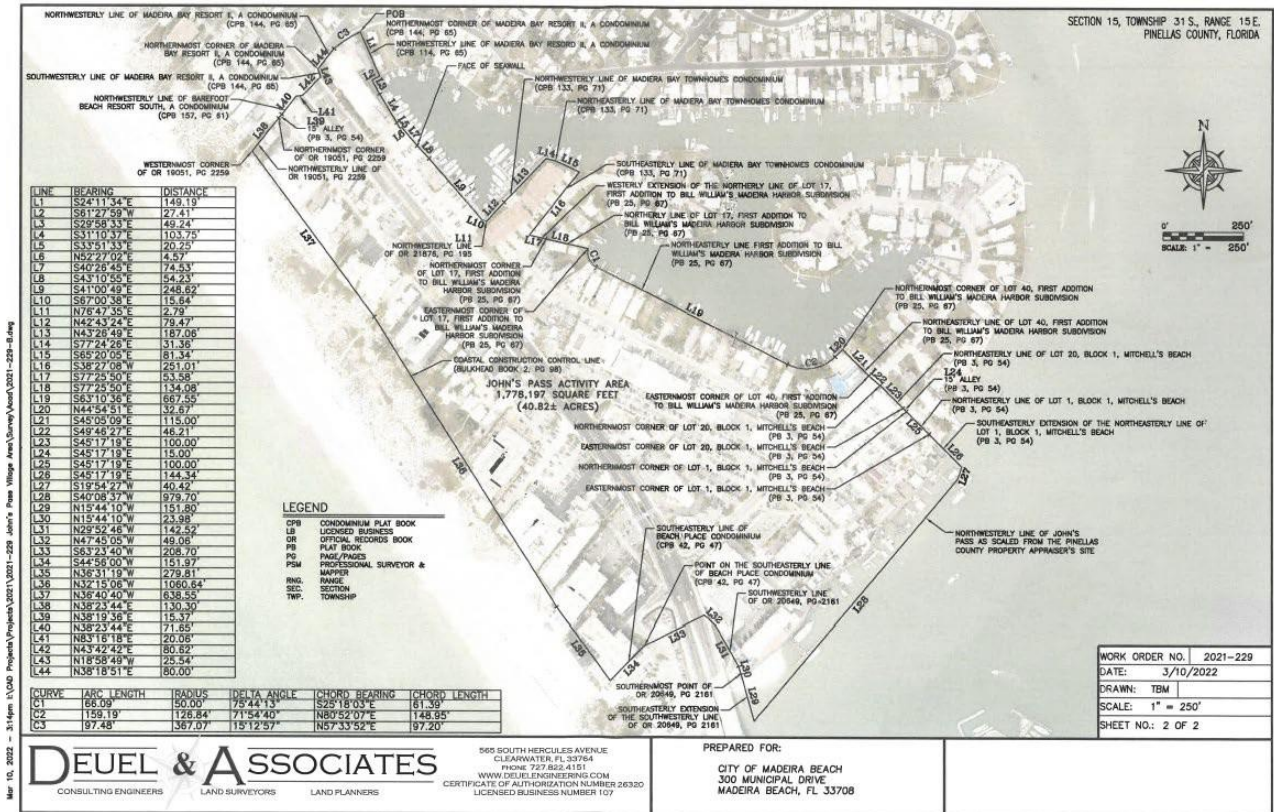
PASSED ON FIRST READING: _____

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 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 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

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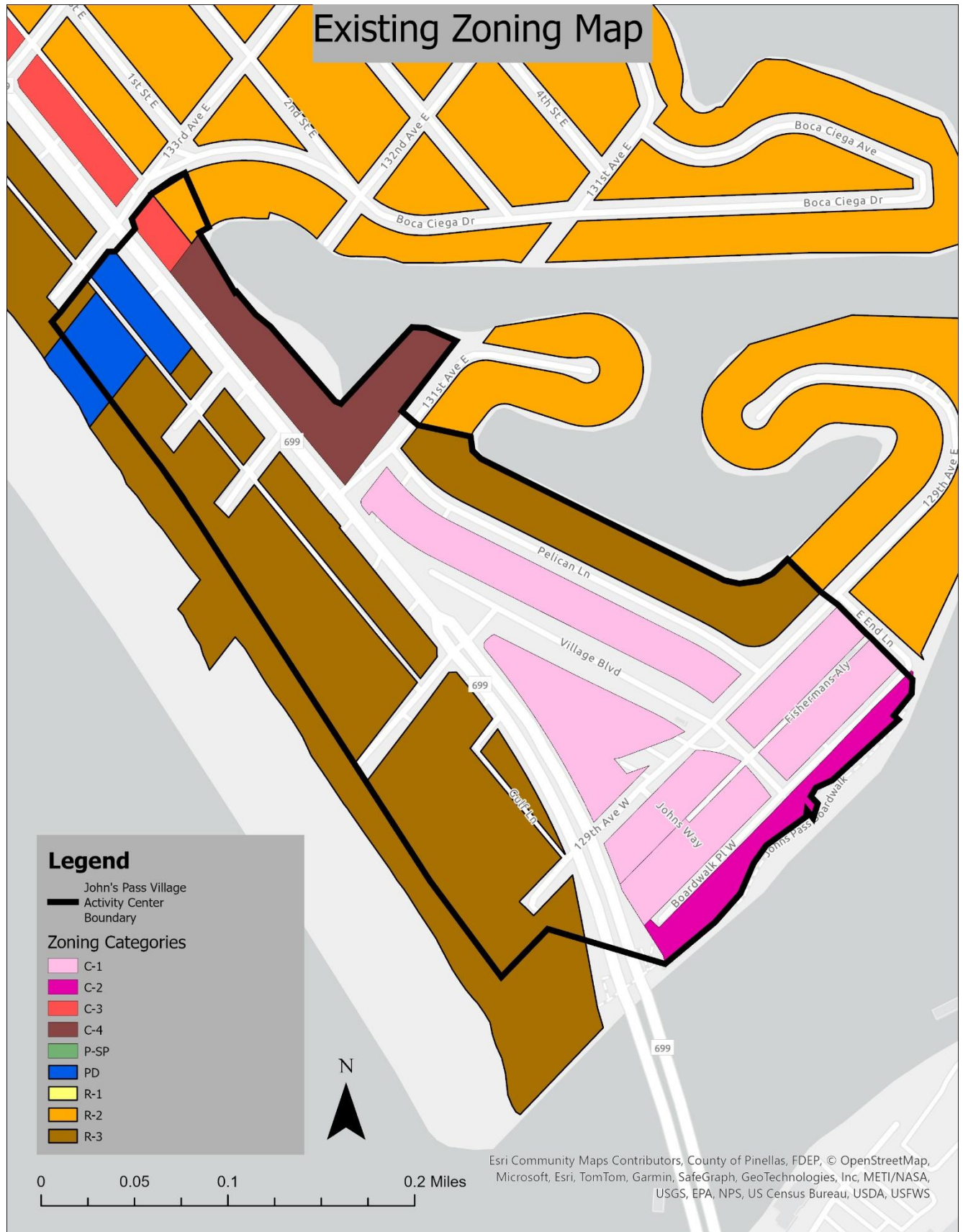
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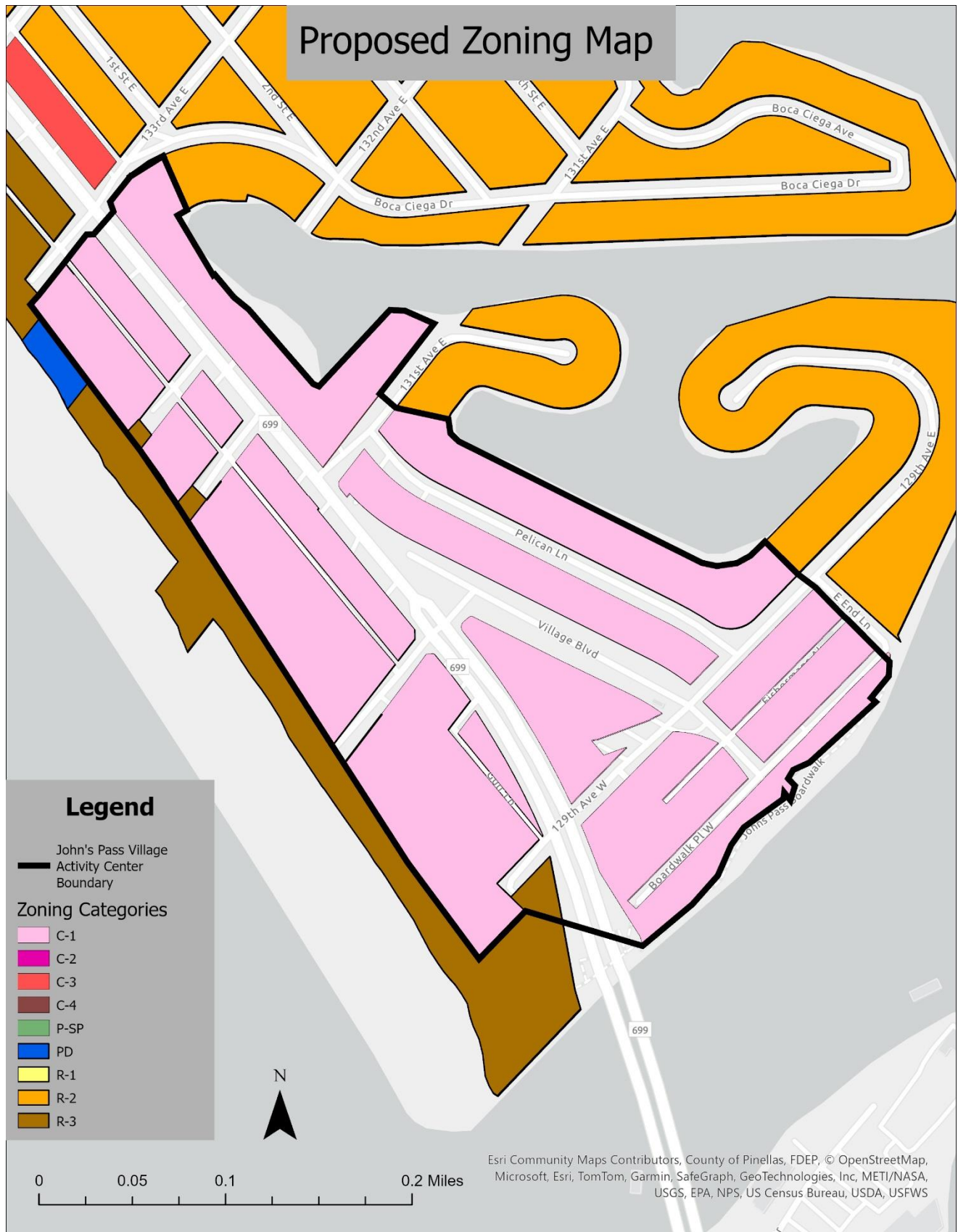
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15 31 15 58320 001 0100	15 31 15 54169 000 1605
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15 31 15 54170 000 4130	15 31 15 00000 410 0200
15 31 15 54169 000 1302	15 31 15 58320 002 0220
15 31 15 54169 000 1406	15 31 15 17928 000 0190
15 31 15 58320 019 0100	15 31 15 78644 000 3110
15 31 15 54170 000 0040	15 31 15 05926 002 3050
15 31 15 54170 000 0030	15 31 15 54297 000 5090
15 31 15 54169 000 0003	15 31 15 54169 000 1306

EXHIBIT B





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.



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 5C.

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 SETBACK REQUIREMENTS; PROVIDING FOR BUILDING 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.

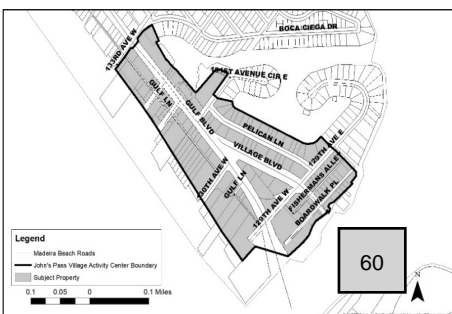
ORDINANCE 2024-12

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.



United States Postal Service				Processed By: BAH on 07/24/2024				PM Item 5C.			
Postage Statement -- First-Class Mail and USPS Ground Advantage											
Transaction Number: 202420611014212 M0			CAPS/EPS Transaction Number:			Postage Statement Number: 621871506					
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 (If other than permit holder) 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 (If other than permit holder) 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 (may include Cards)	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 [] Single Class		SSF Transaction ID # Total Pieces 509		
	Permit # 3443		For Mail Enclosed Within Another Class [] Marketing Mail [] Bound Printed Matter [] Library Mail [] Media Mail [] Periodicals					Customer Generated Electronic Labels [] SigCon			
	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: [] Round Trip Only: One DVD/CD or other disk				Parts Completed B						
	Political Campaign Mailing - No				Subtotal Postage (Add parts totals)				\$320.96		
	Election Mail - Official Ballots - No										
	Election Mail - Non-Ballot Materials - No										
	Complete if the mailing includes pieces bearing metered/PC Postage or preanceled stamps. Rate at Which Postage Affixed (Check one) [] Correct [] Lowest [] Neither				_____ pcs. x \$ _____ = Postage Affixed				\$0.000		
					Incentive/Discount _____				\$0.00		
					Fee _____				\$0.00		
					Net Postage Due				\$320.96		
For USPS Use Only: Additonal 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										

This postage statement was verified and accepted under the PostalOne! program. No postal signature or round stamp is required.

Part B - Nonautomation Prices

Item 5C.

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

Postage Statement - First-Class Mail and USPS Ground Advantage

Use this form for First-Class Mail and USPS Ground Advantage

Mailer	Permit Holder Name, Address, Email, Telephone DIRECT MAIL SYSTEMS 1551 102ND AVENUE N. SUITE A ST PETERSBURG, FL 33716 727-573-1985		Mailing Agent (If other than permit holder) Name, Address, Telephone DIRECT MAIL SYSTEMS 1551 102ND AVENUE N. SUITE A ST PETERSBURG, FL 33716 727-573-1985		Mail Owner (If other than permit holder) Name, Address 52775A CITY OF MADEIRA BEACH	
	EPS Cust Ref. No. N/A		CRID N/A		CRID 2438991	
Mailing	Post Office of Mailing TAMPA FL 33634		Mailer's Mailing Date 07/24/2024		Federal Agency Cost Code N/A	
	Statement Seq. No. 1		Permit # 3443		No. and type of Containers 2 - Pallets 1 - 1'MM Trays 1 - 2'MM Trays	
	Type of Postage <input checked="" type="checkbox"/> Permit Imprint <input type="checkbox"/> Precanceled Stamps <input type="checkbox"/> Metered	Processing Category <input checked="" type="checkbox"/> Letters <input type="checkbox"/> Flats <input type="checkbox"/> Parcels	For Mail Enclosed within Another Class <input type="checkbox"/> Marketing Mail Bound <input type="checkbox"/> Printed Matter <input type="checkbox"/> Library Mail <input type="checkbox"/> Periodicals <input type="checkbox"/> Media Mail	Weight of a Single Piece 0.0188 pounds	SSF Transaction ID#	Parcels Only Hold For Pickup (HFPU)
	Move Update Method <input type="checkbox"/> Ancillary Service Endorsement <input checked="" type="checkbox"/> NCOA Link <input type="checkbox"/> ACS	<input type="checkbox"/> Alternative Method <input type="checkbox"/> Multiple <input type="checkbox"/> OneCode ACS <input type="checkbox"/> n/a Alternative Address Format	Combined Mailing <input type="checkbox"/> Single Class	Total Pieces 509	Total Weight 9.5692	No. of pieces Customer Generated Electronic Labels <input type="checkbox"/> SigCon For Automation Price Pieces, Enter Date of Address Matching and Coding 07/18/2024

Parts Completed (Select all that apply): <input type="checkbox"/> A <input checked="" type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> S <input type="checkbox"/> NSA				
Postage	1	Subtotal Postage (Add parts totals)		\$320.96
	2	Price at Which Postage Affixed (Check one). <input type="checkbox"/> Correct <input type="checkbox"/> Lowest <input type="checkbox"/> Neither Complete if mailing includes pieces bearing metered/PC Postage or precanceled stamps.	0 pcs. x \$	\$ = Postage Affixed
	3	Incentive/Discount Flat Dollar Amount -		
	4	Fee Flat Dollar Amount +		
	5	Permit # _____	Net Postage Due (Line 1 +/- Lines 2, 3, 4)	\$320.96

USPS Use Only	Additional Postage Payment (State reason)		
	For postage affixed, add additional payment to net postage due; for permit imprint, add additional payment to total postage.	Total Adjusted Postage Affixed	
	Postmaster: Report Total Postage in AIC 121 (Permit Imprint Only)	Total Adjusted First-Class Mail Postage Permit Imprint	
	Postmaster: Report Total Postage in AIC 128 (Permit Imprint Only)	Total Adjusted USPS Ground Advantage Postage Permit Imprint	

Certification	Incentive/Discount Claimed: _____ Type of Fee: _____	
	The mailer's signature certifies acceptance of liability for and agreement to pay any revenue deficiencies assessed on this mailing, subject to appeal. If an agent signs this form, the agent certifies that he or she is authorized to sign on behalf of the mailer and that the 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 that 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 .	

USPS Use Only	Signature of Mailer or Agent		Printed Name of Mailer or Agent Signing Form NATE STARNER		Telephone 727-573-1985	
	Weight of a Single Piece _____ pounds	Total Weight	Are postage figures at left adjusted from mailer's entries? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, reason:		Round Stamp (Required) Payment Date	
	Total Pieces	Total Postage				
	Presort Verification Performed? (If required) <input type="checkbox"/> Yes <input type="checkbox"/> No					
	I CERTIFY that this mailing has been inspected for each item below if required: (1) eligibility for postage prices claimed; (2) proper preparation (and presort where required); (3) proper completion of postage statement; (4) payment of annual fee; and (5) sufficient funds on deposit (if required)		Date Mailer Notified			
	USPS Employee's Signature		Print USPS Employee's Name			
		By (Initials)		Time	AM PM	

First-Class Mail

Item 5C.

X

Part B

Nonautomation Prices

Machinable Letters

Price Category	Price	No. of Pieces	Subtotal Postage	Discount Total*	Fee Total	Total Postage
B3 AADC	0.5960	69	\$ 41.1240			\$ 41.1240
B4 Mixed AADC	0.6360	440	\$ 279.8400			\$ 279.8400

Part B Total

\$ 320.9640



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

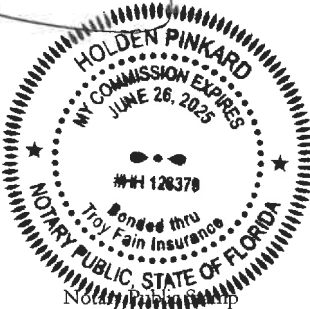
Before me this day Lisa Sherman personally appeared. He/she has posted public notices at the locations indicated in the notice document(s).

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.



Memorandum

Meeting Details: August 5, 2024 – Planning Commission Meeting
Prepared For: Planning Commission
Staff Contact: Community Development Department
Subject: Ordinance 2024-12: Amending C-2 to reserve

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 it's own standards within Appendix D.

Staff is bringing all four ordinances to the August 5, 2024, Planning Commission meeting for recommendation, after Planning Commission recommendation the first reading and public hearing for all ordinances related to John's Pass Village Activity Center Zoning will go before the BOC.

Fiscal Impact

N/A

Recommendation(s)

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: _____

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.

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 5D.

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 SETBACK REQUIREMENTS; PROVIDING FOR BUILDING 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.

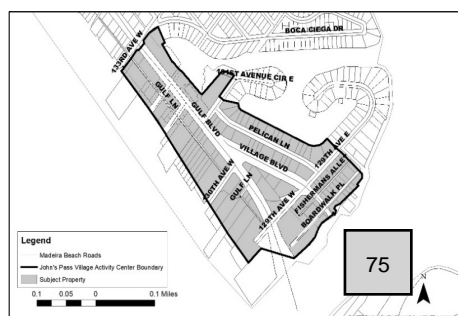
ORDINANCE 2024-12

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.





Memorandum

Meeting Details: August 5, 2024, Planning Commission Meeting
Prepared For: Planning Commission
Staff Contact: Madeira Beach Community Development Department
Subject: Ordinance 2024-13: C-3 to be consistent with MBTC SAP

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 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 ~~C~~ommercial ~~G~~eneral (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 uses.

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:

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.



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.

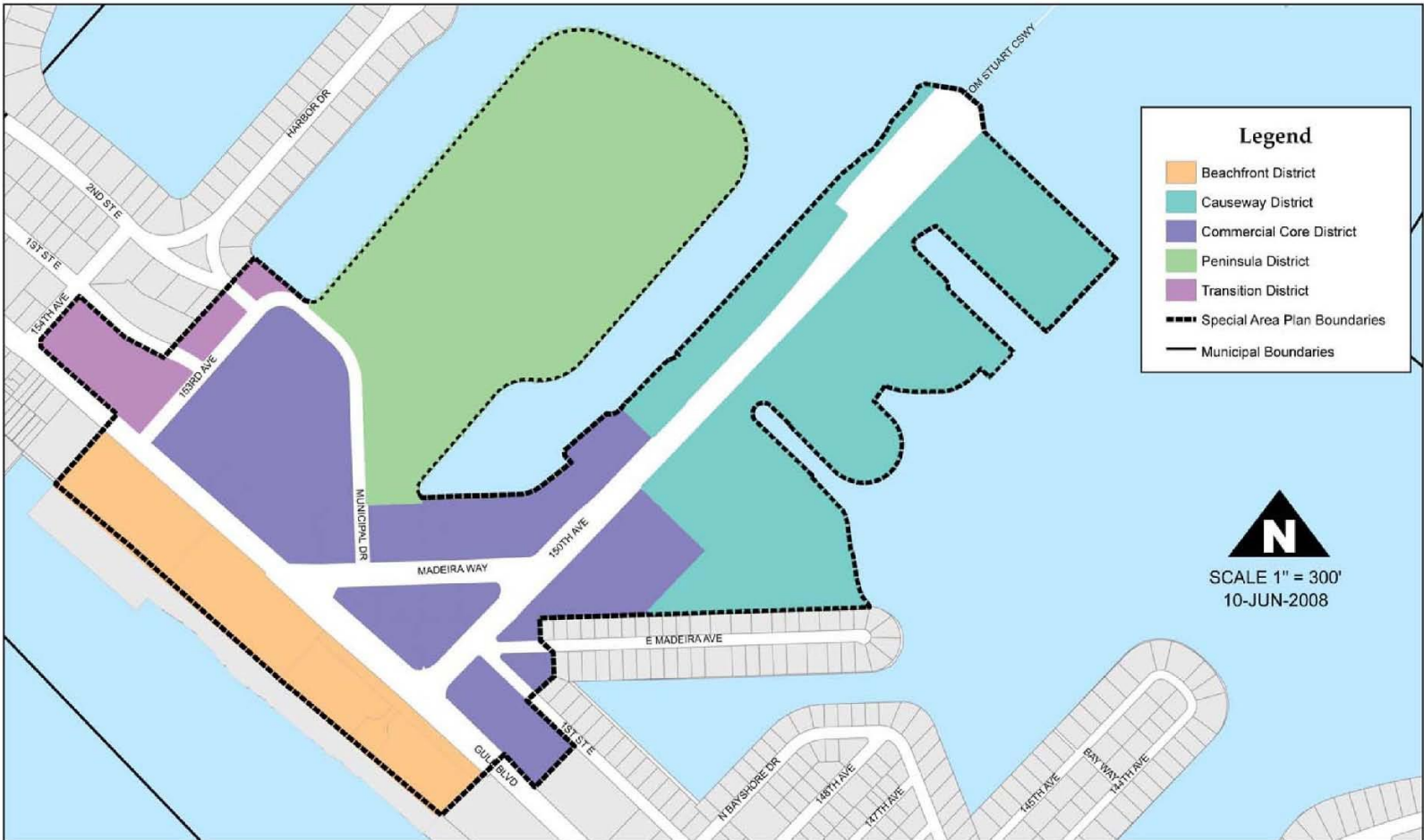
Sincerely,

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.

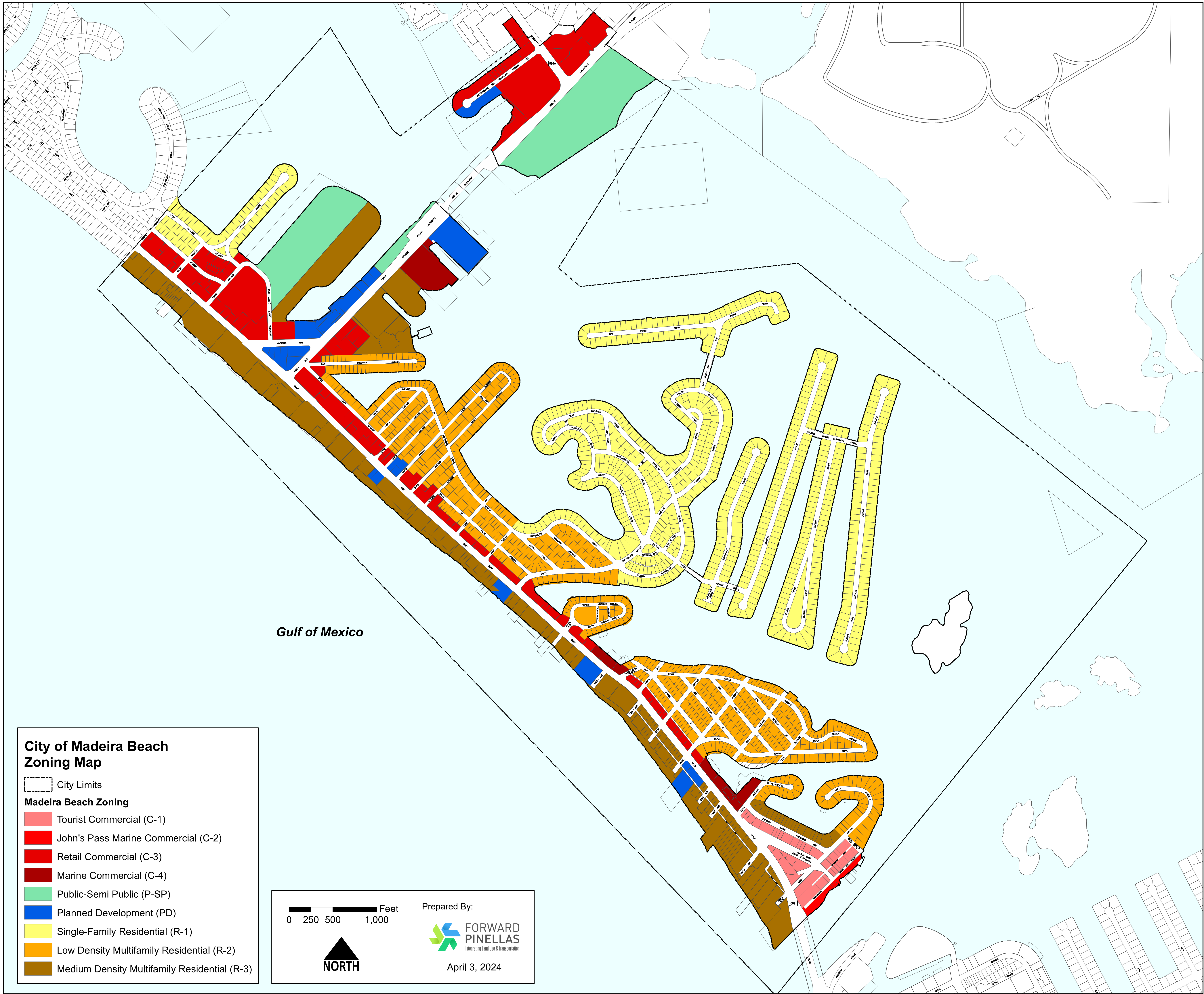
The development standards for a Temporary lodging Use in the Commercial Core and C-3 and C-4 zoning districts of the Causeway districts may be increased consistent with the standards set forth in the Resort Facilities High (RFH) plan category when part of a zoning amendment

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



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



Memorandum

Meeting Details: August 5, 2024, Planning Commission Meeting
Prepared For: Planning Commission
Staff Contact: Madeira Beach Community Development Department
Subject: Ordinance 2024-14: C-4 to be consistent with MBTC SAP

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)

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 uses.

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.
- (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) ~~(4)~~ 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:

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
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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.



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:

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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.

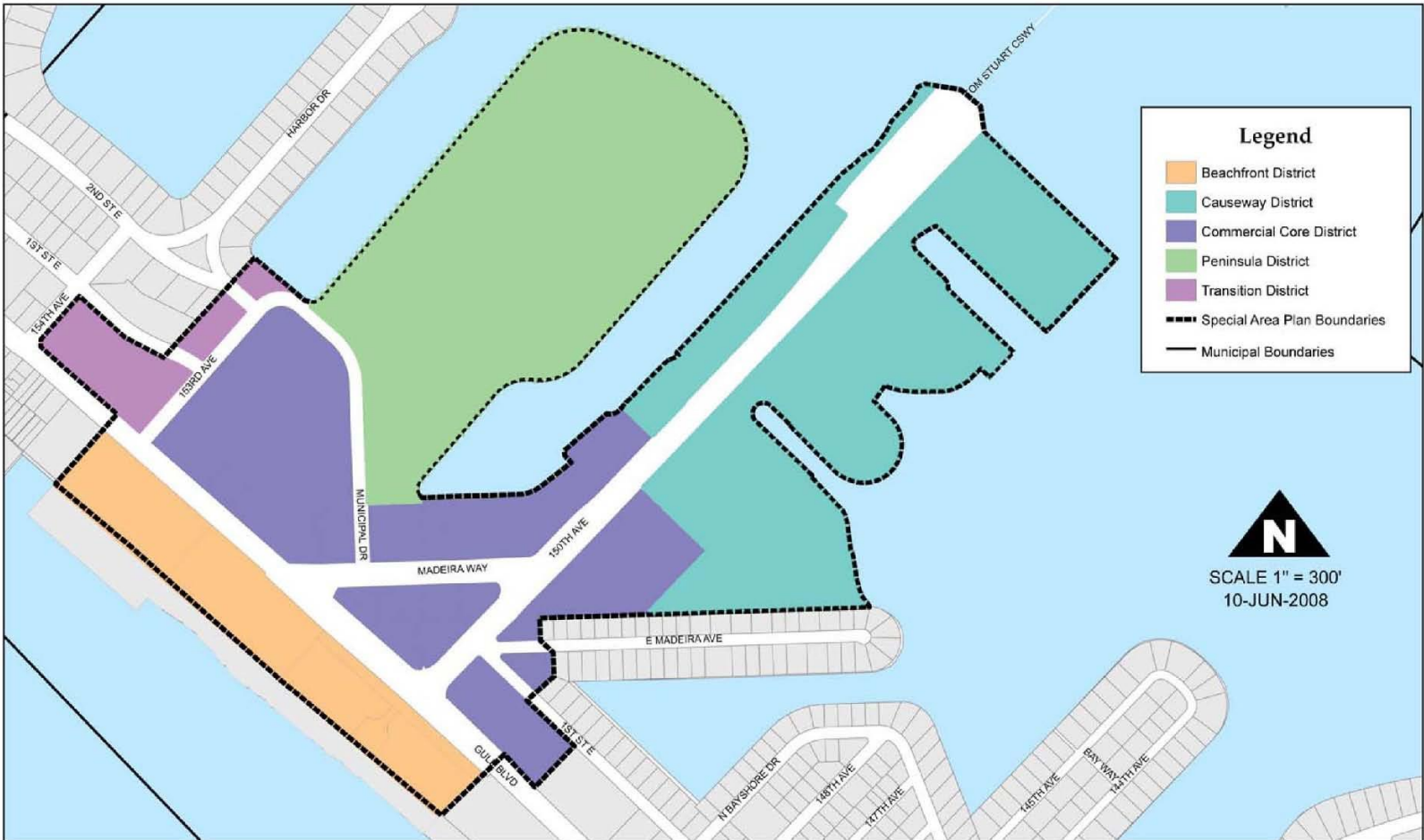
Sincerely,

Emma Wennick

Emma Wennick
Program Planner

City of Madeira Beach Special Area Plan

Town Center Character Districts



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Peninsula	15	15	0.30	*	0.70	3
Transition	15	60	1.2	*	0.70	2

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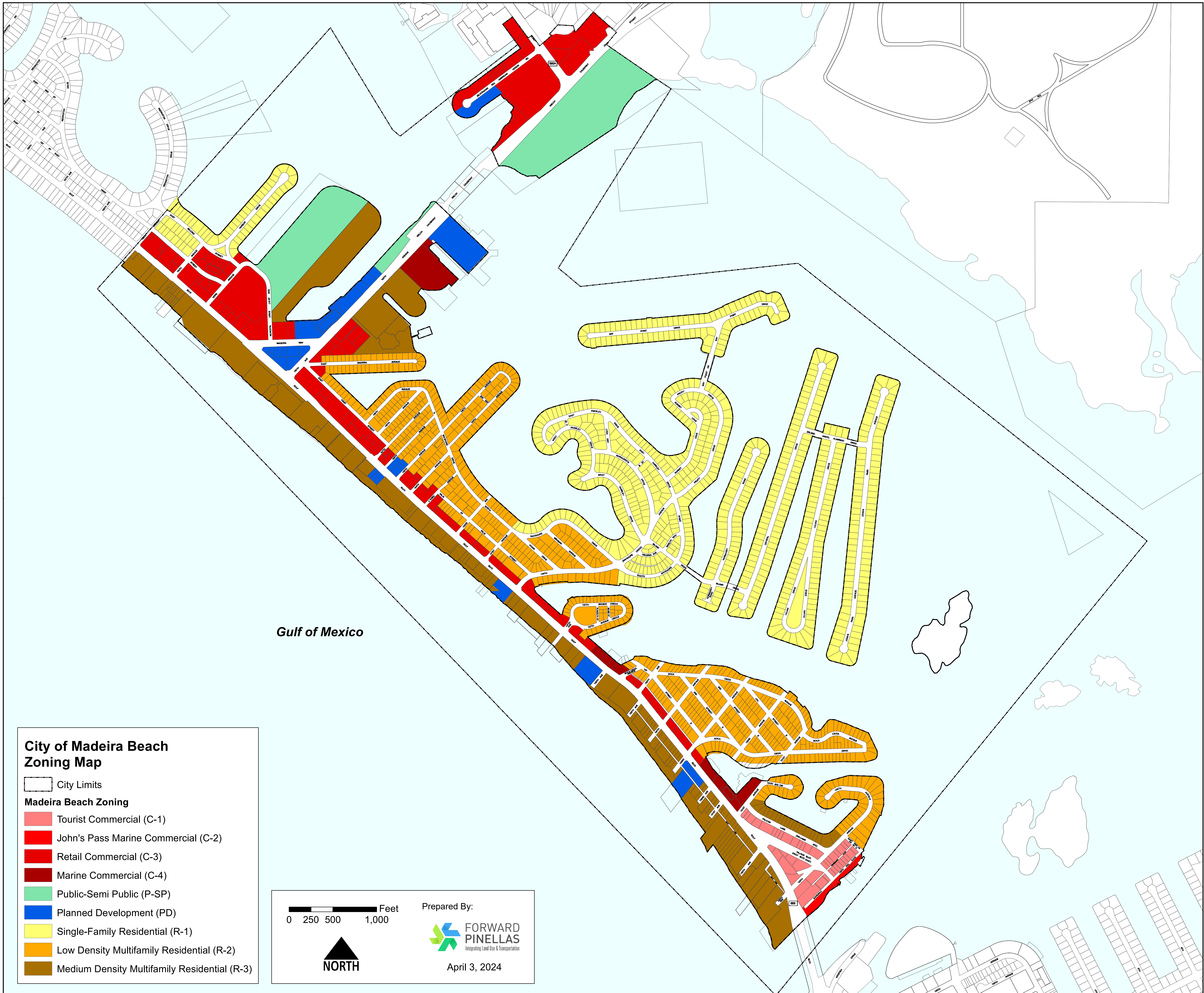
The development standards for a Temporary lodging Use in the Commercial Core and C-3 and C-4 zoning districts of the Causeway districts may be increased consistent with the standards set forth in the Resort Facilities High (RFH) plan category when part of a zoning amendment

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





Memorandum

Meeting Details: August 5, 2024, Planning Commission Meeting
Prepared For: Planning Commission
Staff Contact: Madeira Beach Community Development Department
Subject: Ordinance 2024-15: R-3 to be consistent with MBTC SAP

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)

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 uses, 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 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: _____

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.



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.

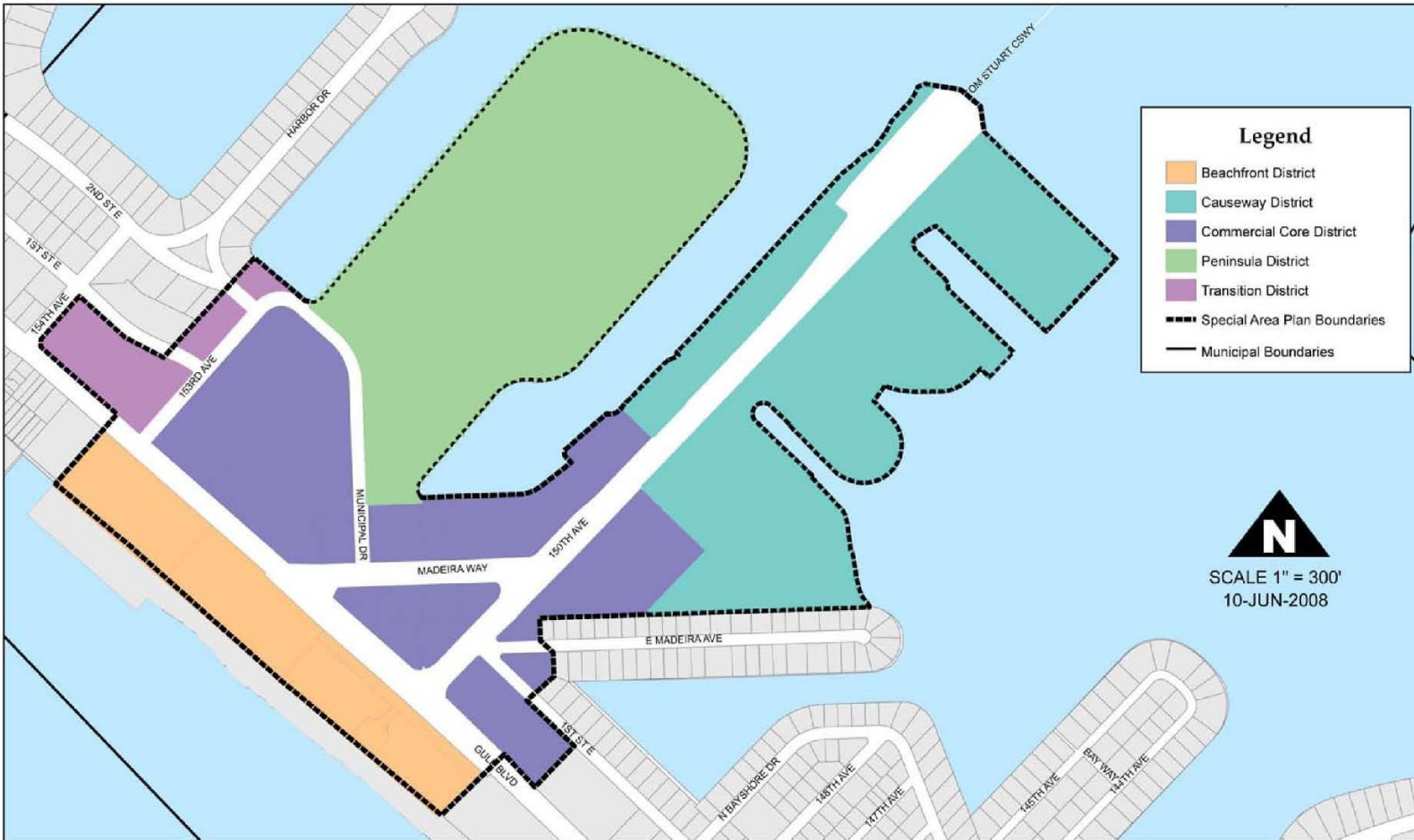
Sincerely,

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.

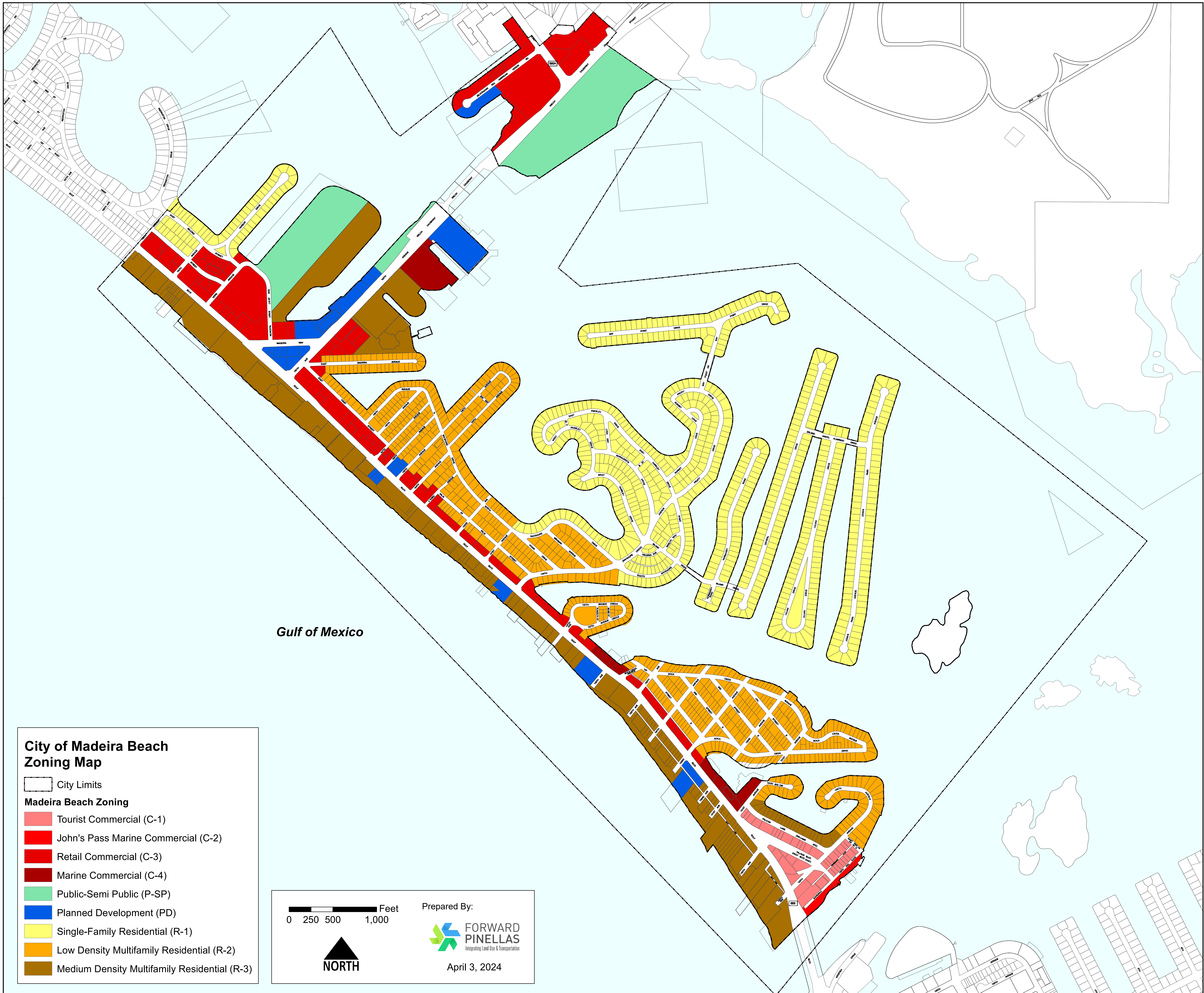
The development standards for a Temporary lodging Use in the Commercial Core and C-3 and C-4 zoning districts of the Causeway districts may be increased consistent with the standards set forth in the Resort Facilities High (RFH) plan category when part of a zoning amendment

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



**Memorandum**

Meeting Details: August 05, 2024 – Planning Commission

Prepared For: Planning Commission

From: Community Development Department

Subject: Planned Development Amendments

Background: Chapter 110 Zoning, Article V. Districts, Division 10 PD, Planned Development in the Madeira Beach Code of Ordinances has some inconsistencies that should be resolved. Staff also recommends updating the division.

Discussion: The attached draft works towards fixing the inconsistencies and updating the standards to current practices. If the BOC would like to have a complete revamp of the PD Zoning district staff recommends seeking a consultant.

Recommendation(s): Move forward with amendments and receive input to include in the draft.

Fiscal Impact or Other:

If BOC recommends a consultant there will be a fee for services.

Attachments:

Division 10 PD, Planned Development amendment draft

DIVISION 10. PD, PLANNED DEVELOPMENT

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

The PD district is intended to accommodate integrated and well-designed developments in accordance with approved development plans containing detail adequate to ensure compliance with this division. The PD district is intended to offer design flexibility and to encourage imaginative, functional, high-quality land planning development for those uses consistent with the applicable future land use plan category and compatible with adjacent and nearby lands and activities.

In keeping with the stated intent of the comprehensive plan and ~~in furtherance of the historic and desired low intensity~~ character of the community, a PD development must meet the intent and criteria (density, intensity, and impervious surface ratio) of the future land use in the Madeira Beach Comprehensive Plan and plan category in the Countywide Plan.

~~(1) — Meet the minimum design criteria required for the underlying zoning;~~

~~(2) — At a maximum, be designed to reflect the average intensity, height, and massing of the development pattern on surrounding property of similar zoning and use.~~

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

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

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 2014-08, § 4, 11-12-14; Ord. No. 2019-07, § 1, 10-8-19)

Sec. 110-387. Uses permitted and dimensional regulations.

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

Flexibility in setbacks for nonresidential projects will be allowed provided there is adequate space for site improvements and fire access; that there is no adverse impact on surrounding properties and there is adequate distance between structures and public or private streets for residential projects. Flexibility in building height will

be allowed provided they are compatible with the surrounding neighborhood; and provide increased setbacks to compensate for added building height. Increased flexibility in setbacks and height from the zoning district prior to the rezoning to PD may also be considered provided in light of voluntary provision of civic or community enhancements, e.g., ground floor retail, expanded setback, enhanced landscaping, sustainable building practices (LEED), and other design enhancements furthering the policies and strategies of the comprehensive plan.

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 2014-08, § 4, 11-12-14; Ord. No. 2019-07, § 1, 10-8-19)

Sec. 110-388. Application for PD zoning.

- (a) Applications for PD zoning require a preliminary development plan, with graphic illustrations, establishing the basis for the proposed planned development, and all application fees for the established review process.
- (b) A development agreement is required to rezone any property to PD and must go to the Local Planning Agency (Planning Commission) at the same public hearing as the rezoning, before the Board of Commissioners as a discussion item at the first public hearing at the rezoning, and before the Board of Commissioners at the second reading and public hearing as the rezoning. See Chapter 86, Administration, Article IV. Development Agreements for more information on development agreements.
- (c) If the project uses the alternative temporary lodging use standards the development agreement must also follow all required standards in Forward Pinellas Countywide Rules and intensities and densities cannot exceed the allowable maximums as described in the comprehensive plan.
- (d) The preliminary PD development plan proposal must include all information deemed appropriate, necessary, and relevant by the city to conduct the staff review and, at minimum, must include the following:
 - (1) A narrative of the Planned Development (PD report) a preliminary development plan. ~~including all the following information~~
~~Three signed and sealed development proposals and one electronic copy; and~~
 - a. The narrative must include how the proposal furthers community goals and meets the comprehensive plan, land development regulations, and any special area plan standards.
 - (2) Three hard copies of the signed and sealed preliminary development plan proposals and a digital submission one electronic copy; and A development report and a preliminary development plan including all the following information:
 - a. Legal description, zoning district prior to PD rezoning, future land use (Madeira Beach comprehensive plan) and underlying conventional zoning district plan category (Countywide Plan).
 - b. Existing use(s) and proposed use(s).
 - c. Site area in square feet and acres.
 - d. ~~Lot lines~~ Sign and sealed survey.
 - e. Setbacks for zoning district prior to PD rezoning ~~Current required~~ and proposed setbacks.
 - f. North arrow and scale: engineering scale no smaller than one inch equals 50 feet.
 - g. Site data table with current standard (for zoning district prior to PD rezoning) and proposed development standards ~~Proposed development criteria (current standard and proposed standard)~~ including at a minimum:
 - 1. Gross floor area (in square feet) and heated floor area of existing and proposed;
 - 2. Building coverage (in square feet);

3. Open ~~(green)~~ space (in square feet);
4. Impervious surface area (in square feet) and impervious surface ratio;
5. Density and intensity (including ratios for mixed use);
6. Quantity and type of parking spaces and parking requirements ~~Parking spaces (scaled to location on plan and number of type, e.g., accessible, standard, etc.);~~
7. Building height(s) from design flood elevation and stories of preliminary development plan and maximum height allowance in zoning district prior to PD zoning, and number of stories allowed and existing on adjacent properties;
8. Preservation areas in total square feet;
- ~~9. Land alteration plan;~~
- ~~h.10.~~ Buffering standards, e.g., design standards to buffer neighboring properties from commercial activities, construction impacts, vehicular traffic, etc.;
- ~~i.11.~~ Solid waste disposal containers location and access;
- ~~12. Lighting design standards;~~
- ~~13. Signage standards;~~
- ~~j.14.~~ Tree survey, indicating the species and size of all existing trees, four inches or greater caliper measured at breast height;
- ~~k.15.~~ Landscape design standards and plans that must, at a minimum:
 - ~~1.(i)~~ Meet or exceed the minimum requirements in ~~Comply with~~ chapter 106, article II of this Code and all native and xeriscape plant materials;
 - ~~2.(ii)~~ Indicate location, quantity, size, species, and standards for all trees and shrubs; and
 - ~~3.(iii)~~ Meet or exceed minimum irrigation standards required by this Code;
- ~~l.16.~~ Building envelop and general ~~access~~, egress, and ingress locations;
- ~~m.17.~~ Conceptual stormwater drainage plan ~~with calculations~~ based on maximum proposed development coverage adequate to meet the minimum standards of SWFWMD and this Code, ensure no additional off-site impacts, and resolve existing drainage problems deemed necessary by the city;
- ~~n.18.~~ ~~Permit from FDEP with concept plan indicating~~ If applicable proposed changes, reconstruction, and replanting if dune system impact is anticipated; and
- ~~o.19.~~ Details of any design or performance project commitments criteria assured agreed to at the ~~required~~ neighborhood meeting.
- ~~hp.~~ Mobility and access plan indicating:
 1. Proposed curb cuts and off-site traffic access management ~~plan and standards~~;
 2. Preliminary location and function ~~plan and standards~~ for required sidewalk, bicycle, and other multimodal improvements;
 3. ~~Preliminary On~~on-site circulation; and,
 4. If impacting a collector or arterial road or required by FDOT, a transportation impact study prepared by a registered engineer for submittal and review by city staff and other governing agencies and documented preliminarily approved of FDOT.

- ~~g.i. If the comprehensive plan or previous zoning district includes design standards or guidelines those must be met at a minimum. Structural design criteria meeting city overlay district requirements.~~ Additional design specification can be required as a condition of approval during the public hearing process.
- ~~j. PD development plan detailing the manner in which the proposal furthers community goals and meets or exceeds existing comprehensive plan, land development code, and special district requirements and standards.~~
- rk. Record of notice of, and transcribed and video record of the required neighborhood meeting.

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 1050, § 12, 8-9-05; Ord. No. 2014-08, § 4, 11-12-14; Ord. No. 2019-07, § 1, 10-8-19)

Sec. 110-389. Procedure for approval of PD zoning.

Submission requirements and process. The city will receive the application and distribute the application among city staff for review and comments. The city will compile the staff reviews and provide the applicant with comments, objections, and recommendations for applicant response and application amendment necessary to determine complete sufficiency to facilitate a full review and produce staff findings and a recommendation of approval, approval with conditions, or denial. Once the city determines the application is sufficient, the application, neighborhood meeting record, and staff recommendation will be scheduled for public hearing review and recommendation before the planning commission as the local planning agency (LPA). The formal legal notice of the LPA public hearing must be posted as least 15 days prior to the public hearing date. The LPA will issue findings to the board of commissioners that will include a recommendation of approval, approval with conditions, or denial.

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 1050, § 12, 8-9-05; Ord. No. 2019-07, § 1, 10-8-19)

Sec. 110-390. Reimbursement of expenses.

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

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

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

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 1072, § 6, 3-28-06)

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

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

- (1) ~~Consistency with the comprehensive plan. All zoning district assignments~~ The PD report and preliminary development plan must be consistent with the comprehensive plan, including, but not limited to the future land use map and future land use element goals, objectives, and policies. ~~The zoning district(s) assigned must be consistent with the land use category of the future land use map.~~

- (2) ~~Land use compatibility. The zoning districts assigned~~ The PD report and preliminary development plan must promote the project's compatibility with adjacent land uses.
- (3) ~~Adequate public facilities. The zoning districts assigned~~ The PD report and preliminary development plan must be consistent with the public facilities and services available to reasonably assure the city that the demand for services necessitated by the intensity of uses allowed will not exceed the adopted levels of services for such public facilities and services.
- (4) ~~Public interest. Zoning districts assigned~~ The PD report and preliminary development plan must not conflict with the public interest and must promote the public health, safety and welfare.
- (5) ~~Consistency with land development regulations. Zoning districts assigned~~ The PD report and preliminary development plan must be consistent with the intent and purpose of this Code, specifically the criteria contained in section 110-388 and the general criteria required of the board of commissioner's review provided in section 110-393 of this Code.

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 1050, § 12, 8-9-05; Ord. No. 2019-07, § 1, 10-8-19)

Editor's note(s)—Ord. No. 1050, § 12, adopted August 9, 2005, changed the title of § 110-391 from "Review by planning commission" to "Review by local planning agency."

Sec. 110-392. Neighborhood information meeting.

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

- (1) *Notification.* Two weeks prior to the neighborhood information meeting date, the applicant must mail notices of the meeting date, place, and time to all property owners inside a radius of 300 feet from the boundaries of the proposed development parcel, to the board of commissioners, and must post this information prominently on the property. The applicant must inform the city manager or designee of the proposed meeting date, place, and time prior to sending out the notices. The city manager or designee may require a change of date, place, or time due to schedule conflicts or in order to accommodate advertising requirements for upcoming public hearing consideration. The applicant must provide documentation of the mailed notice to the city manager or designee for verification. The city manager or designee may reasonably require additional properties be issued a notice and otherwise post notice of the neighborhood information meeting.
- (2) *Applicant's presentation.* At the neighborhood information meeting, the applicant must explain the proposed preliminary PD development plan and proposed use of the subject property and make a copy of the proposed preliminary PD development plan available for review by meeting attendees. The applicant may also discuss the project's development objectives, design philosophy, and proposed time schedule for completion.
- (3) *Question and answer period.* Upon completion of the presentation, a reasonable time must be reserved for a question and answer period. Questions should be limited to the proposal as presented, not to the question of whether the site should be developed or redeveloped. The applicant must identify how potential conflicts will be mitigated.
- (4) *Record.* The applicant must provide the city both a written and video record of the neighborhood information meeting, including any ~~representations~~ commitments made by the applicant to the attendees. The applicant must include any applicant representations as required project provisions in the application.

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

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 2019-07, § 1, 10-8-19)

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

In their analysis of the rezoning application and the proposed development plan submitted pursuant to this division, and prior to official action the board of commissioners shall consider the recommendation of the local planning agency and ensure the rezoning application is in conformance with the criteria listed in section 110-~~390~~388.

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

- (1) Land uses within the development shall be appropriate in their proposed location, in their relationships to each other, and in their relationships with uses and activities on adjacent and nearby properties.
- (2) The development shall comply with applicable city plans and planning policies, the comprehensive plan, and shall have a beneficial effect both upon the area of the city in which it is proposed to be established and upon the city as a whole.
- (3) Stipulations of approval of a planned development plan may include requirements to construct improvements, dedicate needed property and easements or contribute money to improvements ~~to of~~ public facilities such as roadways, ~~new~~ medians, sanitary sewer and water facilities, drainage systems facilities, street lighting, landscaping, signage, parks and recreational facilities, walkways and sidewalks, burying of utility lines along abutting rights-of-way or adopted planned streetscape improvements.
- (4) A minimum of a ~~six-five~~-foot sidewalk, ten-foot preferred, shall be provided along any street right-of-way or on private property by easement dedication if the right-of-way is of insufficient width.
- (5) The total land area within the development and the area devoted to each functional portion of the development shall be adequate to serve its intended purpose.
- (6) Streets, utilities, drainage systems facilities, landscaping, recreation areas, building heights, sizes ~~and yards~~, and vehicular parking and loading facilities shall be appropriate for the particular use involved, and shall equal or exceed the level of design and construction quality required of similar land development elsewhere in the city.
- (7) Visual character and community amenities shall be equal or better in quality than that required by standard similar development within the zoning districts ~~for similar development prior to rezoning to PD.~~
- (8) Open space shall be adequate for the type of development ~~and the population density of the proposed development.~~
- ~~(9) Outdoor storage of merchandise or materials shall be prohibited.~~
- ~~(109)~~ Areas proposed for common ownership shall be subject to a reliable and continuing maintenance guarantee.
- ~~(11) All existing nonconforming signs or sign structures shall be removed.~~
- ~~(1210)~~ In the case of developments, which are to be constructed in several phases, the proposed phases shall be shown on the overall development plan. The proposed construction phases shall individually comply with the standards set forth in this section in order that, if for any reason construction ceases prior to completion of the entire planned development, the resulting partially complete project will adequately serve its purchasers and occupants and will not cause a general public problem. Each phase should be able to be completed entirely such that each phase may be independently provided a Certificate of Occupancy.

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

- (1) Treatment of the sides and rear of all buildings within the planned development shall be compatible in amenity and appearance to treatment given to street frontages of the same buildings.
- (2) All buildings in the layout and design shall be an integral part of the development and have convenient pedestrian access to and from adjacent uses.
- (3) Individual buildings shall be related to each other in design, mass, materials, placement and connections to provide a visually and physically integrated development.
- (4) Landscape treatments for walkways, plazas, arcades, roads, and service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area. The landscape plan submittal shall include the anticipated appearance of the trees and landscape materials after five years of growth to visually provide their size and proportion relative to the proposed buildings, view corridors, curb appeal, pedestrian corridors, etc.
- (5) The project's scale, and the size, color and proportion of building elements, components and materials are appropriate and harmonious with surrounding neighborhood characteristics ~~structures~~.
- (6) All mechanical equipment, electrical equipment, roof top equipment, refuse areas associated with this project shall not be visible from the public right-of-way ~~be screened~~.
- (7) Appropriate building materials are being used. The use or employment of any of the following is generally considered inappropriate and will not be permitted unless appropriately integrated into a project meeting all other criteria, including aesthetic criteria, of this article:
 - a. Corrugated metal siding;
 - b. Prefabricated metal buildings or their components;
 - c. Primary colors or black; and
 - d. False windows or doors, unless used on a parking structure or level to blend into the built environment; ~~and~~
 - ~~e. Unmodified formula and trademark buildings and structures.~~
- (8) The project's location and design adequately protects or enhances unique site characteristics such as those related to scenic views, natural vistas, waterways or similar features.
- (9) The project appropriately integrates landscape elements into the site plan and building design. Plantings shall be of a size to give the appearance that the project is settled into a mature landscape. The landscape submittal shall include a description of each tree and plant proposed on site by type and details relative to maximum height/size and color at maturity.
- ~~(10) Signage and other building appurtenances are integral components of the building, appropriately scaled, and consistent in character with the building's overall design.~~
- ~~(11) The project incorporates defensible space concepts of crime prevention through environmental design. A lighting plan shall be provided to review safety considerations for pedestrians and motorists, as well as, environmental impacts.~~

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 1050, § 12, 8-9-05; Ord. No. 1090, § 1(Exh. A), 9-26-06)

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

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

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 1113, § 1, 6-26-07)

Sec. 110-395. Effect of PD zoning.

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

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

(Ord. No. 1040, § 1, 4-26-05)

Sec. 110-396. Changes in development plan.

Standard operating adjustments that do not have to go before the board of commissioners for review includes fences, additional parking, pools, signage, and accessory structures that meets the requirements of the zoning district prior to the rezoning of PD. Minor modifications to an approved development order may be approved by the board of commissioners. A minor modification is one which does not increase the density or intensity of the development to occur upon the property; does not result in a reduction or change of previously approved setbacks, open space or public improvements; does not increase the height of the development to occur upon the property; or does not substantially alter the location of any improvements approved for the site. The PD zoning conditions, or Development Agreement may allow for a percentage of allowances in reduction of height, intensity, and density and/or increase in setbacks and is not considered a minor modification and not required to go before the board of commissioners.

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

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 1113, § 1, 6-26-07)

Sec. 110-397. Time limitations.

- (a) Upon failure to complete plans, drawings, and schematics for the proposed development plan within six months of the neighborhood information meeting; the application shall be null and void. No further review or processing of that application shall occur and there shall be no refund of the application fee. The city

manager may grant an extension of up to three months upon determination that a good faith effort to submit plans has been made.

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

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

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 1090, § 1(Exh. A), 9-26-06))

Secs. 110-398—110-400. Reserved.



Memorandum

Meeting Details: August 5, 2024- Planning Commission

Prepared For: Planning Commission

From: Community Development Department

Subject: Floodplain amendments

Background: The Florida Department of Emergency Management (FDEM) in conjunction with FEMA reviews local floodplain Codes to assure compliance with current standards. Staff was contacted to update the Madeira Beach floodplain regulations to follow state and federal regulations. There are three different sections in the Madeira Beach Code of Ordinances that need to be updated, Chapter 14, Chapter 94, and Section 82-2.

Discussion: There will be three ordinances that come from these amendments.

Section 82-2 Definitions: Definitions will be removed from Chapter 94 and contained in the definitions section in the Code to assure there is consistency throughout the Code.

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 suggests including sediment fencing to 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) that then transfers into discounts for residents on flood insurance.

Chapter 94 Floodplain Management: Removing definitions and assuring consistency throughout the Code. Sec. 94-123 limitations of fill to include that there shall not be more than 24 inches of nonstructural fill to a property to provide for drainage.

Recommendation(s): The city to move forward with working with FDEM on updating the City's floodplain standards in the Code.

Fiscal Impact or Other:

There is no anticipated fiscal impact.

Attachments:

- Chapter 82-2 Definitions with amendments
- Chapter 14, Division II., Technical Codes and Standards with amendments
- Reformatted FBC
- Chapter 94, Floodplain Management

Chapter 82 GENERAL PROVISIONS

Sec. 82-1. Purpose and intent.

The primary purpose of the land development regulations is to implement the city comprehensive plan as adopted pursuant to Florida Statutes ch. 16, pt. II, and in accordance with F.A.C. ch. 9J-5. The objectives of the land development regulations are to:

- (1) Protect, promote and improve the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the city.
- (2) Protect the character and maintain the stability of residential, business, recreation and public areas.
- (3) Promote the orderly development of residential, business, recreation and public areas.
- (4) Conserve the value of land, buildings, resources and protect land owners from adverse impacts of adjoining developments.
- (5) Provide for a more uniformly just land use pattern and tax assessment base to aid in the development and redevelopment of the city, to increase traffic safety and ease transportation problems, and to provide more adequately for vehicular parking, parks, parkways, recreation, schools, public buildings and facilities.

(Code 1983, § 20-102)

Sec. 82-2. Definitions.

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

Absorption area means any area designed, or natural, capable of allowing stormwater percolation.

Abutting means to physically touch or border upon, to share a common property line, or is directly across a street, access easement, alley or other right-of-way (except those properties separated by an arterial street) from the subject property.

Accessory building or use means a building structure or use which is:

- (1) Subordinate to and serves a principal building or use.
- (2) Subordinate in area, extent and purpose to principal building or use.
- (3) Contributes to the comfort, convenience or necessities of the principal building or use.
- (4) Is located on the same lot as the principal building or use.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common loadbearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter loadbearing walls is new construction.

Adjoining means the same as "Abutting."

Adult arcade means a place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or

other image-producing devices are maintained to show images, including motion pictures, films, video cassettes, slides or other photographic reproductions to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

Adult bookstore means:

- (1) An establishment having as a substantial or significant portion of its stock in trade books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas, or an establishment with a segment or section devoted to the sale, rental or display of such material.
- (2) It is an affirmative defense to an alleged violation of operating an adult bookstore without a permit if the adult material is accessible only by employees and either the gross income from the sale and/or rental of adult material compromises less than ten percent of the gross income from the sale; and/or rental of goods and/or services at the establishment, or the individual items of adult material offered for sale and/or rental compromises less than ten percent of the individual items publicly displayed at the establishment as stock in trade in any of the following categories: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations, or recordings or other audio matter. Any adult use activity other than the sale or rental of adult material shall preclude the establishment's qualifying solely as an adult bookstore and shall mandate its classification as other than an adult bookstore.

Adult booth means a separate enclosure inside an adult entertainment establishment, accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a "peep show" booth, adult arcade booth or other booth used to view adult material. The term "adult booth" does not include a foyer through which any person can enter or exit the establishment, nor a restroom.

Adult dancing means a commercial establishment that permits, suffers or allows dancers to display or expose specified anatomical areas. Additionally, any establishment on whose premises an employee, who need not be the same employee, displays or exposes specified anatomical areas on more than one day in any 30-day period shall be deemed an adult dancing establishment and shall be required to obtain a license under this Code.

Adult entertainment establishment means adult arcade, adult bookstore, adult booth, adult dancing establishment, adult massage establishment, adult motel, adult motion picture theater, special adult cabarets, physical cultural establishments or adult photographic studios including any business establishment whose primary business stock in trade is dependent upon the activities relating to specified sexual activities or specified anatomical areas, or an adult dancing establishment, or any other establishment exhibiting or relating to specified sexual activities or specified anatomical areas. Any commercial establishment that displays a sign or engages in any other form of advertising capable of leading a reasonable person to believe that such establishment offers, presents, permits or engages in any form of adult entertainment shall be deemed an adult entertainment establishment under the appropriate classification. For the purposes of the land development regulations, the term "adult use" is synonymous with the term "adult entertainment establishment."

Adult massage establishment means a site or premises, or portion thereof, upon which any person, who is an employee, manipulates or massages the superficial tissues of the body of another person, but does not include the following:

- (1) Licensed health care facilities;
- (2) Licensed physicians or nurses engaged in the practice of their professions;
- (3) Educational or athletic facilities if the massage is a normal and usual practice in such facilities; or
- (4) Establishments exempted under Florida Statutes § 480.034.

Adult material means any one or more of the following regardless of whether it is new or used:

- (1) Books, magazines, periodicals or other printed matter, paintings, drawings or other publications or graphic media or photographs, films, motion pictures, video cassettes or disks, slides or other visual representations, or recordings or other audio matter, which have as their primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or
- (2) Instruments, novelties, devices or paraphernalia which are designed for use in connection with specified sexual activities.

Adult motel means any motel or hotel, boardinghouse, rooming house or other lodging used predominantly for transient customers which includes the words "adult" in any name it uses or otherwise advertises, and actually permits the presentation of film material, video or other visual representations, which has as its preliminary or dominant theme matters depicting, illustrating or relating to specified sexual activities or specified anatomical areas for observations of patrons thereof.

Adult photographic or modeling studio means any business establishment which offers or advertises as its primary business stock and trade, the use of its premises for the purpose of photographing or exhibiting specified sexual activities or specified anatomical areas or the modeling of apparel that exhibits specified anatomical areas.

Adult theater means an enclosed building or an enclosed space within a building, or an open-air area used for presenting either filmed or live plays, dances, or other performances, either by individuals or groups, distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein. An establishment which has adult booths or an adult arcade is considered to be an adult theater.

Adult use means and includes the terms as described under the definition of "adult entertainment establishment."

Adversely impact means to destroy or damage or contribute to the destruction or damage of something.

Alley means a public right-of-way 15 feet or less in width and which affords only a secondary means of access to abutting property.

Alteration means to change, rearrange, enlarge, extend or reduce any structure or part thereof on the same site.

Ancillary use means a use which is either: Subordinate to and serves a principal building or use; subordinate in area, extent, and purpose to the principal building or use served; contributes to the comfort, convenience, or necessities of the users or occupants of the principal building or use; and is located on the same lot as the principal building or use. Unless otherwise specified, no ancillary use shall exceed 25 percent of the gross floor area of the principal building or use.

Antenna means any exterior apparatus designed for telephonic, radio, or television communications, through the sending or receiving of electromagnetic waves.

Appeal means a request for a review of the building and zoning official's interpretation of any provision of the land development regulations or a request for a variance.

Aquatic preserves means publicly owned submerged lands which are covered by brackish or salt water and which are recognized by law or regulations of having exceptionally high biological, aesthetic, educational or scientific value.

Area of special flood hazard means the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

Art work means drawings, pictures, symbols, paintings or sculpture which in no way identify a product or business and which are not displayed in conjunction with a commercial, for profit or nonprofit enterprise.

Arterial means a street officially defined as such by the state department of transportation's functional classification.

Artificial light means any source of light emanating from a manmade device, including, but not limited to, incandescent, mercury vapor, metal halide, neon, sodium, spotlights, street lights, construction or security lights.

ASCE 24 means a standard titled *Flood Resistant Design and Construction* that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Automatic controller means a mechanical or electronic timer, capable of operating valve stations to set the days and length of time of a water application.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

Base flood elevation (BFE) means the elevation, measured in feet above mean sea level, as shown on the flood insurance rate map (FIRM), of the base flood, including wave height, relative to the national geodetic vertical datum (NGVD), North American vertical datum (NAVD) or other datum specified on the flood insurance rate map (FIRM).

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Beach access point means any path which may be through or over the dune used by the general public or private property owners for the purpose of gaining access to the beach.

Board of adjustment means the board of adjustment of the city.

Board of commissioners means the board of commissioners as legally constituted for the city.

Boat, charter means a boat for hire which carries not more than ten paying passengers.

Boat, party means a boat for hire which carries more than ten paying passengers.

Breakaway walls means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material which is not part of the structural support of the building and which are so designated as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. a partition or wall that is independent of supporting structural members and that is intended to withstand design wind forces but to collapse from a water load less than that which would occur during the base flood, without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system.

Buildable area means the area of a site in which development is permitted without variance.

Building means an enclosed structure with walls and a roof.

Building permit means a permit which authorizes the construction of a new building structure or related building system or the expansion of floor area or the increase in the number of dwelling units contained in an existing building or change of use.

Building value = market value of structure only. Land and exterior improvements are excluded, e.g., swimming pool, pool enclosure, landscaping, paving, etc. Market value = assessed value or properly-depreciated appraised building value. The assessed value may be adjusted upward to reflect the market more accurately. Replacement cost can only be used if properly depreciated. Certified appraisals must be based on the comparable sales method. The land value must be deducted and it must be equal to or greater than that established by the county assessor.

Business entity means any and all persons, natural or artificial, including any individual, firm, corporation or association operating or proposing to operate for commercial or pecuniary gain. "Operated for commercial or

pecuniary gain" shall not depend upon actual profit or loss. Also, "operated for commercial or pecuniary gain" shall be presumed where the establishment has an occupational license. Business entity includes any enterprise or venture in which a person sells, buys, exchanges, barter, deals or represents the dealing in any thing or article of value or renders services for compensation.

Camouflage techniques means a tower and/or antenna designed to unobtrusively blend into existing surroundings, be disguised so as to not have the appearance of a communication facility, or be designed or located in such a manner that the tower or antenna is not easily discernible from the ground. Examples include the form and shape of a tree, bell tower, steeple, clock tower, light standard, and other techniques which serve to diminish the visible impact of the tower or antenna.

Cannabis means any plant or part of a plant of the genus *cannabis* whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.

Cannabis farm means any property used in whole or in part for the growing or cultivation of cannabis plants, whether or not such growing or cultivation is lawful under federal or state law.

Carport, private means an accessory building with two or more sides open, designed or used for the storage of motor vehicles owned and used by the occupants of the primary building.

Certificate of concurrency means the official document issued by the city upon finding that the application for final development permit will not result in the reduction of level of service standards set forth in the city comprehensive plan for public facilities and services.

Certification of compliance/noncompliance means a notice issued by the building and zoning official indicating to an applicant for an occupational license that the location proposed for an adult use complies or does not comply with the locational requirements of the land development regulations.

Child care facility means any children's center, day nursery or family day care home as defined in Laws of Fla. ch. 61-2681.

Church means a premise or site which is used primarily or exclusively for religious worship and related activities. The term "church" shall also include the term synagogue, temple, mosque, cathedral, church building and any other facility or premises where individuals of a particular religion gather to worship and for any other related religious purpose.

Clearing means the removal of vegetation, rocks, structures, debris and other obstructions resting on or protruding through the existing ground surface.

Clinic means a facility wherein professional services concerning personal health of humans are administered by medical doctors, chiropractors, optometrists, dentists, or any such professional which may lawfully practice in the state, provided that the persons treated are not lodged therein overnight.

Club means an establishment which is owned or operated by a corporation, association, person or persons for social, literary, political, educational, fraternal or charitable purposes, but which is not operated for profit or to render a service which is customarily conducted as a business.

Coastal A Zone means area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped coastal high hazard areas. In a coastal A zone, the principal source of flooding must be astronomical tides, storm surges, seiches or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to one and one-half feet (457 mm). The inland limit of the coastal A zone is (a) the limit of moderate wave action if delineated on a FIRM, or (b) designated by the authority having jurisdiction.

Coastal barrier islands means the geological features which are completely surround by marine waters that front upon the open waters of the Gulf of Mexico, and are composed of quartz sands, clays, limestone, oolites,

rock, coral, coquina, sediment, or other material, including spoil disposal, which features lie above the line of mean high water. Mainland areas which were separated from the mainland by artificial channelization for the purpose of assisting marine commerce shall not be considered coastal barrier islands.

Coastal building zone means the land area from the seasonal high water line landward to a line 1,500 feet landward from the coastal construction control line as established pursuant to Florida Statutes § 161.053, and, for those areas fronting on the Gulf of Mexico and not included under Florida Statutes § 161.053, the land area seaward of the most landward velocity zone (V-zone) as established by the Federal Emergency Management Agency as shown on flood insurance rate maps. The coastal building zone on coastal barrier islands shall be the land area from the seasonal high water line to a line 5,000 feet landward from the coastal construction control line established pursuant to Florida Statutes § 161.053, or the entire island, whichever is less.

Coastal construction control line means the line as established by the state pursuant to Florida Statutes § 161.053 and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area (CHHA) means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V zones" and are designated on Flood Insurance Rate Maps (FIRM) as zone V1-V30, VE, or V. the area subject to high velocity waters, including but not limited to hurricane wave wash or tsunamis. The area is designated by the Federal Emergency Management Agency (FEMA) as Zone V1-V30. The coastal high hazard area incorporates all areas seaward of the coastal construction control line established by state law and the velocity flood hazard area as established by the Federal Emergency Management Agency (FEMA). This includes areas where public facilities have been damaged or undermined by coastal storms, and inlets which are not structurally controlled.

Commercial equipment means vehicles, trailers, step and box vans, and all machinery, materials or furnishings owned or used for commercial purposes will be considered commercial equipment. Personal vehicles, up to and including one ton pick-up truck or passenger or utility van, used by an individual for transportation to and from home or job sites will not be considered commercial equipment regardless of any commercial names, insignias or markings on the vehicle. Machinery, materials or furnishings owned or used for commercial purposes clearly visible on these vehicles will be considered commercial equipment for the purposes of this Code.

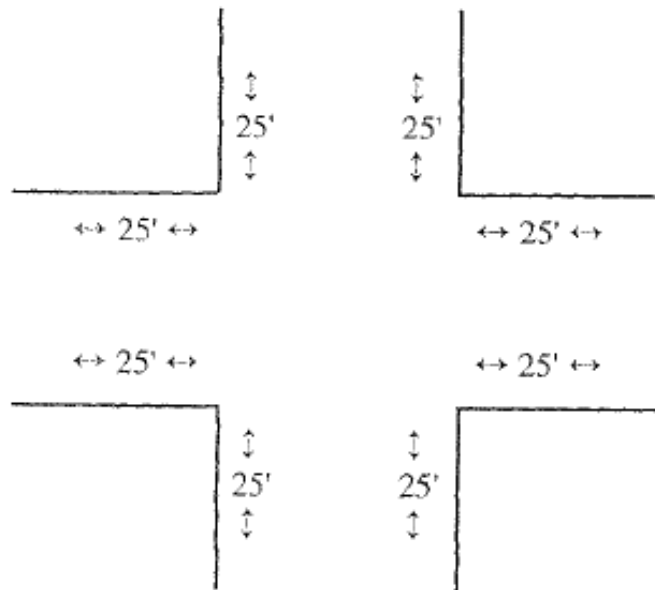
Comprehensive plan means the city comprehensive plans as adopted by Ordinance No. 738 on December 5, 1989 by city commission pursuant to Florida Statutes ch. 163, part 2, as such plan may be amended from time to time.

Congregate care facility means a residential facility which may be comprised of individual dwelling units with or without kitchen facilities. These facilities may offer central dining, personal and therapeutic care and other facilities necessary to meet special living needs of the residents. These include adult congregate living facilities and similar retirement or life-care facilities. These facilities, where required, shall be licensed by the state department of children and family services, or be operated pursuant to state law. As a continuing care facility it shall not be located within the coastal high hazard area, hurricane evacuation zone level "A" or floodway.

Contiguous means parcels touching along a boundary or directly across roadway with a local or collector functional classification or other right-of-way from each other. For the purpose of calculating density averaging, "contiguous" means parcels touching along a boundary or directly across any roadway or other right-of-way from each other.

Cross visibility area means the area of property located at the corner formed by the intersection of two or more public streets with two sides of a triangular area being 25 feet in length along the abutting public street, measured from their point of intersection, and the third side being a line connecting the ends of the other two

sides. In areas where this scenario cannot be achieved, the distance will be determined by the city manager or his designee.



Day care center means and includes any day nursery, nursery school, kindergarten or other facility as defined by state law, which, with or without compensation, cares for five or more children 17 years of age or under, not related to the operator by blood, marriage or adoption, away from the child's home.

Density means a ratio of dwelling units per acre of land. No portion of dedicated public right-of-way may be used to calculate density. No portion of submerged land may be used to calculate density.

Density/intensity averaging means the aggregation of the otherwise permitted density and/or intensity of a parcel or parcels of land in a non-uniform or consolidated manner on a portion of such contiguous parcel(s) in accordance with article V of chapter 86, Administration, of this Code.

***Design flood* means the flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]**

- (1) Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or**
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.**

***Design flood elevation* means the elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 202.]**

Detention means the temporary collection and storage of surface water for subsequent controlled dissipation at a rate which is less than the rate of flow.

Development means any material manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. The following activities or uses shall be taken to involve "development," as defined in this section:

- (1) A reconstruction, alteration of the size, or change in the external appearance of a structure on land.
- (2) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land.
- (3) Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction" as defined in Florida Statutes § 161.021.
- (4) Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
- (5) Demolition of a structure.
- (6) Clearing of land as an adjunct of construction.
- (7) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

Development agreement means an agreement, as authorized by the Florida Local Government Development Agreement Act (set forth in Florida Statutes §§ 163.3220—163.3243) and subject to the requirements of article IV of chapter 86, Administration, of this Code.

Development permit means any approved final site plan, building permit, zoning clearance, rezoning, special exception, variance, conditional use or any other official action of the city having the effect of permitting the development of land, except that for the purposes of the land development regulations, tree permits and grubbing permits are not to be considered development permits.

Diameter at breast height (DBH) means the standard measurement of a single-stemmed tree at 4½ feet above grade.

District means a section or sections of the city for which zoning regulations governing the use of buildings and premises, the height of the buildings, the size of yards and the intensity of use are uniform.

Dock, commercial means a revenue producing structure on piling over water or structure that is defined as a commercial dock under state law, which is designed or used to provide a berth for and access to one or more private, charter, commercial or party boats.

Dock, residential means an accessory structure to a residential use which is built on pilings over water and is designed or used to provide moorage for one or more boats.

Drainage system means the system through which water flows from the land. It includes all watercourses, waterbodies and wetlands.

Dripline means an artificial line along the ground which conforms to the perimeter of the crown of a tree as projected vertically to the ground.

Drive-in restaurant means any food or beverage dispensing operation at retail to the general public where such public may be served while remaining in automobiles or other motor vehicles parked on the premises, or where prepared meals may be obtained at a drive-in window.

Drive-in window means a window or other opening in the wall of a principal or accessory building through which goods or services are provided directly to customers who are in their motor vehicles and by means eliminates the need for such customers to exit their motor vehicles.

Dune means the amount or ridge of loose sediments lying landward of the beach and deposited by any natural or artificial mechanism.

Dwelling unit means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Duplex means two dwelling units contained in one structure on a single lot or parcel and attached by common vertical walls.

Multifamily means three or more dwelling units contained in one structure on a single lot or parcel and attached by common vertical walls.

Single-family detached means a dwelling unit in a single structure not attached to any other dwelling by any means, designed for or occupied exclusively by one family.

Tourist:

- A. *Condo-hotel* means a hotel, motel, tourist or seasonal accommodation room or group of rooms forming a separate, habitable unit used or which could be used for living and sleeping by one family with independent kitchen facilities. Each unit shall be owned by an individual, corporation, or any other legal entity having membership into an association comprised of all owners within the same development. No unit in a condo-hotel shall be used as a timeshare or fractional ownership unit or be converted to a permanent, non-tourist dwelling unit.

Each condo-hotel shall:

1. Contain a front desk, lobby, internally oriented and easily accessible to members of the public;
2. Have the appropriate license for a hotel and all such licenses must be kept up-to-date annually;
3. Have sufficient signage viewable by the general public advertising such structure as a condo-hotel, with units available for daily, weekly or monthly rentals;
4. Provide a reservation system or agency for rental of units; and
5. Upon request of the city, provide access to all rental records, tax receipts or any other documents necessary to verify conformance with the provisions established herein.

Each unit shall:

1. Have the appropriate license for hotel unit and all such licenses must be kept up-to-date annually;
2. Be required to obtain a business tax receipt for each unit from the city;
3. Be subject to all applicable tourist tax collection requirements;
4. Utilize the reservation system or agency;
5. Not be used for homesteading purposes;
6. Not be issued a home occupational license;
7. Not be utilized as an address for the purposes of establishing residency or registering to vote; and
8. Be available to the owner for use no more than 90 days within a calendar year. The unit shall be available for lease to parties other than the owner in intervals of 30 days or less for the remainder of the calendar year

Only one unit in a condo-hotel structure may be used for the year-round occupancy by a person or family serving as the on-site manager(s). This unit must be owned by the condo association or management company and shall not be used for homestead purposes. This manager unit shall be exempt from the requirement of leasing 30 days or less in the calendar year.

- B. *Motel or hotel* means a room or a group of rooms forming a separate, habitable unit used or which could be used for living and sleeping purposes by one family, with or without independent kitchen facilities, occupied or intended to be occupied by transients on a rental or leased basis.

Each motel or hotel shall:

1. Contain a front desk and/or lobby with a reservation system, and easily accessible to members of the public;
2. Have the appropriate license for a motel or hotel and all such licenses must be kept up-to-date annually; and
3. Have sufficient signage viewable by the general public advertising such structure as a motel or hotel, with units available for daily, weekly or monthly rentals.

Each unit shall:

1. Be subject to all applicable tourist tax collection requirements;
2. Not be used for homesteading purposes;
3. Not be issued a home occupational license; and
4. Not be utilized as an address for the purposes of establishing residency or registering to vote.

Only one unit in the motel or hotel structure may be used for the year-round occupancy by a person or family serving as the on-site manager(s). The manager unit may be used to establish residency. If the unit is owner-occupied, this unit may be used for homestead purposes. This manager unit shall be exempt from the requirement being available for daily, weekly or monthly rental.

Townhouse means a building designed for or occupied exclusively by one family and attached to two or more other buildings of similar design and separated by one or more party walls. The attached townhouses as defined constitute a building group.

Triplex means a multifamily dwelling with three units contained in one structure on a single lot or parcel and attached by common vertical walls.

Elevated building means a nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls, or breakaway walls.

Emitter means the drip irrigation fittings that deliver water slowly from the system to the soil.

Employee means a person who works in the service of another person (the employer) under an express or implied contract of hire, under which the employer has the right to control the details of work performance.

Erosion means the damage caused by unrestricted surface waters which shall include the movement of silt, soils or foreign material.

Essential services means public utility facilities either underground or overhead and related to the transmission or distribution system of water, sanitary or storm sewage, telephone, gas, electricity, and public safety, including poles, wires, mains, hydrants, drains, pipes, conduits, law enforcement or fire call boxes, traffic signals and other similar equipment necessary for the furnishing of service, but not including the buildings.

Establishment or commencement of business means and includes any of the following:

- (1) The opening or commencement of any adult entertainment establishment as a new business;
- (2) The conversion of any existing business, whether or not an adult entertainment establishment; or
- (3) The relocation of any adult entertainment establishment.

For the purposes of determining the date of commencement of business, evidence in the form of a certificate of occupancy and an occupational license will be required. Any decision regarding a given date of commencement may be appealed pursuant to the provisions of section 90-10.

Existing building and existing structure means any buildings and structures for which the "start of construction" commenced before May 7, 1971. [Also defined in FBC, B, Section 202.]

Existing construction means any structure for which the start of construction commenced before (the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard) or (specific date).

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community (before the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard) or (specific date).

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Eutrophication means the enrichment of bodies of water with nutrients resulting in luxurious organic growth and depletion of dissolved oxygen.

Family means an individual, or two or more persons, related by blood or marriage, or a group of not more than three persons who need not be related by blood or marriage, living together as a housekeeping unit in a dwelling.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Federal emergency management agency (FEMA) means the federal agency that, in addition to carrying out other functions, administers the national flood insurance program.

Final development order means the last approval necessary to carry out the development requested which will result in an immediate and increased impact upon public facilities.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as zone A.

Flood insurance study means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area means the greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) The area within a floodplain subject to a one-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood elevation determination means a determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood insurance rate map (FIRM) means an official map of a community, on which the administrator Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zone applicable to the community.

Flood insurance study (FIS) means the official report provided by the federal emergency management agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Flood light means a reflector type light fixture which is attached directly to a building or post and which is unshielded.

Flood prone area means any land area susceptible to being inundated by water from any source.

Floodplain means the lateral extent of inundation by an event of given statistical frequency, such as a 100-year floodplain, as designated in the county stormwater management plan (SWMP).

Floodplain administrator means the office or position designated and charged with the administration and enforcement of Chapter 94 (may be referred to as the floodplain manager).

Floodplain development permit or approval means an official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with Chapter 94.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of law enforcement powers. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one-tenth of a foot.

Floor area, gross means the sum of all enclosed areas of floors of a building, measured from the outside faces of the exterior walls, or from the centerline of a wall separating two buildings, including halls, lobbies, arcades, stairways, elevator shafts and balconies, but not including interior parking spaces, open terraces, patios, atriums, entryways, loading space for motor vehicles, and any space where floor to ceiling height is less than six feet.

Floor area ratio (FAR) means a ratio of square footage of gross floor area divided by the square footage of land area. The square footage of land area for purposes of determining the FAR shall not include public road rights-of-way and shall not include submerged land.

Florida Building Code means the family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Freeboard means a level higher than the base flood elevation. It is a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard compensates for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action or the hydrological effect of urbanization on the watershed. The City of Madeira Beach requires four feet of freeboard above base flood elevation.

Frontage, street means all the property on one side of a street between two streets which intersect such street (crossing or termination), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between a street which intersects such street and the dead end of the street.

Functionally dependent use means a use facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, *such as a docking or port facility including only docking facilities, port facilities that are* necessary for the loading and unloading of cargo or passengers, *and shipbuilding and, ship repair facilities, or seafood processing facilities.* The term does not include long-term storage, manufacture, sales, or service facilities.

Garage, private means an accessory building or an enclosed area in the main building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building.

Garage, public means a building or portion thereof, other than a private garage, designed or used for equipping, servicing, repairing, hiring or selling or storing of motor-driven vehicles, but not including the storage of wrecked or junked vehicles.

Grade means a reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point six feet (1,829 mm) from the building, whichever is closer to the building.

Grading or land balancing means the moving of earth or materials for the purpose of development or redevelopment or the temporary or permanent alteration of existing topography of the land.

Ground cover means plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches in maturity.

Ground-level barrier means any natural or artificial structure rising above the ground which prevents beachfront lighting from shining directly onto the beach-dune system.

Habitable space means a space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

Hedges 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.

Height, building means the vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch. When a building is located within a special flood hazard area having a designated base flood elevation on the flood insurance rate map (FIRM), the height may be measured from the base flood elevation plus required freeboard to the highest point of the building.

Height, wireless communication antennas/towers means the distance measured from existing grade to the highest point on the tower structure, even if the highest point of the tower or structure is an antenna.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure means, *for the purposes of Chapter 94, any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings. any structure that is:*

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs which have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Home occupation means an occupation conducted as an accessory use in a dwelling unit in a manner which is clearly incidental and accessory to the residential use and requiring no changes to the outside of the structure or its outward appearance.

Hotel means a building containing five or more sleeping accommodations available to the public for compensation and in which meals may or may not be provided. All ancillary or accessory uses such as dining rooms, restaurants or cafes shall be operated within the same building or buildings and principal access to all facilities is through an inside lobby or office supervised by a person in charge at all hours. Hotel facilities are classified as a form of a tourist dwelling facility.

Household animals means animals which are customarily kept for personal use or enjoyment which are not exhibited to the public nor raised for commercial purposes. Household animals shall include domestic dogs, domestic cats, white mice and domestic rabbits, frogs, small birds, small reptiles and fish.

Hurricane evacuation zone means the hurricane evacuation zone established by the county emergency services agency. Evacuation Levels A, B, C, D, and E, as identified in the most recent hurricane evacuation study, require the evacuation of successively more zones inland from the coast during a storm event.

Impervious surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant to or prevents infiltration by stormwater. It includes surfaces such as limerock, or clay, as well as most conventionally surfaced streets, structures, roofs, sidewalks, parking lots, and other similar surfaces.

Impervious surface ratio (ISR) means the relationship between the total impervious surface area on a site and the gross land area. The impervious surface ratio is calculated by dividing the square footage of the area of all impervious surfaces on the site by the square footage of the gross land area. The square footage of the gross land area for purposes of determining the ISR shall not include public road right-of-way and shall not include submerged land.

Improved land means the land that has been altered or improved from its natural state including but not limited to grading, paving, drainage, installation of structures, etc., that ultimately increased the value of, or altered the original integrity of such land.

Infiltration rate means the rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).

Irrigation system means a permanent artificial watering system designed to transport and distribute water to plants.

Landscaping means and shall consist of any of the following combinations of grass or ground cover and shrubs, vines, hedges, trees or palms. Other materials such as rocks, pebbles, sand and decorative fence, but

excluding concrete, asphalt paving or pebbles placed on an impervious surface, may be used to satisfy the landscaping requirements west of Gulf Boulevard.

Law enforcement officer means any person who is elected, appointed, or employed full-time by the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

Lawn grass means all species normally grown as permanent lawns native to this area of the state. Grass may be sodded, plugged, sprigged or seeded.

Letter of map change (LOMC) means an official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

(1) Letter of map amendment (LOMA) means an amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

(2) Letter of map revision (LOMR) means a revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

(3) Letter of map revision based on fill (LOMR-F) means a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(4) Conditional Letter of Map Revision (CLOMR) means a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Level of service means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of a facility.

Licensee means any person whose application for any business enterprise has been granted and who owns, possesses, operates and controls the establishment.

Limit of moderate wave action means a line shown on FIRMs to indicate the inland limit of the one and one-half-foot (457 mm) breaking wave height during the base flood.

Loading space means space located outside of any street right-of-way or easement and designed to accommodate the temporary parking of vehicles used for bulk pickups and deliveries.

Lot means land bounded by lines legally established for the purposes of property division. A lot shall have frontage on an improved public street or on an officially approved private street. For zoning purposes, a lot may consist of:

- (1) A combination of complete lots of record.
- (2) A combination of complete lots of record and portions of lots of record.
- (3) Portions of lots of record, provided that such lots or combinations of lots are of sufficient size to meet the requirements of this chapter for the district in which the lots are located.
- (4) Single lots of record.

- (5) Parcels of land defined by metes and bounds description where such parcels are in conformity with the land development regulations.

Lot, corner means a lot located at the intersection of two or more streets.

Lot coverage means the percentage of the lot area covered or occupied by the base of the buildings, including attached or unattached accessory buildings.

Lot depth means the distance measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite mean rear line of the lot.

Lot, interior means a lot other than a corner lot, and abutting one street. Alleys shall not be considered as streets.

Lot, through means a lot other than a corner lot and with frontage on more than one street.

Lot line means a line that marks the boundary of a lot.

- (1) *Interior*: Any lot line that is not a street lot line; a lot line separating a lot from another lot.
- (2) *Street*: Any lot line separating a lot from a street right-of-way or general access easement. Where a lot line is located within such street right-of-way or easement, the right-of-way or easement boundary adjacent to the lot line shall be construed to be considered the street lot line.

Lot of record means a lot which is part of a subdivision, or a parcel of land described by metes and bounds, the plat or description of which has been recorded by deed with the office of the county clerk of the circuit court. In addition, such plat or description shall provide for a lot which meets the minimum size dimensions for lots in the district for which it is located at the time of recording, or was recorded prior to the effective date of the land development regulations.

Lot width means the width of the lot at the minimum front building setback line.

Low profile luminaire means a light fixture set on a base which raises the source of the light no higher than 48 inches off the ground, and designed in such a way that light is directed downward from the hooded light source.

Lowest floor means the lowest habitable floor of a building which must be located at or above the 100-year flood elevation (base flood level), floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24.

Mangrove means any or all of the following species of aquatic woody plants:

- Red Mangrove — *Rhizophora mangle*.
- Black Mangrove — *Avicennia nitida* or *avicennia geminans*.
- White Mangrove — *Laguncularia racemosa*.
- Buttonwood or button-mangrove — *Conocarpus erecta*.

Mangrove stand means an association of mangrove trees which are noted for development within the intertidal zone of marine shorelines and which contain one or more of the following species:

- Red Mangrove - *Rhizophora mangle*.
- Black Mangrove - *Avicennia nitida*.
- White Mangrove - *Laguncularia racemosa*.
- Buttonwood - *Conocarpus erecta*.

Manufactured home means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. **The term "manufactured home" does not include a "recreational vehicle" or "park trailer."**

Marina means a facility for storing, berthing, securing and launching of private pleasure craft which may also include the sale of fuel and incidental supplies and minor repairs.

Market value means the value of buildings and structures, excluding the land and other improvements on the parcel. Market is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or the "just value" of the structure, developed by the Pinellas County Property Appraiser's Office (PAO) for ad valorem taxation purposes, adjusted to approximate market value, as determined by the PAO.

Mean high water means the high water mark established by the U.S. Coast and Geodetic Survey in its latest coastal survey of the city.

Mean sea level (MSL) means the average height of the sea for all stages of the tide. This is used as a reference for establishing various elevations within the floodplain. For purposes of the land development regulations, the term is synonymous with the National Geodetic Vertical Datum (NGVD).

Medical marijuana dispensary means a facility that is operated by an organization or business holding all necessary licenses and permits from which marijuana, cannabis, cannabis-based products, or cannabis plants are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local, federal and state laws. Physicians authorized by state law to order low-THC cannabis, as defined in Florida Statutes, for patients' medical use are not included in the definition of medical marijuana dispensary.

Medical use means the prescriptive use of any form of cannabis to treat a qualifying medical condition and the symptoms associated with that condition or to alleviate the side effects of a qualifying medical treatment.

Mobile home means a structure, transportable in one or more sections, which structure is eight feet or more in width and over 32 feet in length, and which structure is built on an integral chassis and designed to be used as a dwelling unit when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. This term shall include manufactured housing as defined by state law.

~~Mobile home park means a lot or parcel of land which contains mobile home sites and accessory open areas, recreation or community facilities for the residents.~~

Mobile home site means a space or plot of ground within a mobile home park, designated for the accommodation of not more than one mobile home.

Motel means a building in which lodging is available for rent to the public, which is open to transient guests, in which a majority of the rental units have direct entrances from the outside, and in which parking spaces are oriented to the rental units in such a manner as to facilitate direct access from units to the automobiles of the renters. Motels are classified as a form of a tourist dwelling facility.

National Geodetic Vertical Datum (NGVD) means a vertical control as corrected in 1929, used as a reference for establishing varying elevations within the floodplain.

Mulch means nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

Native means trees and other vegetation that is indigenous to Central or North Florida.

New construction means any structure for which the "start of construction" commenced after January 1, 1975. The term also includes any subsequent improvements to such structure. for the purposes of administration of Chapter 94 and the flood resistant construction requirements of the Florida Building Code, structures for which

the "start of construction" commenced on or after May 7, 1971 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

Nonconforming structure, lot, or use means lawful land use, lots, or structures existing at the time of the passage of the land development regulations which does not conform to the provisions, requirements and regulations of the land development regulations.

Nonconversion agreement means a form provided by the floodplain administrator to be signed by the owner and recorded on the property deed in official records of the clerk of courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and Chapter 94 for enclosures below elevated buildings.

Non-medical marijuana sales mean the purchase, sale, transfer or delivery of marijuana, cannabis, cannabis-based products or cannabis plants when such sale, transfer or delivery is not associated with any medical purpose or use, whether or not such purchase, sale, transfer or delivery is lawful under federal or state law.

Occupiable room means a room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or similar purposes, or in which occupants are engaged at labor; and which is equipped with means of egress, light, and ventilation facilities meeting the requirements of this Code.

Office, professional means an establishment offering services or knowledge to the business community or to individuals. Such activities would include, by the way of illustration, accounting, brokerage, insurance, advertising, employment services, real estate services, physician, lawyer, dentist, architect and psychologist.

Off-street vehicular use area means any area located outside of road right-of-way or easement and designed for parking, service, loading, circulation, storage or display of any type of vehicle, excluding parking garages.

Open space means the land and/or water areas between and around buildings and structures, including required recreation areas, stormwater detention areas, preservation areas, landscape islands and areas with permeable blocks. Retention areas are considered open space if they serve as a water feature and are used as a design element within the overall site. This shall not include parking areas.

Open storage means the storage outside of a building of material supplies, merchandise equipment, commercial vehicles and like items, but excluding junk.

Outdoor lighting/outdoor lighting fixtures means any light emitting device which causes any illumination beyond the exterior walls of any structure or building.

Personal services means an establishment that primarily provides services generally involving the care of a person or his apparel, such as barber shops, beauty salons, seamstress shops, shoe repair shops, dry cleaning and laundry pickup facilities and coin-operated laundry and dry cleaning facilities.

Pervious open space means the area on a lot or parcel not covered by a building or impervious surface.

Pervious paving materials means a porous asphaltic or concrete surface and a high-void aggregate base which allows for rapid infiltration and temporary storage of rain on, or runoff delivered to, paved surfaces.

Physical culture establishment means any business establishment which offers or advertises, massage, body rubs or physical contact with specified anatomical areas, whether or not licensed. Business establishments which routinely provide medical services by state licensed practitioners, and electrolysis treatment by licensed operators of electrolysis equipment shall be excluded from the definition of adult physical culture establishments.

Planning commission means the city planning commission, the legally constituted membership of the planning commission of the city as defined in chapter 2, article II, division 2 of this Code.

Pole lighting means a lighting fixture set on a base or pole which raises the source of the light higher than 48 inches off the ground.

Portable storage units (PSU) are containers, which are intended to be used for the offsite storage of personal property, and are on the property solely for loading and unloading. Portable containers designated for depositing personal goods to be donated to a nonprofit charitable organization are not included in the definition of a PSU.

Private performance means the display or exposure of any specified anatomical area by an employee of an adult entertainment establishment to a person other than another employee while the person is in an area not accessible during such display to all other persons in the establishment, or while the person is in an area in which the person is totally or partially screened or partitioned during such display from the view of all persons outside the area.

Private pleasure craft means a vessel privately owned or leased primarily for aquatic recreational purposes which includes a transport trailer. Private pleasure craft shall not include commercial, official or scientific vessels.

Protective barrier means a physical structure not less than three feet in height, including access to a protected area, composed of wood or other suitable materials.

Rain sensor equipment means a low voltage electrical component placed in the circuitry of an automatic lawn irrigation system which is designed to turn off a sprinkler controller when it rains enough to meet the needs of the landscape.

Recreational vehicles means a vehicular-type portable structure without a permanent foundation, which can be towed, hauled or driven, and which is primarily designed as temporary living accommodations for recreation, camping and travel use, including but not limited to, travel trailers, park trailers, motor homes, camping trailers, boat trailers, truck campers, recreational vans and self-propelled motor homes and which are:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Remove or removal mean the actual removal or causing the effective removal through damaging, poisoning or other direct or indirect actions resulting in death to the tree.

Residential designed manufactured homes means manufactured homes as defined by state law which meet residential design standards contained in this Code.

Residential property means property which is zoned R-1, R-2 or R-3 and which is used for a residential use or which is vacant.

Restaurant means a building or lot where meals are prepared and sold on the premises from within a completely enclosed building and where at least 20 seats are provided for customers inside the building or a building or lot where meals are prepared and sold on the premises from within a completely enclosed building and which has an unenclosed area or patio provided for the consumption of food on the premises which unenclosed area or patio seating is supplemental to the interior seating provided in this definition.

Retail means commercial establishments that generally serve day-to-day commercial needs of a residential neighborhood, including but not limited to, drugstores, tobacco shops, news stands, clothing, specialty shops,

bakeries, confectioneries, delicatessens, meat and produce markets, food stores eating and drinking establishments, specifically excluded from this class of uses is retail sales of spirits and liquors.

Sand dunes means accumulations of sand in ridges or mounds landward of the beach.

Satellite dish antenna means a device used to receive satellite broadcast signals, usually a parabolic dish-shaped antenna, one meter or less in diameter. This definition is meant to include but not limited to, what are commonly referred to as a satellite earth station, TAROs (television reception only), and satellite microwave antennas.

School means a premise or site upon which there is a nursery school, kindergarten, elementary school, junior high school, middle school, senior high school, or exceptional learning center. However, the term "school" does not include a premise or site upon which there is an institution devoted solely to vocational or professional education or training or an institution of higher education, including, but not limited to, a community college, junior college, four-year college or university.

Seawall means any artificial shoreline protection device approved by applicable regulatory agencies.

Sediment means mineral or organic matter deposited by water, air, or ice.

Sedimentation facility means any structure or area which is designed to hold runoff water until suspended sediments have settled.

Service station means an establishment where gasoline or diesel fuel is supplied and dispensed at retail and where, in addition, the following services only may be rendered and sales made:

- (1) Minor motor vehicle repair.
- (2) Sales of beverages, packaged food, tobacco products and similar convenience goods for customers, as accessory and incidental to principal uses.
- (3) Provision of road maps and other travel information.
- (4) Provision of restroom facilities.
- (5) Warranty maintenance and safety inspections.
- (6) Car washing facility, as accessory and incidental to the permitted use.

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations.

Setback means the minimum required distance from the property lines to the outermost vertical component of a building wall (including stairs, balconies, elevators, shafts, etc., but not including eaves). On waterfront lots the outside edge of the seawall cap is considered to be the rear property line. However, when there is no seawall cap, the coastal construction setback line as determined by the Florida Department of Environmental Regulation and the Corps of Engineers shall be considered the rear property line.

Shrubs means a low, woody plant with several stems; a bush.

Sign means any device, fixture, placard or structure that uses any color, form, graphics, illumination, architectural style or design or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGN TYPES

Abandoned sign. Any sign or sign structure which bears no sign or copy or displays information which incorrectly identifies the principal activity conducted on the site for a period of three consecutive months.

Advertiser. Any person who is the lessee or owner of the sign, an agent of such person or anyone who has beneficial use of the sign.

Advertising. Any form of public announcement intended to aid, directly or indirectly, in the sale, use, or promotion of a product, commodity, service, activity, or entertainment.

A-Frame (sandwich board). Any unsecured sign, double or single faced, which is portable and may be readily moved from place to place.

Alter. This term shall include but not be limited to the addition of a sign surface area, the changing or relocation of site source, or the relocation of an outdoor advertising display from one position to another. Alter includes any and all structural changes in the sign, excluding changeable copy.

Animated sign. Any sign which includes action, motion, the optical illusion of action or motion or color changes of all or any part of the sign facing, requiring electrical energy or set in motion by movement of the atmosphere or a sign made up of a series of sections that turn and stop to show two or more pictures or messages in the copy area. A sign having externally moving parts or messages or operating so as to give the viewer the illusion of moving parts or messages. This does not include signs whose informational content can be changed or altered on a fixed display. Animated signs shall not include electronic reader boards.

Art work. Drawings, pictures, symbols, paintings or sculpture which in no way identify a product or business and which are not displayed in conjunction with a commercial, for profit or a nonprofit enterprise.

Banner. Any fabric, plastic, foil or similar material that is mounted to a pole or building at one or more edges.

Beach/bay signs. Signs that are intended for viewing from the Gulf Beach, Gulf water or Boca Ciega Bay.

Beacon. A stationary or revolving light which flashes or projects, single color or multi-colored illumination.

Signs on a bench sign/bus shelter. A bench or bus shelter upon which a sign is drawn, painted, printed, or otherwise affixed.

Billboards. Any off-site sign composed of a continuous, and uninterrupted surface (including cut-outs) which measures 72 square feet or more in aggregate area.

Building marker. Any sign, tablet or plaque of commemorative or historical nature indicating the name of building and date or incidental information about its construction, where such sign is cut into a masonry surface or made of bronze or other permanent material.

Building sign. Any sign attached to any part of a building as contrasted to a freestanding sign.

Bulletin board. Sign of permanent character, but with removable letters, words, numerals or symbols.

Business establishment. Any individual person, nonprofit organization, partnership, corporation, other organization or legal entity holding a valid local business tax receipt and occupying distinct and separate physical space.

Canopy sign. Any sign that is part of an awning, canopy or other fabric, plastic or structural protective cover over a door entrance, window or outdoor service area. A marquee is not a canopy.

Changeable copy sign. A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign in which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered not a changeable copy sign for purposes of the land development regulations.

Construction sign. Any sign erected and located upon a site where building construction or remodeling is in progress.

Directional sign. Any sign which exclusively contains information providing direction or location of any object, place, or area including but not limited to, those signs indicating avenues of ingress/egress.

Double-faced sign. A sign which has two display surfaces backed against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction, every point on each face or in contact with the same background.

Electronic reader board. A type of sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.

Erect. To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs.

Flag. Any fabric, banner or bunting containing distinct colors, patterns or designs.

Freestanding sign. Any sign supported by structures or supports that are placed on or anchored in the ground and that are not attached to any building or area.

Government or public purpose sign. A sign serving a public or civic purpose which is installed by, or under direction of, a governmental entity. The term does not include signs containing advertising except to the extent allowed by the land development regulations.

Ground level. The finish grade of a parcel of land exclusive of any filling, berming, mounding or excavating solely for the purpose of locating a sign. Ground level on marina docks or floating structures shall be the finish grade of the landward portion of the adjoining parcel.

Ground sign. An outdoor sign supported by uprights or braces in or upon the ground. The bottom coping shall be not more than three feet above ground or street level which space may be filled with platform decorative trim or light construction.

Identification signs. Any sign which indicates no more than the name, address, company logo and occupation or function of an establishment or premise.

Illuminated sign. Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes, internally or externally, as part of the sign proper or may be illuminated from an exterior source designed or utilized primarily for such illumination.

Integral roof sign. Any sign erected or constructed as a part of a normal roof structure of any design, such that no part of the sign extends above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Maintenance. The replacing, repairing or repainting of a portion of a sign structure, periodically changing changeable copy or renewing copy which has been made unusable by ordinary wear or weather or accident.

Mansard. A roof with two slopes on each of four sides. The mansard sign shall be attached as outlined in wall signs.

Marquee sign. Any sign attached to, or made a part of a marquee.

Nonconforming sign. Any sign that does not conform to the requirements of the land development regulations.

Off-site sign. Any sign that advertises goods, services, person, activity or condition not obtainable on the premises where the signs are located.

On-premises sign. Any sign which identifies a use, person, business or advertises a product for sale or service to be rendered on the zone lot where the sign is located.

Pennant. Any plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string usually in a series.

Pole sign. An outdoor sign supported by poles or uprights. The bottom coping shall be not less than eight feet above ground or street level.

Porch. An exterior appendage to a building forming a covered approach to a doorway.

Portable sign means any sign not permanently attached to the ground or other permanent structure, designed to be transported including, but not limited to, signs designed to be transported by means of wheels, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day-to-day operations of the business. For purposes of this chapter, a sign not bearing a commercial message which is carried by a person (whether worn or held by hand) shall not be considered a portable sign, and such signs shall be permitted to be carried in any location such person is otherwise lawfully allowed to be present, including on the city's sidewalks and parks.

Projecting signs. Any sign affixed to a building or wall in such a manner that its leading edge stands more than six inches beyond the surface of the building or wall.

Revolving sign. Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.

Sign face. The part of the sign that is or can be used to identify, display, advertise, communicate information, or for visual representation which attracts or intends to attract the attention of the public for any purpose.

Sign height. The vertical distance measured from ground level at the base of the sign to the highest point of the sign.

Sign structure. Any structure which is designed specifically for the purpose of supporting the sign, has supported or is capable of supporting a sign. This definition shall include decorative covers, braces, wires, supports or components attached to or placed around the sign structure.

Snipe sign. Any sign which is attached in any way to a utility pole, tree, fence post or other similar object, located on public or private property. Any sign designed to provide warning to the public shall not be construed to be a snipe sign.

Twirling sign. Signs, commonly referred to as wind signs, consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind.

Vehicle sign. A sign attached to or placed on a vehicle, including automobiles, trucks, boats, campers, and trailers that are parked on or otherwise utilizing a public right-of-way, public property or on private property so as to be intended to be viewed from a vehicular right-of-way for the basic purposes of providing advertisement of products or services or directing people to a business or activity. This definition is not to be construed to include those signs that identify a firm or its principal products on a vehicle or such advertising devices as may be attached to and within the normal unaltered lines of the vehicle of a licensed transit carrier, when and during that period of time such vehicle is regularly and customarily used to traverse the public highways during the normal course of business.

Wall sign. A sign which is painted on, fastened to, or erected against the wall of a building with its face in a parallel plane to the plane of the building facade or wall.

Warning sign. Signs located on a property posting such property for warning or prohibitions on parking, trespassing, hunting, fishing, swimming, or other activity, provided such signs do not carry any commercial message or identification.

Window sign. A sign located on a window or within a building or other enclosed structure, which is visible from the exterior through a window or other opening.

Site specific plant means a selection of plant material that is particularly well suited to withstand the physical growing conditions that are normal for that location.

Soil texture means the classification of soil based on the percentage of sand, silt, and clay in the soil.

Special adult cabarets means any bar, dance hall, restaurant or other place of business which features dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, or waiters or waitresses that engage in "specified sexual activities" or display "specified anatomical area", or any such business establishment, the advertising for, or a sign or signs identifying which, use the words, "adult," "topless," "nude," "bottomless," or other words of similar import.

Special exception use means a use which may be allowed within a zoning district subject to the provisions of the land development regulations and in accordance with the procedures as set forth in the land development regulations. an area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. All of Madeira Beach is located in a special flood hazard area.

Special flood hazard area means all land located within the floodplain of a community subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. All of Madeira Beach is located in a special flood hazard area.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered:
 - a. Human genitals or pubic region;
 - b. Cleavage nates of the human buttocks;
 - c. That portion of the human female breast below the point immediately above the top of the areola; this definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel, provided the areola is not so exposed.
- (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified criminal act means:

- (1) An offense under Florida Statutes ch. 794, (sexual battery);
- (2) An offense under Florida Statutes ch. 796, (prostitution);
- (3) An offense under Florida Statutes ch. 800, (lewdness; indecent exposure);
- (4) An offense under Florida Statutes ch.826, (bigamy; incest); or
- (5) An offense under Florida Statutes ch. 847, (obscene literature; profanity); or
- (6) An offense under an analogous statute of a state other than this state, or under an analogous ordinance of another county or municipality.

Specified sexual activities means:

- (1) Human genitals in a state of sexual stimulation or arousal or tumescence;
- (2) Acts of anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy, urolagnia or zoerasty; and any other acts of human masturbation, sexual intercourse or sodomy, whether actual or simulated;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast; or
- (4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3) of this definition.

Start of construction, for new construction or substantial improvement it means the date the building permit was issued, provided the actual commencement of construction, repair, reconstruction or improvement is within 180 days of the permit date. **The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. An extension, upon an approved written application, may be granted for 90 days.**

Stormwater retention means that portion of surface water drainage system used for the storage or treatment of stormwater runoff and design reviewed and constructed in accordance with the land development regulations.

Story means the portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A complete horizontal section of building having one continuous or practically continuous floor. This term does not include the floor of a garage used solely for the parking of vehicles and entry to habitable living space.

Straddle dance (also known as lap dance, or face dance) means the use by an employee, whether clothed or not, of any part of his/her body to massage, rub, stroke, knead, caress or fondle the genital or pubic area of a patron, while on the premises, or the placing of the genital or pubic area of an employee in contact with the face of a patron, while on the premises.

Street means all property accepted or intended by the city for public street purposes or officially approved for private street purposes.

Structural alterations means any change, except the repair or replacement in supporting members of a building, such as bearing walls, columns, beams or girders, or the rearrangement of any interior partitions.

Structure means anything constructed or erected, the use of which requires permanent location on the land or attachment to something having permanent location on the land. Structures include buildings, walls, screened enclosures, fences, advertising signs, billboards, swimming pools and exterior mechanical equipment such as air-conditioning compressors.

- (1) *Major structure*: Houses, mobile homes, apartment buildings, condominiums, motels, hotels, restaurants, towers, other types of residential, commercial, or public buildings, and other construction.
- (2) *Minor structure*: Pile-supported, elevated dune and beach walkover structures; beach access ramps and walkways; stairways; pile-supported, elevated viewing platforms, gazebos, and boardwalks; lifeguard support stands; public and private bathhouses; sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquetball courts, and other uncovered paved areas; earth retaining walls; and sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries, and other ornamental construction. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, wave, and storm forces.
- (3) *Nonhabitable major structure*: Swimming pools; parking garages; pipelines; piers; canals, lakes, ditches, drainage structures, and other water retention structures; water and sewage treatment plants; electrical power plants, and all related structures or facilities, transmission lines, distribution lines, transformer pads, vaults, and substations; roads, bridges, streets and highways; and underground storage tanks.
- (4) *Coastal or shore protection structure*: Shore-hardening structures, such as seawalls, bulkheads, revetments, rubble mound structures, groins, breakwaters, and aggregates of materials other than

beach sand used for shoreline protection; beach and dune restoration; and other structures which are intended to prevent erosion or protect other structures from wave and hydrodynamic forces.

Submerged land means the land area situated below the mean high water line of a standing body of water, including ocean, gulf, bay, estuary, lake, pond, river or stream. For the purpose of this definition drainage retention/detention areas to be created as a function of development and wetlands shall not be considered submerged land.

Substantial damage means the damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a one-year period, the cumulative structure, the cost of which equals or exceeds 50 percent of the fair market value of the building or structure, before the start of construction of the improvement. For each building or structure, the one-year period begins on the date of the first permit issued for improvement or repair subsequent to November 15, 2016. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either any project for improvement of the structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official, and which are the minimum necessary to assure living conditions, or any alterations of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

~~*Substantially improved existing manufactured home parks or subdivisions* means where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.~~

Subsurface drainage means any approved method used as a vehicle to convey groundwater.

Swale means a low place in a tract of land.

Temporary lodging unit means an individual room, rooms or suite within a temporary lodging use designed to be occupied as a single unit for temporary occupancy.

Temporary lodging use means a facility containing one or more temporary lodging units, the occupancy of which occurs, or is offered or advertised as being available, for a term of less than one month, more than three times in any consecutive 12-month period. In determining whether a property is used as a temporary lodging use, such determination shall be made without regard to the form of ownership of the property or unit, or whether the occupant has a direct or indirect ownership interest in the property or unit; and without regard to whether the right of occupancy arises from a rental agreement, other agreement, or the payment of consideration. This term includes tourist condo-hotel and motel/hotel as elsewhere defined in this Code.

Trees means self-supporting, woody plants, which normally grow to a minimum height of 15 feet, have trunks which can be maintained with over five feet of clear wood and have an average mature crown spread of at least 15 feet.

Turf means continuous plant coverage consisting of grass species suited to growth in the county.

Turtle nesting season means the period from May 1 through October 31 of each year.

Unimproved land means the land that has not been altered or improved from its natural state.

Unity of title refers to a document recorded in the office of the clerk of the circuit court of Pinellas County stipulating that a lot, lots, or parcel of land shall be held under single ownership, shall not be eligible for further subdivision and shall not be transferred, conveyed, sold or divided in any unit other than in its entirety.

Use means the specific activity or function for which land, a building or a structure is designated, arranged, occupied or maintained.

- (1) Accessory use on the same lot or in the same structure with, and of a nature and extent customarily incidental and subordinate to the principal use of the lot or structure.
- (2) The primary use and chief purpose of a lot or structure.

User means any independent entity which is marketing a service to retail customers in the city. For the purposes of determining the number of users co-locating, no two users shall have any common ownership ties.

Variance means a modification of some particular requirement of the zoning ordinance which may be granted by the special magistrate in order to alleviate a unique and unnecessary hardship which may result from literal enforcement of the provisions of the land development regulations with respect to the parcel involved. **For the purposes of Chapter 94, a variance is a grant of relief from the requirements of Chapter 94, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by Chapter 95 or the Florida Building Code.**

Vegetation, native means any plant species with a geographic distribution indigenous to all or part, of the state.

Water or community waters means any and all water on or beneath the surface of the ground or in the atmosphere. It includes the water in any watercourse, waterbody or drainage system. It also includes diffused surface water and water percolating, standing or flowing beneath the surface of the ground, as well as coastal waters.

Water surface elevation means the projected heights in relation to mean sea level reached by floods of various magnitudes and frequencies in the floodplains of coastal or riverline areas. These may be expressed by curvilinear lines on FHBMs or FIRMs and reflected as a border delineating the special flood hazard areas.

Waterbody means any natural or artificial pond, lake, reservoir or other area which ordinarily or intermittently contains water and which has a discernible shoreline.

Watercourse means any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite channel, bed or banks.

Watershed area means an area allowing or generating storm or irrigation water runoff.

Wetland means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wireless communication antenna means any exterior apparatus designed for telephonic, radio or television communications through the sending or receiving of electromagnetic waves.

Wireless communication antenna array means a configuration of antennas necessary for broadcast and reception of radio frequency from a particular site.

Wireless communication tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes, but is not limited to radio and television transmission towers, microwave towers, common carrier towers, and cellular telephone towers.

Xeriscape means a landscaping method that maximizes the conservation of water by the use of site-appropriate plants and an efficient watering system. The principles of xeriscape include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, practical use of turf, efficient irrigation, appropriate use of mulches, and proper maintenance.

Yard means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided in the land development regulations.

Yard, front means an open unoccupied space across the full width of the lot, extending from the front building line, including open porches, to the front line of the lot.

Yard, side means an open unoccupied space on the same lot with a building, between the building line and the side line of the lot extending through from the front building line to the rear yard, or to the rear line of the lot where no rear yard is required.

Yard, rear means an open unoccupied space extending across the full width of the lot and measured between the rear line of the lot and the rear building line of the main building.

Yard, waterfront means an open unoccupied space on waterfront property with depth measured perpendicular to the property line or waterside lot line for nonseawalled lots. Waterfront property is hereby defined as property abutting open water, bays, bayous and manmade canals.

(Code 1983, ch. 20, art. II; Ord. No. 918, § 1, 12-7-99; Ord. No. 925, § 1, 6-20-00; Ord. No. 956, §§ 1, 2, 12-11-01; Ord. No. 987, § 1, 11-25-03; Ord. No. 992, § 1, 1-27-04; Ord. No. 1020, § 1, 6-8-04; Ord. No. 1037, § 1, 1-25-05; Ord. No. 1071, § 3(Exh. A, § 4), 2-28-06; Ord. No. 1126, § 2, 7-8-08; Ord. No. 1138, § 1, 12-9-08; Ord. No. 1165, § 1, 8-10-10; Ord. No. 1181, § 1, 7-10-12; Ord. No. 2014-08, § 1, 11-12-14; Ord. No. 2014-15, § 4, 12-9-14; Ord. No. 2015-03, § 2, 2-24-15; Ord. No. 2015-04, §§ 1, 2, 6-9-15; Ord. No. 2016-02, § 1, 4-12-16; Ord. No. 2016-12, § 1, 11-15-16; Ord. No. 2021-18, § 1, 9-8-21; Ord. No. 2021-22, § 1, 11-10-21; Ord. No. 2023-12, § 1, 6-14-23)

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

Sec. 82-3. Interpretation.

In interpreting and applying the land development regulations, the provisions of the land development regulations shall be held to be the minimum requirements for the protection, promotion and improvement of the public health, safety, morals and general welfare of the community. It is not intended by the land development regulations to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, where the land development regulations impose a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of the land development regulations shall control. If, because of error or omission in the zoning map, any property in the city is not shown as being in a zoning district, the classification of such property shall be R-1 unless changed by amendment to the zoning map or by subsequent zoning ordinances.

(Code 1983, § 20-1401)

Sec. 82-4. Validity.

In the event any court of competent jurisdiction should hold that any article, section, clause, or provision of the land development regulations are invalid, such judgment shall not affect the validity of the land development regulations as a whole or any part thereof, other than the part so declared to be invalid.

(Code 1983, § 20-1402; Ord. No. 1037, § 2, 1-25-05)

Sec. 82-5. Violations and penalties.

Any person violating any time limitation or provisions of the land development regulations, or the terms of any decision of the special magistrate, shall be punished by a fine not exceeding \$500.00, or imprisonment for a

term not exceeding 60 days, or by both such fine and imprisonment. Each day and time limitation or provision of the land development regulations, or the terms of any decision of the special magistrate is violated shall constitute a separate offense under the land development regulations. Moreover, in addition to the penalty provided in this section or as an alternative thereto at the discretion of the city, the city may enforce the time limitations or provisions of the land development regulations or any decision of the special magistrate by injunction in a court of appropriate jurisdiction.

(Code 1983, ch. 20, art. XV; Ord. No. 1037, § 3, 1-25-05; Ord. No. 1071, § 3(Exh. A, § 4), 2-28-06)

ARTICLE II. TECHNICAL CODES AND STANDARDS¹

Sec. 14-30. Administration of the Florida Building Code.

- (a) *Scope.* The city hereby adopts and incorporates by reference herein the Florida Building Code promulgated by the Florida Building Commission pursuant to Chapter 553, Part IV, Florida Statutes, as amended from time to time as well as Chapter 1 (Scope and Administration) of the ~~2017~~ Florida Building Code . The provisions of this section shall govern the administration and enforcement of the Florida Building Code within the municipal limits of the city.
- (b) *Title.* The provisions of the following sections shall constitute and be known and be cited as the Florida Building Code, hereinafter known as "FBC."
- (c) *FBC remedial.*
 - (1) *General.* The FBC is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.
 - (2) *Quality control.* Quality control of materials and workmanship is not within the purview of the FBC except as it relates to the purposes stated herein.
 - (3) *Permitting and inspection.* The inspection or permitting of any building, system or plan by the city under the requirements of the FBC shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. Neither the city nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting, unless the city employee is found to have acted in bad faith or with malicious purpose in a manner exhibiting wanton and willful disregard of the safety, health and welfare of the public.

(Ord. No. 1107, § 1, 5-8-07; Ord. No. 2022-25 , § 1, 9-14-22)

Sec. 14-31. Technical codes adopted—Fire codes.

- (a) The National Fire Protection Association 1 (NFPA 1) Uniform Fire Code, ~~2021 edition~~, as adopted by the State of Florida, including appendices and annex thereto shall apply, as may be subsequently amended.

¹Editor's note(s)—Ord. No. 1107, § 1, adopted May 8, 2007, amended article II in its entirety to read as herein set out. Formerly, article II pertained to similar subject matter, and derived from the Code of 1983, §§ 6-101, 6-103—6-106, 6-108, 6-112, 6-115, 6-117—119, and Ord. No. 935, § 1, adopted February 20, 2001.

Charter reference(s)—Standard codes adopted by reference, § 7.6.

- (b) The National Fire Protection Association 101 (NFPA 101) Life Safety Code, ~~2021 edition~~, as adopted by the State of Florida, including appendices and annex thereto shall apply, as may be subsequently amended.

(Ord. No. 1107, § 1, 5-8-07; Ord. No. 1161, § 1, 12-8-09; Ord. No. 2014-14, § 2, 11-12-14; Ord. No. 2021-11, § 1, 6-9-21)

Sec. 14-32. Same—Uniform Code for the Abatement of Dangerous Buildings.

- (a) The International Property Maintenance Code, 2015 edition, as amended, promulgated by the International Code Council, shall be used for the minimum standards for maintenance of residential properties.
- (b) The National Electrical Code (NEC), 2008 edition, as amended, including appendices.
- (c) Uniform fire safety standards adopted pursuant to F.S. § 633.022 shall apply, as may be subsequently amended.
- (d) Florida Fire Prevention Code adopted pursuant to F.S. § 633.0215 shall apply, as may be subsequently amended.

(Ord. No. 1107, § 1, 5-8-07; Ord. No. 2014-14, § 3, 11-12-14)

Sec. 14-33. Referenced standards.

Standards referenced in the technical codes shall be considered an integral part of the codes without separate adoption. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

(Ord. No. 1107, § 1, 5-8-07)

Sec. 14-34. Copies on file with building official; scope, effect.

There are now on file with the building official of the city current copies of the Florida Building Code and the Uniform Code for the Abatement of Dangerous Buildings. and amendments thereto. The building official is hereby directed to keep such official copies on file. Any ordinance of the city when in conflict with any provisions of the above named codes shall apply and take precedence over the general provisions of the above named codes. Where conflicting requirements between two adopted codes exist, the more restrictive provision will apply.

(Ord. No. 1107, § 1, 5-8-07)

Sec. 14-35. Modular construction.

Modular buildings or structures shall comply with the requirements of chapter 94.

(Ord. No. 1107, § 1, 5-8-07)

Sec. 14-36. Buildings to be constructed on pilings.

All new buildings or structures shall be built upon pilings designed by a state licensed architect or engineer to withstand foreseeable high velocity wave and wind forces. The lowest floor level shall be at or above the elevation required by the Florida Building Code, as amended by a technical amendment by the city. Foreseeable wave and wind forces shall include those produced by hurricanes.

(Ord. No. 1107, § 1, 5-8-07; Ord. No. 2021-16, § 1, 10-13-21)

Sec. 14-37. Fees.

Fees associated with building permits, seawall permits, electrical permits, etc., are tabulated in the Fees and Collection Procedures Manual.

(Ord. No. 1107, § 1, 5-8-07)

Sec. 14-38. Required construction and sediment fencing.

(a) Construction Fencing:

- (1) Construction without fencing prohibited. No construction or demolition west of Gulf Boulevard for which a permit is required under this Code which involves earth moving, excavation or foundation work may proceed until a temporary fence is erected in conformance with requirements of this section. For the purpose of this Code, construction shall mean the erection of new structures and alterations or additions to existing structures.
- (2) ~~(b)~~ Fencing requirements.
 - i. ~~(1)~~ The temporary fence shall be at least four feet in height. It shall be constructed in such a manner as to prevent the passage of wind blowing sand, trash or other like substances or materials.
 - ii. ~~(2)~~ The temporary fence shall be erected along any property line of the property under construction which abuts any public street or way. Such fence shall also be erected on the first 50 feet of any side property line which intersects the property line which abuts any public street or way, such distance to be measured from the point of intersection.
 - iii. ~~(3)~~ Such temporary fencing shall be required during all phases of construction until the city manager or ~~his~~ their representative permits removal of the temporary fence for paving and landscaping preparation.
- (3) ~~(c)~~ Authority of city manager. The city manager or ~~his~~ their representative may, at his discretion, impose a lesser requirement than is here imposed when such lesser requirement will effectuate the purpose of this section. Further, the city manager or ~~his~~ their representative may, in ~~his~~ their discretion, require a greater length of fencing than is here required when such greater length is necessary to effectuate the purpose of this section.

(b) Sediment Fencing:

- 1) Construction without sediment fencing prohibited. The contractor shall install a sediment fence to protect adjacent properties and waterways from discharges of soil, sediment, or construction related materials from the site.
- 2) Fencing requirements.
- 3) Fencing maintenance.
 - i. The contractor shall inspect and maintain the sediment fencing until the construction site is stabilized.
 - ii. All sediment fencing shall remain in upright condition until all site work is complete.
- 4) Fencing location.

- i. The location of the fencing shall be delineated on the site plan and be constructed in general accordance as shown on the plans.

(Ord. No. 1107, § 1, 5-8-07)

Sec. 14-39. Technical amendments. IF YOU GO WITH THE NEW FORMAT, THEN YOU SHOULD RE-DO EVERYTHING BELOW HERE WITH A FRESH DOWNLOAD, AND THEN APPLY STRIKE-THRU TO EVERYTHING.

- (a) Modify the *Florida Building Code, Residential*, Section R322.2 to read as follows:

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not including flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation **plus 4 feet** ~~(the 4 foot freeboard is inclusive of the 0.4 foot requirement from FEMA 480)~~ or the design flood elevation, whichever is higher.
2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet on the FIRM **plus 4 feet**, or not less **than 6 feet** if a depth number is not specified.
3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus 4 feet, or the design flood elevation, whichever is higher.

4. Attached garages and carports

5. Detached accessory structures

6. Structural fill shall not be used to elevate buildings.

Exception: Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section R322.2.2.

R322.2.2 Enclosed area below design flood elevation. Enclosed areas, including a crawl spaces, that ~~are~~is below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. Storage shall be limited to items which otherwise would be stored outside a building, or items normally used outside (e.g. grill, lawn mower). The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations and perimeter walls of the building envelope. All utilities such as electrical, heating, plumbing, and air conditioning equipment and other services must be elevated to design flood elevation or on a separate subpanel. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).
2. Be provided with flood openings that meet the following criteria and are installed in accordance with Section R322.2.2.1, except for elevator shafts:
 - ~~2.1. There shall be a minimum of two openings on different sides of each enclosed area; if a building has more than one enclosed area below the design flood elevation, each area shall have openings on exterior walls.~~
 - 2.21 The total net area of non-engineered openings shall be not less than 1 square inch (645 mm²) for each square foot (0.093 m²) of enclosed area where the enclosed area is measured on the

exterior of the enclosure walls, or the openings shall be designed as engineered openings and the construction documents shall include a statement by a registered design professional that the design of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters as specified in Section 2.7.2.2 of ASCE 24.

2.2 Openings shall be not less than 3 inches (76 mm) in any direction in the plane of the wall.

2.3 Any louvers, blades, screens or other opening covers shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.

R322.2.2.1:

1 There shall be a minimum of two openings on different sides of each enclosed area; if a building has more than one enclosed area below the design flood elevation, each area shall have openings on exterior walls.

2.3 2 The bottom of each opening shall be 1 foot (305 mm) or less above the adjacent ground level higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening.

2.4 Openings shall be not less than 3 inches (76 mm) in any direction in the plane of the wall.

2.5 Any louvers, blades, screens or other opening covers shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.

2.6. 3 Openings installed in doors and windows, that meet requirements 2.1 through 2.5, are acceptable; however, doors and windows without installed openings do not meet the requirements of this section.

3. The one sub-enclosure be Be not more than 299 square feet in total area, except for crawlspace foundations that have a wall height less than 36 inches and the exterior perimeter wall of the building envelope.

R322.2.3 Foundation design and construction. Foundation for buildings and structures erected in flood hazard areas shall meet the requirements of Chapter 4. Fill shall not be used to support foundations. The construction documents shall include documentation that is prepared and sealed by a registered design professional that the design and methods of construction to be used meet the applicable criteria of this section.

R322.2.4 Tanks

R322.2.5 Pools in flood hazard areas.

- (b) Modify the *Florida Building Code, Residential*, Section R322.3 to read as follows:

R322.3.2 Elevation requirements.

1. All buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the all bottom of the lowest horizontal structural members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 4 feet (the 4 foot freeboard is inclusive of the 0.4 foot requirement from FEMA 480) or the design flood elevation, whichever is higher.
2. Basement floors that are below grade on all sides are prohibited.

3. attached garages used solely for parking, building access or storage and carports shall comply with item 1 or shall be.....
4. Detached accessory structures....
5. The use of fill for structural support is prohibited.
- ~~4-6.~~ Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
- ~~5-7.~~ Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.5 and R322.3.6.
6. **Gutters and downspouts are required on any new commercial or residential buildings, including any new additions.**

R322.3.3 Foundations. Buildings and structures erected in coastal high-hazard areas and Coastal A Zones shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. The space below the elevated building shall be either free of obstruction or, if enclosed with walls, the walls shall meet the requirements of Section R322.3.5. Pilings shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift). Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling. Pile systems design and installation shall be certified in accordance with Section R322.3.9. Spread footing, mat, raft or other foundations that support columns shall not be permitted where soil investigations that are required in accordance with Section R401.4 indicate that soil material under the spread footing, mat, raft or other foundation is subject to scour or erosion from wave-velocity flow conditions. If permitted, spread footing, mat, raft or other foundations that support columns shall be designed in accordance with ASCE 24.

R322.3.5 Walls below design flood elevation. Walls and partitions are permitted below the elevated floor, provided that such walls are not part of the structural support of the building or structure and:

1. Electrical, mechanical and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and
2. Are constructed with insect screening or open lattice; or
3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a resistance of not less than 10 (479 Pa) and not more than 20 pounds per square foot (958 Pa); or
4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), as determined using allowable stress design, the construction documents shall include documentation prepared and sealed by a registered design professional that:
 - 4.1. The walls and partitions below the design flood elevation have been designed to collapse from a water load less than that which would occur during the base flood.
 - 4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on structural and nonstructural building components. Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code.
5. Walls intended to break away under flood loads as specified in Item 3 or 4 have flood openings that meet the criteria in Section R322.2.2, Item 2.

R322.3.6 Enclosed areas below design flood elevation. Enclosed areas below the design flood elevation shall be not more than 299 square feet in area and shall be used solely for parking of vehicles, building access or storage. Storage shall be limited to items which otherwise would be stored outside a building, or items normally used outside (e.g. grill, lawn mower). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. All utilities such as electrical, heating, plumbing, and air conditioning equipment and other services must be elevated to design flood elevation or on a separate subpanel. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

- (c) Modify the *Florida Building Code, Building*, Section 107.3.5 (in part) to read as follows:

107.3.5 Minimum plan review criteria for buildings.

Commercial Buildings: Building

8. Structural requirements shall include:

Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, nonconversion agreement, flood damage-resistant materials.

Residential (one- and two-family):

6. Structural requirements shall include:

Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, nonconversion agreement, equipment, and flood damage-resistant materials.

- (d) Modify the *Florida Building Code, Building*, Section 202 definitions of Substantial Damage and Substantial Improvement to read as follows:

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, alteration, addition or improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to November 15, 2016. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

- (e) Modify the *Florida Building Code, Building*, Section 1612.4 to amend 1612.4.3 and 1612.4.4 to read as follows:

1612.4.3 Elevation requirements.

1. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus four (4), whichever is higher.
2. The use of backfilled stem walls and the use of fill shall not be permitted to elevate buildings except for buildings and structures essential for emergency management support.
3. The use of backfilled stem walls shall not be permitted to elevated buildings.

1612.4.4 Additional requirements for enclosed areas. In addition to the requirements of ASCE 24, enclosed areas below the design flood elevation shall be not more than 299 square feet in area and shall not be partitioned or finished into separate rooms except for stairwells and elevators.

(Ord. No. 2016-11, § 3, 11-15-16; Ord. No. 2021-16, § 2, 10-13-21)

Secs. 14-40—14-59. Reserved.

ORDINANCE NO. _____

AN ORDINANCE BY THE {community's governing body} AMENDING THE {insert appropriate code of ordinances or land development chapter/section numbers} TO {insert description of amendments}; TO {adopt or amend local administrative and/or technical} AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in **{Chapter 125 – County Government or Chapter 166 – Municipalities}**, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the **{name of community}** participates in the National Flood Insurance Program and **{participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements}**; and

WHEREAS, Chapter 553, Florida Statutes, allows for local administrative and technical amendments to the *Florida Building Code* that provide for more stringent requirements than those specified in the Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives; and

WHEREAS, the **{community's governing body}** previously adopted local amendments to the Florida Building Code and is reformatting those amendments as part of the floodplain management regulations; and

WHEREAS, the **{community's governing body}** is amending a previously adopted local amendment to **{insert a brief description of the higher standard or standard or standards}** for buildings and structures in flood hazard areas for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the *Florida Building Code*; and

WHEREAS, the **{community's governing body}** is adopting a requirement to **{insert a brief description of the higher standard or standard or standards}** for buildings and structures in flood hazard areas for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the *Florida Building Code*; and

WHEREAS, the **{community's governing body}** has determined that it is in the public interest to adopt the proposed local technical amendments to the *Florida Building Code*, and the proposed amendments are not more stringent than necessary to address the need identified, do

not discriminate against materials, products or construction techniques of demonstrated capabilities, are in compliance with section 553.73(4), Florida Statutes.

Sec. xx Florida Building Code, Administrative and Technical Amendments.

- (1) *Nonconversion agreements.* Applications for buildings with enclosures below the required elevation shall include signed declarations of land restrictions (nonconversion agreements), as defined in Section 82-2. The agreements shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.
- (2) *Cumulative substantial improvement.* In the Florida Building Code, Building, and Florida Building Code, Existing Building, definitions for the term "Substantial Improvement" shall be as defined in Section 82-2 .
- (3) *Repetitive flood damage.* In the Florida Building Code, Building, and Florida Building Code, Existing Building, definitions for the term "Substantial Damage " shall be as defined in Section 82-2 .
- (4) *Minimum building elevations.* All buildings and structures in flood hazard areas shall have the lowest floor, dry floodproofing measures, or the bottom of the lowest horizontal structural member of the lowest floor, as applicable to occupancy and flood zone, at or above the base flood elevation plus four (4) feet, or the design flood elevation, whichever is higher.
- (5) *Limitation on use of fill and backfilled stem walls.* Except for buildings and structures essential for emergency management support:
 - (a) Fill shall not be used to support foundations.
 - (b) Backfilled stem walls shall not be used.
- (6) *Coastal A Zone.*
 - (a) Buildings within the scope of the Florida Building Code, Building, that are located in Coastal A Zones shall not be permitted to be dry floodproofed and shall not be permitted to have backfilled stem wall foundations.
 - (b) Dwellings within the scope of the Florida Building Code, Residential, that are located in Coastal A Zones shall not be permitted to have backfilled stem wall foundations.
- (7) *Foundation design requirements for one- and two-family dwellings.* Construction documents for one- and two-family dwellings in flood hazard areas shall include documentation, prepared and sealed by a registered design professional, that the foundation design and methods of construction account for site-specific flood loads and meet the applicable criteria of the code.
- (8) *Limit enclosures below elevated buildings.* Enclosed areas below the required elevation for buildings in flood hazard areas shall be limited as follows:
 - (a) Enclosed areas shall not be larger than 299 square feet in area.

(b) The interior portion of enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code.

(c) Where perimeter wall (crawl space) foundations are permitted for dwellings, the limitation on partitions does not apply to interior load bearing walls.

(d) Access to enclosed areas below dwellings shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

Lines up FBC amendments from existing texts in Chapter 14		
R Zone A R322.2.2 Enclosed areas, including crawl spaces, that are below the design flood elevation shall:	R Zone V & CAZ R322.3.6 Walls and partitions are permitted below the elevated floor, provided that such walls are not part of the structural support of the building or structure and:	Bldg 1612.4.4 In addition to the requirements of ASCE 24, enclosed areas below the design flood elevation and
<p>The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code.</p> <p>The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations.</p> <p>Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).</p> <p>Be not more than 299 square feet in total area, except for crawlspace foundations that have a wall height less than 36 inches.</p>	<p>The interior portion of such enclosed area shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code.</p> <p>Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).</p> <p>be not more than 299 square feet in area</p>	<p>shall not be partitioned or finished into separate rooms except for stairwells and elevators.</p> <p>shall be not more than 299 square feet in area</p>

Zone V R322.3.2 Elevation requirements.

6. Gutters and downspouts are required on any new commercial or residential buildings, including any new additions.

Chapter 94 FLOODPLAIN MANAGEMENT¹

Secs. 94-01—94-09. Reserved.

DIVISION 1. GENERAL

Sec. 94-10. Title.

These regulations shall be known as the *Floodplain Management Ordinance* of Madeira Beach, hereinafter referred to as "this chapter."

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-11. Scope.

The provisions of this chapter shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; installation or replacement of tanks; installation of swimming pools; and any other development.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-12. Intent.

The purposes of this chapter and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

¹Editor's note(s)—Ord. No. 2016-11, § 2, adopted November 15, 2016, repealed the former ch. 94, §§ 94-51—94-72, and enacted a new ch. 94 as set out herein. The former ch. 94 pertained to similar subject matter and derived from Ord. No. 2011-05, § 1, 11-8-11.

County code reference—Floodplain management, ch. 158; flood damage prevention, § 170-101 et seq.

Cross reference(s)—Buildings and building regulations, ch. 14; environment, ch. 34; stormwater, § 70-136 et seq.; waterways, ch. 78; natural resources, ch. 98; zoning, ch. 110.

- (4) Minimize damage to public and private facilities and utilities;
- (5) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- (6) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events;
- (7) Meet the requirements of the national flood insurance program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22; and
- (8) Protect human life and health and minimize the need for rescue and relief efforts associated with flooding.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-13. Coordination with the Florida Building Code.

This chapter is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-14. Warning.

The degree of flood protection required by this chapter and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the national flood insurance program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this chapter.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-15. Disclaimer of liability.

This chapter shall not create liability on the part of the city board of commissioners or by any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. No. 2016-11, § 2, 11-15-16)

Secs. 94-16—94-19. Reserved.

DIVISION 2. APPLICABILITY

Sec. 94-20. General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-21. Areas to which this chapter applies.

This chapter shall apply to all flood hazard areas within Madeira Beach, as established in section 94-22.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-22. Basis for establishing flood hazard areas.

The flood insurance study for Pinellas County, Florida and incorporated areas dated August 24, 2021, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this chapter and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Community Services Department, 300 Municipal Drive, Madeira Beach, Florida 33708.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2021-06, § 1, 8-11-21)

Sec. 94-23. Submission of additional data to establish flood hazard areas.

To establish flood hazard areas and base flood elevations, pursuant to division 5 the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a state licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this chapter and, as applicable, the requirements of the Florida Building Code.
- (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-24. Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-25. Abrogation and greater restrictions.

This chapter supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In

the event of a conflict between this chapter and any other ordinance, the more restrictive shall govern. This chapter shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this chapter.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-26. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 2016-11, § 2, 11-15-16)

Secs. 97-27—97-29. Reserved.

DIVISION 3. DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

Sec. 94-30. Designation.

The community development director is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees or consultants and will be a certified floodplain manager (CFM) or consult with employees and/or consultants possessing such certification for all decisions requiring CFM approval.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2018-19 , § 1, 1-8-19)

Sec. 94-31. General.

The floodplain administrator is authorized and directed to administer and enforce the provisions of this chapter. The floodplain administrator shall have the authority to render interpretations of this chapter consistent with the intent and purpose of this chapter and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this chapter without the granting of a variance pursuant to division 7 of this chapter.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-32. Applications and permits.

The floodplain administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this chapter;

- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this chapter is demonstrated, or disapprove the same in the event of noncompliance; and
- (8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this chapter.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-33. Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations (Levels 1-2-3), movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the Building Official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements as specified in the definition of "substantial improvement; and for work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of "substantial damage;" and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this chapter is required.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-34. Modifications of the strict application of the requirements of the Florida Building Code.

The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to division 7 of this chapter.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-35. Notices and orders.

The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this chapter.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-36. Inspections.

The floodplain administrator shall make the required inspections as specified in division 6 for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-37. Other duties of the floodplain administrator.

The floodplain administrator shall have other duties, including but not limited to:

- (1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 94-33 of this chapter.
- (2) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, or flood hazard area boundaries; such submissions shall be made within six months of such data becoming available;
- (3) Review required design certifications and documentation of elevations specified by this chapter and the Florida Building Code and this chapter to determine that such certifications and documentations are complete;
- (4) Notify the FEMA when the corporate boundaries of Madeira Beach are modified; and
- (5) Advise applicants for new buildings and structures, including substantial improvements that are located in any unit of the coastal barrier resources system established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-38. Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this chapter and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of map change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this chapter; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this chapter and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the Community Development and Building Departments, 300 Municipal Drive, Madeira Beach, Florida 33708 during normal business hours.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2018-19, § 1, 1-8-19)

Sec. 94-39. Reserved.***DIVISION 4. PERMITS*****Sec. 94-40. Permits required.**

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this chapter, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this chapter and all other applicable codes and regulations has been satisfied.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-41. Floodplain development permits or approvals.

Floodplain development permits or approvals shall be issued pursuant to this chapter for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-42. Buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to the requirements of federal regulation for participation in the national flood insurance program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this chapter:

- (1) Railroads and ancillary facilities associated with the railroad.

- (2) Nonresidential farm buildings on farms and as provided in Florida Statutes § 604.50.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in Florida Statutes § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the department of corrections to any prisoner in the state correctional system.
- (9) Structures identified in Florida Statutes § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2018-19, § 1, 1-8-19; Ord. No. 2021-06, § 1, 8-11-21)

Sec. 94-43. Application for a permit or approval.

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the city. The information provided shall:

- (1) Identify and describe the development to be covered by the permit or approval.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan or construction documents as specified in division 5 of this chapter.
- (5) State the valuation of the proposed work consistent with values per square foot defined by a professional cost estimating software designated by the building official on an annual basis for that purpose, at the time of application with adjustments for building type.
- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Give such other data and information as required by the floodplain administrator.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2018-19, § 1, 1-8-19; Ord. No. 2021-06, § 1, 8-11-21)

Sec. 94-44. Validity of permit or approval.

The issuance of a floodplain development permit or approval pursuant to this chapter shall not be construed to be a permit for, or approval of, any violation of this chapter, the Florida Building Codes, or any other chapter of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-45. Expiration.

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-46. Suspension or revocation.

The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this chapter or any other chapter, regulation or requirement of this community.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-47. Other permits required.

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- (1) The Southwest Florida Water Management District; F.S. § 373.036.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 and Ordinance 64E-6, F.A.C.
- (3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.
- (4) Florida Department of Environmental Protection for activities subject to the joint coastal permit; F.S. § 161.055.
- (5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- (6) Federal permits and approvals.

(Ord. No. 2016-11, § 2, 11-15-16)

Secs. 94-48, 94-49. Reserved.***DIVISION 5. SITE PLANS AND CONSTRUCTION DOCUMENTS*****Sec. 94-50. Information for development in flood hazard areas.**

The site plan or construction documents for any development subject to the requirements of this chapter shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Boundary survey signed and sealed by a registered Florida Professional Surveyor showing improvements and topography, showing the delineation of flood hazard areas and flood zones (including, where applicable, the identification of the property within the Coastal A zone and mapped location of the Coastal A Zone if it affects only a portion of the property), base flood elevation(s), minimum lowest floor elevation or horizontal member, as appropriate, (BFE plus four feet of freeboard), and ground elevations if deemed by city official as necessary for review of the proposed development.
- (2) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
- (3) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (4) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the proper drainage.
- (5) Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.
- (6) Extent of any proposed alteration of sand dunes or mangrove stands provided such alteration is approved by Florida Department of Environmental Protection.
- (7) Signed and county filed non-conversion agreement with stated right of inspection as a condition of final certificate of occupancy.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this chapter but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this chapter.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2018-19, § 1, 1-8-19; Ord. No. 2021-06, § 1, 8-11-21)

Sec. 94-51. Information in flood hazard areas without base flood elevations (approximate zone A).

The FIRM for the city does not show any zone A without base flood elevations.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-52. Additional analyses and certifications.

In addition to the requirements of this division, for activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zones A and V), the applicant shall submit an engineering analysis prepared, signed, and sealed by a state licensed engineer that demonstrates that the proposed alteration will not increase the potential for flood damage. Such analysis may include the analysis of the flood protection value of any proposed changes to structures on the property and shall be consistent in level, detail and scientific method to that used by FEMA to determine the flood resistance benefit of the sand dunes proposed for alteration.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2018-19, § 1, 1-8-19)

Sec. 94-53. Submission of additional data.

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a state licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. No. 2016-11, § 2, 11-15-16)

Secs. 94-54—94-59. Reserved.***DIVISION 6. INSPECTIONS*****Sec. 94-60. General.**

Development for which a floodplain development permit or approval is required shall be subject to inspection.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-61. Development other than buildings and structures.

The floodplain administrator shall inspect all development to determine compliance with the requirements of this chapter and the conditions of issued floodplain development permits or approvals.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-62. Buildings, structures and facilities exempt from the Florida Building Code.

The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this chapter and the conditions of issued floodplain development permits or approvals.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-63. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator, the certification of elevation of the lowest floor prepared and sealed by a state licensed professional surveyor.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-64. Buildings, structures and facilities exempt from the Florida Building Code, final inspection.

As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in section 94-63 of this chapter.

(Ord. No. 2016-11, § 2, 11-15-16)

Secs. 94-65—94-69. Reserved.

DIVISION 7. VARIANCES AND APPEALS

Sec. 94-70. General.

Pursuant to Florida Statutes § 553.73(5), the special magistrate shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of this chapter that have been adopted in addition to the Florida Building Code and which are more stringent than the provisions of the Florida Building Code as relates to flood protection. Appeals must be filed within 30 days of issuance of official opinion or decision. This section does not apply to Section 3109 of the Florida Building Code, Building. The special magistrate cannot require the building official, licensed engineer or the certified floodplain manager to sign, certify or otherwise professionally authorize any action subject to their professional review and/or requiring signed, sealed or certified documents.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2018-19 , § 1, 1-8-19; Ord. No. 2021-06 , § 1, 8-11-21)

Sec. 94-71. Appeals.

The special magistrate shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this chapter. However, the special magistrate cannot require the building official, licensed engineer or the certified floodplain manager to sign, certify or otherwise professionally authorize any action subject to their professional review and/or requiring signed, sealed or certified documents. Any person aggrieved by the decision of the special magistrate may, within 30 days, appeal such decision to the circuit court, as provided by Florida Statutes.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2018-19 , § 1, 1-8-19)

Sec. 94-72. Limitations on authority to grant variances.

The special magistrate shall base his/her decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 94-75 of this chapter, the conditions of issuance set forth in section 94-76 of this chapter, and the comments and recommendations of the floodplain administrator, licensed engineer and the building official. The special magistrate has the right to attach such conditions as it deems necessary to further the purposes and objectives of this chapter. However, the special magistrate cannot require the building official, licensed engineer or the certified floodplain manager to sign, certify or otherwise professionally authorize any action subject to their professional review and/or requiring signed, sealed or certified documents.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2018-19, § 1, 1-8-19)

Sec. 94-73. Historic buildings.

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building.

If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-74. Functionally dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this chapter, provided the variance meets the requirements of section 94-72, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-75. Considerations for issuance of variances.

In reviewing requests for variances, the special magistrate shall consider all technical evaluations, all relevant factors, and all other applicable provisions of the Florida Building Code, this chapter, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-76. Conditions for issuance of variances.

Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this chapter or the required elevation standards;
- (2) Determination by the Special Magistrate that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and chapters; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. 2016-11, § 2, 11-15-16)

Secs. 94-77—94-79. Reserved.

DIVISION 8. VIOLATIONS

Sec. 94-80. Violations.

Any development that is not within the scope of the Florida Building Code but that is regulated by this chapter that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this chapter, shall be deemed a violation of this chapter. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this chapter or the Florida Building Code is presumed to be a violation until such time as that documentation is provided and any determined violation is corrected.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2018-19, § 1, 1-8-19)

Sec. 94-81. Authority.

For development that is not within the scope of the Florida Building Code but that is regulated by this chapter and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-82. Unlawful continuance.

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-83. Further action permitted due to unresolved violations.

For violation(s) of the requirements of this chapter or the flood provisions of the Florida Building Code, the building official or the floodplain administrator may take action as cited within this Code and, if the violation is not resolved or corrected, such action may include submitting a request to the FEMA to remove the respective property's eligibility for flood insurance coverage through the NFIP.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-84. Penalties for violation.

Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall be punishable for a non-criminal violation. Any person who violates this article or fails to comply with any of its requirements shall, upon adjudication therefore, be fined not more than \$500.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the floodplain administrator from taking such other lawful actions as are necessary to prevent or remedy any violation.

(Ord. No. 2016-11, § 2, 11-15-16)

Secs. 94-85—94-89. Reserved.

DIVISION 9. GENERAL DEFINITIONS

Sec. 94-90. Scope Definitions.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of used in this chapter shall be as defined in Chapter 82, have the meanings shown in this section. Where terms are not defined

in Chapter 82 and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code. Where terms are not defined in Chapter 82 or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-91. Terms defined in the Florida Building Code.

Where terms are not defined in this chapter and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-92. Terms not defined.

Where terms are not defined in this chapter or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-93. Definitions.

Accessory structure means a structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this chapter.

ASCE 24 means a standard titled *Flood-Resistant Design and Construction* that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood means a flood having a one-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "one-percent annual chance flood."

Base flood elevation means the elevation of the base flood, including wave height, relative to the national geodetic vertical datum (NGVD), North American vertical datum (NAVD) or other datum specified on the flood insurance rate map (FIRM). [Also defined in FBC, B, Section 202.]

Basement means the portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202.]

Breakaway wall means a partition or wall that is independent of supporting structural members and that is intended to withstand design wind forces but to collapse from a water load less than that which would occur during the base flood, without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system.

Coastal A Zone means area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped coastal high hazard areas. In a coastal A zone, the principal source of flooding must be astronomical tides, storm surges, seiches or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to one and one-half feet (457 mm). The inland limit of the coastal A zone is (a) the limit of moderate wave action if delineated on a FIRM, or (b) designated by the authority having jurisdiction.

Coastal construction control line means the line established by the state pursuant to Florida Statutes § 161.053, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V zones" and are designated on Flood Insurance Rate Maps (FIRM) as zone V1-V30, VE, or V. [Also defined in FBC, B, Section 202.]

Conditional Letter of Map Revision (CLOMR) means a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Design flood means the flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation means the elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 202.]

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment means the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure means any buildings and structures for which the "start of construction" commenced before May 7, 1971. [Also defined in FBC, B, Section 202.]

Federal emergency management agency (FEMA) means the federal agency that, in addition to carrying out other functions, administers the national flood insurance program.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage resistant materials means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area means the greater of the following two areas: [Also defined in FBC, B, Section 202.]

(1) The area within a floodplain subject to a one percent or greater chance of flooding in any year.

(2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM) means the official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

Flood insurance study (FIS) means the official report provided by the federal emergency management agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Floodplain administrator means the office or position designated and charged with the administration and enforcement of this chapter (may be referred to as the floodplain manager).

Floodplain development permit or approval means an official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this chapter.

Florida Building Code means the family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Freeboard means a level higher than the base flood elevation. It is a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard compensates for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action or the hydrological effect of urbanization on the watershed. [The City] of Madeira Beach requires four feet of freeboard above base flood elevation.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure means any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

Letter of map change (LOMC) means an official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

Letter of map amendment (LOMA) means an amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of map revision (LOMR) means a revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of map revision based on fill (LOMR-F) means a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Light-duty truck means as defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Limit of moderate wave action means [a] line shown on FIRMs to indicate the inland limit of the one and one-half foot (457 mm) breaking wave height during the base flood.

Lowest floor means the lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]

Manufactured home means a structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C 1.0101, F.A.C.]

Market value means the value of buildings and structures, excluding the land and other improvements on the parcel. Market is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or the "just value" of the structure, developed by the Pinellas County Property Appraiser's Office (PAO) for ad valorem taxation purposes, adjusted to approximate market value, as determined by the PAO.

New construction means, for the purposes of administration of this chapter and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after May 7, 1971 and includes any subsequent improvements to such structures.

Nonconversion agreement means a form provided by the floodplain administrator to be signed by the owner and recorded on the property deed in official records of the clerk of courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated buildings.

Recreational vehicle means a vehicle, including a park trailer, which is: [See Florida Statutes § 320.01]

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. All of Madeira Beach is located in a special flood hazard area. [Also defined in FBC, B, Section 202.]

Start of construction means the date of issuance of permits for new construction and substantial improvements structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction

means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns,

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B, Section 202.]

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial improvement means any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the "start of construction" of the improvement. For each building or structure, the one-year period begins on the date of the first permit issued for improvement or repair subsequent to November 15, 2016. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

(1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions;

(2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance means a grant of relief from the requirements of this chapter, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this chapter or the Florida Building Code.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2021-06, § 1, 8-11-21; Ord. No. 2022-02, § 1, 2-9-22)

Secs. 94-94 94-91—94-99. Reserved.

DIVISION 10. FLOOD RESISTANT DEVELOPMENT

ARTICLE I. BUILDINGS AND STRUCTURES

Sec. 94-100. Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*.

Pursuant to section 94-42 of this chapter, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of division 10, article V of this chapter.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-101. Buildings and structures seaward of the coastal construction control line.

If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

- (1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the *Florida Building Code, Building* Section 3109 and Section 1612 or *Florida Building Code, Residential* Section R322.
- (2) Minor structures and non-habitable major structures as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this chapter and ASCE 24.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-102. At-grade accessory structures.

At-grade accessory structures are permitted provided the accessory structures are used only for parking or storage and:

- (1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 square feet and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
- (2) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 square feet.
- (3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
- (4) Have flood damage-resistant materials used below the base flood elevation plus one foot.
- (5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one foot.

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

In accordance with the chapter 110, Zoning, permitted uses and special exceptions do not include manufactured homes or occupied recreational vehicles.

(Ord. No. 2022-02 , § 2, 2-9-22)

Sec. 94-104. Florida Building Code amendments.

Sec. 94-105. Determination of Base Flood Elevation.

For the purpose of this chapter and application of the Florida Building Code, unless otherwise approved by the Floodplain Administrator, the base flood elevation shall be 0.4 ft higher than the base flood elevation specified on the Flood Insurance Rate Map.

Secs. 94-104—94-109. Reserved.

ARTICLE II. SUBDIVISIONS

Sec. 94-110. Minimum requirements.

Subdivision proposals shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in all special flood hazards areas adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2021-06, § 1, 8-11-21)

Sec. 94-111. Subdivision plats.

Where any portion of proposed subdivisions lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, flood zones, base flood elevation(s), and minimum lowest floor elevations for A Zone and minimum lowest horizontal member for Coastal A Zone and V Zone (BFE plus four feet of freeboard), as appropriate, shall be shown on preliminary plats;
- (2) Compliance with the site improvement and utilities requirements of division 10, article III of this chapter.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2018-19, § 1, 1-8-19; Ord. No. 2021-06, § 1, 8-11-21)

Secs. 94-112—94-119. Reserved.

ARTICLE III. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

Sec. 94-120. Minimum requirements.

All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

- (3) Adequate drainage is provided to reduce exposure to flood hazards; in all special flood hazard areas adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2021-06, § 1, 8-11-21)

Sec. 94-121. Sanitary sewage facilities.

All new and replacement sanitary sewage facilities, and private sewage treatment plants (including all pumping stations and collector systems), shall be designed in accordance with ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2021-06, § 1, 8-11-21)

Sec. 94-122. Water supply facilities.

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-123. Limitations on placement of fill.

Subject to the limitations of this chapter, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour.

(1) Where permitted by the Florida Building Code, structural fill shall be permitted only to elevate buildings and structures essential for emergency management support when the amount of fill is the minimum necessary and the placement and compaction of fill complies with the requirements of the Florida Building Code. For new construction of buildings and structures essential for emergency management support, fill placed to provide access shall not exceed 18 inches above the crown of the adjacent roadway. If intended to support buildings and structures (Zone A only, excluding Coastal A Zone), fill shall comply with the requirements of the Florida Building Code.

(2) Not more than 24 inches of nonstructural fill may be permitted to provide for drainage and to harmonize with adjacent grades.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2018-19, § 1, 1-8-19; Ord. No. 2021-06, § 1, 8-11-21)

Sec. 94-124. Limitations on sites in coastal high hazard areas (Zone V) and Coastal A Zones.

In coastal high hazard areas (Zone V) and Coastal A Zones, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by section 94-52 of this chapter demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 94-144(3) of this chapter.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2021-06, § 1, 8-11-21)

Editor's note(s)—Ord. No. 2021-06 , § 1, adopted Aug. 11, 2021, amended § 94-124 and in doing so changed the title of said section from "Limitations on sites in coastal high hazard areas (Zone V)" to "Limitations on sites in coastal high hazard areas (Zone V) and Coastal A Zones," as set out herein.

Secs. 94-125—94-129. Reserved.

ARTICLE IV. TANKS

Sec. 94-130. Underground tanks.

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty. Septic tanks are prohibited.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2021-06 , § 1, 8-11-21)

Sec. 94-131. Above-ground tanks, not elevated.

Above-ground tanks that do not meet the elevation requirements of section 94-132 of this chapter shall:

- (1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- (2) Not be permitted in coastal high hazard areas (Zone V and Coastal A Zones).

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2021-06 , § 1, 8-11-21)

Sec. 94-132. Above-ground tanks, elevated.

Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-133. Tank inlets and vents.

Tank inlets, fill openings, outlets and vents shall be:

- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(Ord. No. 2016-11, § 2, 11-15-16)

Secs. 94-134—94-139. Reserved.

ARTICLE V. OTHER DEVELOPMENT

Sec. 94-140. General requirements for other development.

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this chapter or the *Florida Building Code*, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (3) Be constructed of flood damage-resistant materials; and
- (4) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(Ord. No. 2016-11, § 2, 11-15-16)

Sec. 94-141. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V) and Coastal A Zones.

In coastal high hazard areas (Zone V) and Coastal A Zones, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- (1) Structurally independent of the foundation system of the building or structure;
- (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- (3) Have a maximum slab thickness of not more than four inches.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2021-06, § 1, 8-11-21)

Editor's note(s)—Ord. No. 2021-06, § 1, adopted Aug. 11, 2021, amended § 94-141 and in doing so changed the title of said section from "Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V)" to "Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V) and Coastal A Zones," as set out herein.

Sec. 94-142. Decks and patios in coastal high hazard areas (Zone V) and Coastal A Zones.

In addition to the requirements of the Florida Building Code, in coastal high hazard areas (Zone V) and Coastal A Zones decks and patios shall be located, designed, and constructed in compliance with the following:

- (1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- (2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- (3) A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
- (4) A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2021-06, § 1, 8-11-21)

Editor's note(s)—Ord. No. 2021-06, § 1, adopted Aug. 11, 2021, amended § 94-142 and in doing so changed the title of said section from "Decks and patios in coastal high hazard areas (Zone V)" to "Decks and patios in coastal high hazard areas (Zone V) and Coastal A Zones," as set out herein.

Sec. 94-143. Other development in coastal high hazard areas (Zone V) and Coastal A Zones.

In coastal high hazard areas (Zone V) and Coastal A Zones, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include, but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
- (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2021-06, § 1, 8-11-21)

Editor's note(s)—Ord. No. 2021-06, § 1, adopted Aug. 11, 2021, amended § 94-143 and in doing so changed the title of said section from "Other development in coastal high hazard areas (Zone V)" to "Other development in coastal high hazard areas (Zone V) and Coastal A Zones," as set out herein.

Sec. 94-144. Nonstructural fill in coastal high hazard areas (Zone V) and Coastal A Zones.

In coastal high hazard areas (Zone V) and Coastal A Zones:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

(Ord. No. 2016-11, § 2, 11-15-16; Ord. No. 2021-06 , § 1, 8-11-21)

Editor's note(s)—Ord. No. 2021-06 , § 1, adopted Aug. 11, 2021, amended § 94-144 and in doing so changed the title of said section from "Nonstructural fill in coastal high hazard areas (Zone V)" to "Nonstructural fill in coastal high hazard areas (Zone V) and Coastal A Zones," as set out herein.

Secs. 94-145—94-150. Reserved.



MADEIRA BEACH MASTER PLAN

Guiding the City Towards a Resilient Future

Project Overview

What is the new City Master Plan?

The new City Master Plan will be a guiding document for future development and capital improvements within the City that reflect the community's vision and priorities.

The new City Master Plan will replace the 2002 Master Plan to address evolving community needs and implement modern, sustainable practices and solutions.

The Master Plan will identify goals, objectives, and implementation strategies that will:

- ✓ Address local challenges,
- ✓ Promote sustainable development that aligns with the community's vision and needs,
- ✓ Help our City adapt to future conditions, and
- ✓ Enhance quality of life for all who live, work, and visit Madeira Beach.

Get Involved! Your Voice Matters.

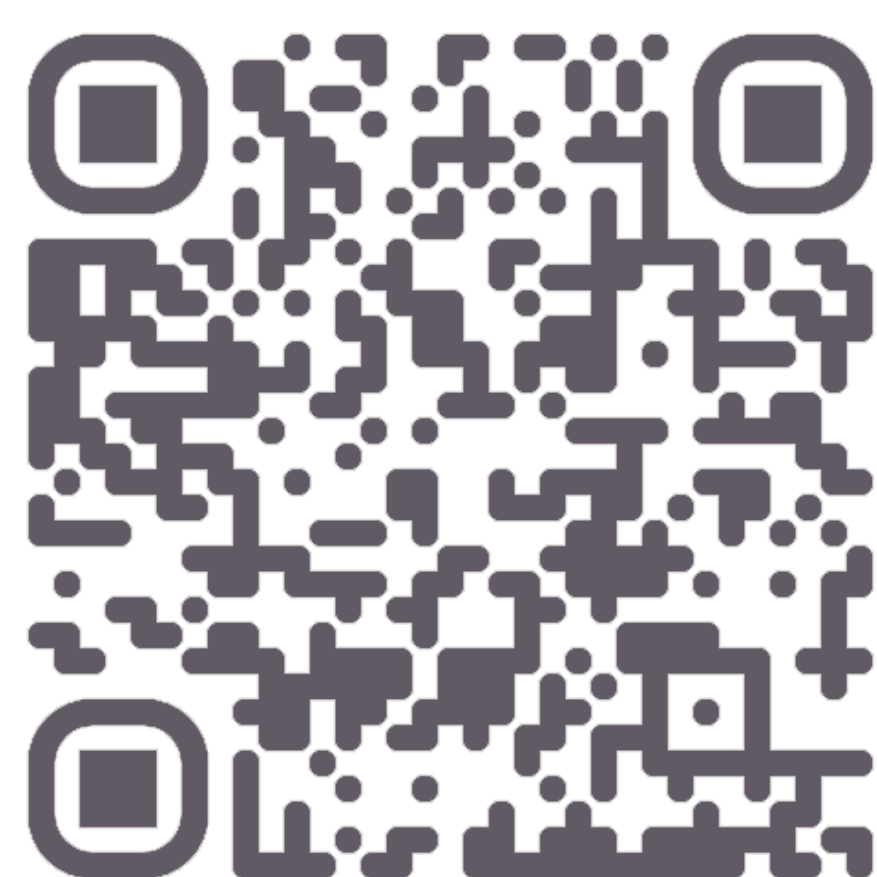
We need your input to shape the Master Plan and guide us towards a vibrant and thriving future!

As the project progresses, we want to hear **your ideas, concerns, and aspirations for our community** so that we can develop a vision, goals, and recommendations that reflect our shared priorities.

Tell us your thoughts by:

- ✓ Filling out a comment card
- ✓ Scanning the QR Code to leave comments on our **interactive online map** with your ideas for improvements

Scan to learn more!



What will the Master Plan address?



New Development/
Redevelopment



Transportation/
Mobility



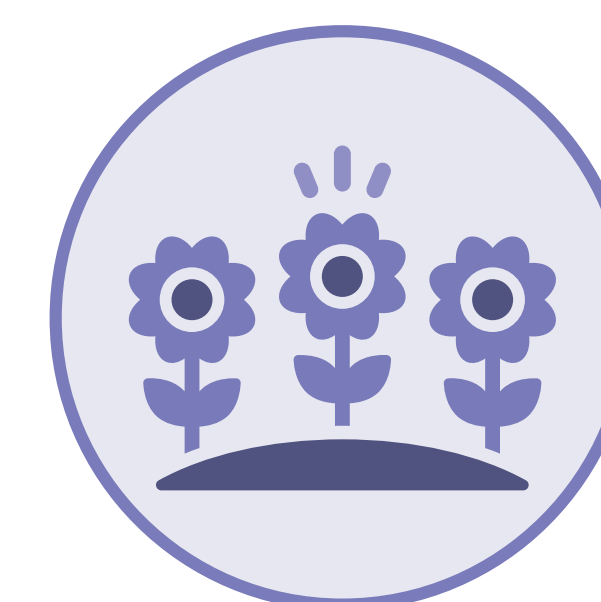
Parks, Recreation,
and Public Spaces



Economic/Business
Development



Sustainability and
Resiliency



Beautification and
Placemaking

Project Schedule

