



PLANNING COMMISSION MEETING AGENDA

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

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

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

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

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

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

4. **Approval of Minutes**
 - [A.](#) February 2025 Minutes
5. **NEW BUSINESS**
 - [A.](#) 2025-09 Districts
 - [B.](#) 2025-10 Accessory Structures
 - [C.](#) 2025-11 Alcohol Beverage
6. **OLD BUSINESS**
7. **ADMINISTRATIVE/STAFF PRESENTATION**
8. **PLANNING COMMISSION DISCUSSION**

A. Master Plan

9. NEXT MEETING

Next meeting is scheduled for Monday, April 7, 2025 at 6:00 p.m.

10. INFORMATIONAL MATERIALS

11. ADJOURNMENT

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

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

**THE CITY OF MADEIRA BEACH, FLORIDA
LOCAL PLANNING AGENCY / PLANNING COMMISSION**
Madeira Beach City Hall, Patricia Shontz Commission Chambers
300 Municipal Drive, Madeira Beach, FL 33708
www.madeirabeachfl.gov | 727.391.9951
February 3, 2025 - MINUTES

1. CALL TO ORDER

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

2. ROLL CALL

Members in Attendance:

Chairman Wyckoff
Commissioner Dillon
Commissioner Meagher
Commissioner Cloud
Commissioner LaRue
Commissioner Connolly

Members Absent:

Commissioner Noble

Staff Representatives:

Jenny Rowan, Community Development Director
Andrew Morris, Long Range Planner
Nancy Myer, City Attorney
Lisa Scheuermann, Board Secretary

3. PUBLIC COMMENTS

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

4. APPROVAL OF MINUTES

Minutes from the September 2024 meeting were approved unanimously.

5. NEW BUSINESS

A. Approval of 2025 Planning Commission Schedule

The Planning Commission Meeting Schedule was approved unanimously.

B. Ordinance 2025-04 Planned Development

Jenny Rowan presented. She stated that most of the changes were grammatical. Some discussion followed regarding height restrictions.

The discussion went through all affected sections of the ordinance and offered brief explanations of changes.

Commissioner Dillon had a question regarding trash pads in setbacks. Andrew Morris responded.

Some discussion followed.

Chairman Wyckoff called for a motion.

Commissioner Cloud made the motion to approve.

Commissioner LaRue seconded.

The motion passed unanimously.

C. Ordinance 2025-05 Temporary Shelters on Residential Properties

Jenny Rowan presented.

Some discussion followed about the sentence regarding the requirement to be in private property in Ordinance section 34-124

Commissioner Dillon made the motion to approve with the amendment to refer back to section 34-124.

Commissioner Connolly seconded the motion.

The motion passed unanimously as amended.

D. Ordinance 2025-06 CIP in the Comprehensive Plan

Jenny Rowan presented. Commissioner Cloud had a comment on formatting. Andrew Morris addressed the comment.

Commissioner Dillon had a comment about raising roads. Some discussion followed.

Chairman Wyckoff called for a motion.

Commissioner LaRue made a motion to approve.

Commissioner Meagher seconded the motion.

The motion passed unanimously

E. Ordinance 2025-07 Adult Use Restriction.

Jenny Rowan presented
Discussion followed.

Chairman Wyckoff called for a motion.
Commissioner Dillon made a motion to approve as presented.
Commissioner Cloud seconded.
The motion passed unanimously.

6. OLD BUSINESS

There was no old business.

7. PLANNING COMMISSION DISCUSSION

Madeira Beach Master Plan Update.

Andrew Morris presented the update.

Commissioner Dillon had a question regarding when approved plans go in to place for C-1 and C-2 zoning districts. Ms. Rowan explained the changes to the code.

Commissioner Cloud had a comment regarding open vs. closed structures on the beach side.

Discussion followed regarding a right to a view.

Chairman Wyckoff mentioned concerns regarding Town Center, Town Homes, FAR and minimum lot size.

Jenny Rowan stated that it is on the list for review.

8. NEXT MEETING

The next meeting is scheduled for Monday April 7, 2025, at 6:00 PM.

9. ADJOURNMENT

Chairman Wyckoff adjourned the meeting at 7:06 PM.

Respectfully submitted:

Michael Wyckoff, Chairman

Date

Lisa Scheuermann, Board Secretary

Date

DRAFT



Memorandum

Meeting Details: March 3, 2025 – Planning Commission Meeting
Prepared For: Planning Commission
Staff Contact: Community Development Department
Subject: Ordinance 2025-09: Districts

Background

The John's Pass Village Activity Center was adopted for the Countywide Plan Map, Madeira Beach Comprehensive Plan, and Madeira Beach Land Development Regulations. The adoption of the C-1, John's Pass Village Activity Center Zoning District rezoned the entire activity center area to the C-1 Zoning District and removed the C-2 Zoning District.

Discussion

Staff reviewed the Land Development Regulations and found three different places that referenced the C-1 and C-2 Zoning Districts that need to be revised because of the adoption of the John's Pass Village Activity Center. These amendments respond to the adoption of the Activity Center.

Ordinance 2025-09: Fixes the references to the old names of the C-1 and C-2 Zoning Districts.

Ordinance 2025-10: This section in the Code references all Zoning Districts. The John's Pass Village Activity Center previously consisted of the R-3, R-2, C-1, C-2, C-3, and C-4 zoning districts. A further review of what amendments will be made based on Character Districts.

Ordinance 2025-11: This section in the Code references all Zoning Districts. The John's Pass Village Activity Center previously consisted of the R-3, R-2, C-1, C-2, C-3, and C-4 zoning districts. A further review of what amendments will be made based on Character Districts.

Fiscal Impact

N/A

Recommendation(s)

City Staff recommends the approval of Ordinance 2025-09.

Attachments/Corresponding Documents

- Ordinance 2025-09: Districts
- Ordinance 2025-09: Districts Business Impact Statement
- Forward Pinellas Review Letter

ORDINANCE 2025-09

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTION 110-151 (ESTABLISHMENT OF DISTRICTS) OF CHAPTER 110 (ZONING) OF ARTICLE V. (DISTRICTS) DIVISION 1 (GENERALLY) OF THE CITY'S LAND DEVELOPMENT REGULATIONS; RENAMING THE C-1 ZONING DISTRICT TO JOHN'S PASS VILLAGE ACTIVITY CENTER; REMOVING C-2, JOHN'S PASS MARINE COMMERCIAL ZONING DISTRICT; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Madeira Beach adopted Ordinance 2024-09 to establish the C-1, John's Pass Village Activity Center Zoning District; and

WHEREAS, the City of Madeira Beach adopted Ordinance 2024-12 which deleted the C-2, John's Pass Commercial Zoning District; and

WHEREAS, Section 110-151. Establishment of districts lists the zoning districts in Madeira Beach; and

WHEREAS, City staff has recommended revising Section 110-151 to reflect the changes made by Ordinances 2024-09 and 2024-12; and

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

WHEREAS, the Planning Commission recommended approval of the proposed amendments; and

WHEREAS, the Board of Commissioners received input from the public at 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 Section 110-151 of Chapter 110 (Zoning), Article V. (Districts) Division 1 (Generally) is hereby amended to read as follows:

Sec. 110-151. Establishment of districts.

For the purpose of protecting, promoting and improving the public health, safety, morals and general welfare of the community, the city is hereby divided into the following types of districts:

R-1	Single-Family Residential
R-2	Low Density Multifamily Residential
R-3	Medium Density Multifamily Residential
C-1	Tourist Commercial <u>John's Pass Village Activity Center</u>
C-2	John's Pass Marine Commercial
C-3	Retail Commercial
C-4	Marine Commercial
P-SP	Public-Semi Public
PD	Planned Development

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

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

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

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

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

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

Anne-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____

Business Impact Estimate

Proposed ordinance's title/reference:
Ordinance 2025-09: Districts

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

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

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

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

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

Ordinance 2025-09: Districts amends Section 110-151 of the Madeira Beach Code of Ordinances to reference the C-1, John's Pass Village Activity Center Zoning District and to remove reference to the C-2, John's Pass Marine Commercial 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.

There is no foreseeable 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):

Section 110-151 establishes the zoning district names.



February 18, 2025

Jenny Rowan, CFM
Community Development Director
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

RE: Review of ordinances from the City of Madeira Beach (Ordinances 2025-09, 2025-10, and 2025-11)

Dear Jenny,

Thank you for submitting the proposed amendments to the Madeira Beach Code of Ordinances, regarding the John's Pass Village Activity Center zoning district and restrictions on the sale of alcoholic beverages. The amendments are consistent with the Countywide Rules, with comments as follows:

- These ordinances address zoning district classifications, setback requirements for accessory structures, and restrictions on the sale of alcoholic beverages in various districts, aligning with the Countywide Rules and current planning practices.

We recognize that the consistency process is an ongoing one, and if either the County 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



Memorandum

Meeting Details: March 3, 2025 – Planning Commission Meeting
Prepared For: Planning Commission
Staff Contact: Community Development Department
Subject: Ordinance 2025-10: Accessory Structures

Background

The John's Pass Village Activity Center was adopted for the Countywide Plan Map, Madeira Beach Comprehensive Plan, and Madeira Beach Land Development Regulations. The adoption of the C-1, John's Pass Village Activity Center Zoning District rezoned the entire activity center area to the C-1 Zoning District and removed the C-2 Zoning District.

Discussion

Staff reviewed the Land Development Regulations and found three different places that referenced the C-1 and C-2 Zoning Districts that need to be revised because of the adoption of the John's Pass Village Activity Center. These amendments respond to the adoption of the Activity Center.

Ordinance 2025-09: Fixes the references to the old names of the C-1 and C-2 Zoning Districts.

Ordinance 2025-10: This section in the Code references all Zoning Districts. The John's Pass Village Activity Center previously consisted of the R-3, R-2, C-1, C-2, C-3, and C-4 zoning districts. A further review of what amendments will be made based on Character Districts.

Ordinance 2025-11: This section in the Code references all Zoning Districts. The John's Pass Village Activity Center previously consisted of the R-3, R-2, C-1, C-2, C-3, and C-4 zoning districts. A further review of what amendments will be made based on Character Districts.

Fiscal Impact

N/A

Recommendation(s)

City Staff recommends the approval of Ordinance 2025-10.

Attachments/Corresponding Documents

- Ordinance 2025-10: Accessory Structures
- Ordinance 2025-10: Districts Business Impact Statement
- Forward Pinellas Review Letter

ORDINANCE 2025-10

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 (ZONING), ARTICLE VI (SUPPLEMENTARY DISTRICT REGULATIONS), DIVISION 4 (ACCESSORY STRUCTURES) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO RENAME THE C-1 TOURIST COMMERCIAL ZONES TO INCLUDE JOHN'S PASS VILLAGE ACTIVITY CENTER; ADD SETBACKS FOR EACH CHARACTER DISTRICT OF JOHN'S PASS VILLAGE ACTIVITY CENTER ZONING; AND REMOVE REFERENCES TO THE C-2 ZONING DISTRICT; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance 2024-09 established the C-1, John's Pass Village Activity Center Zoning District which includes Character Districts to further define permitted uses and unique development patterns in the John's Pass Village Activity Center; and

WHEREAS, Chapter 110 – Zoning Article VI. - Supplementary District Regulations Division 4. Accessory Structures does not reference the Character Districts in the C-1, John's Pass Village Activity Center Zoning District; and

WHEREAS, Ordinance 2024-12 deleted the C-2, John's Pass Commercial Zoning District; and

WHEREAS, City staff has recommended changes to the Land Development Regulations to reflect the changes made by Ordinances 2024-09 and 2024-12; and

WHEREAS, the recommended amendments to the Land Development Regulations were presented to and reviewed by the Planning Commission at a public hearing; and

WHEREAS, the Planning Commission recommended approval of the proposed amendments; and

WHEREAS, the Board of Commissioners received input from the public at 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 Section 110-479 of Chapter 110 (Zoning), Article VI. (Supplementary District Regulations), Division 4. (Accessory Structures) of the Land Development Regulations of the City of Madeira Beach is hereby amended to read as follows:

Sec. 110-479. C-1, ~~tourist commercial zones.~~ John's Pass Village Activity Center Zoning Districts.

Accessory structures in John's Pass Village Activity Center are regulated by Character District:

(1) Commercial Core and Traditional Village District

- a. Accessory structures may not be located in the front or side yard and must provide the same setback as required for the principal structure.

(2) Boardwalk District

- a. Accessory structures may not be located in front yard and must provide the same setback as required for the principal structure.

(3) John's Pass Resort, Transitional, and Low Intensity Mixed Use Districts

- a. Lots not on water. Accessory structures may not be located in the front yard and must provide a five-foot side and rear setback.
- b. Lots on water. Accessory structures must provide the same setbacks as are required for the principal structure.

~~Accessory structures may not be located in front yards in C-1, tourist commercial zones.~~

- ~~(1) Lots not on water. For lots not on water in C-1, tourist commercial zones, accessory structures may be located in side yard, but must provide a five-foot minimum side setback. If the accessory structure is located in the rear yard, a~~

~~minimum of two and one-half-foot setback must be provided to allow for vegetation control.~~

~~(2) Lots on water. Accessory structures on lots on water in C-1, tourist commercial zones must provide the same setbacks as are required for the principal structure.~~

Section 2. That Section 110-478 of Chapter 110 (Zoning), Article VI. (Supplementary District Regulations), Division 4. (Accessory Structures) of the Land Development Regulations of the City of Madeira Beach is hereby amended to read as follows:

Sec. 110-480. ~~C-2, John's Pass marine commercial zone.~~ Reserved.

~~Accessory structures may not be located in front yards in the C-2, John's Pass marine commercial zone. Accessory structures in the C-2, John's Pass marine commercial zone must provide the same side and rear setbacks as are required for the principal structure.~~

Section 3. That Section 110-485 of Chapter 110 (Zoning), Article VI. (Supplementary District Regulations), Division 4. (Accessory Structures) of the Land Development Regulations of the City of Madeira Beach is hereby amended to read as follows:

Sec. 110-485. Maximum size and quantity in C-1, ~~C-2~~, C-3 and C-4 ~~zones~~ Zoning Districts.

The maximum size for an enclosed accessory structure is 8 feet wide by 12 feet long by ~~ten~~10 feet high. Properties may only have two enclosed and two open accessory structures. The total maximum size for all open accessory structures on the property is four percent of the total land area of the lot. The maximum height for an open accessory structure is 20 feet. Accessory structures for working waterfronts or marina uses, which are required by federal, or state regulations do not count towards the number of structures and may exceed the maximum size with documentation that the additional size is required to maintain compliance.

Section 4. 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 5. Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

Section 6. 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 7. The Codifier shall codify the substantive amendments to the Code of Ordinances of the City of Madeira Beach contained in Sections 1, 2 and 3 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 8. Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption.

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

Anne-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____

Business Impact Estimate

Proposed ordinance's title/reference:
Ordinance 2025-10: Accessory Structures

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

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

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

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

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

Ordinance 2025-10: Accessory Structures amends the Madeira Beach Code of Ordinances to regulate accessory structures in the C-1 John's Pass Village Activity Center Zoning District and removes references to C-2, John's Pass Marine Commercial 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): *The requirements for accessory structures in the C-1 Zoning District will be regulated by character districts.*



February 18, 2025

Jenny Rowan, CFM
Community Development Director
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

RE: Review of ordinances from the City of Madeira Beach (Ordinances 2025-09, 2025-10, and 2025-11)

Dear Jenny,

Thank you for submitting the proposed amendments to the Madeira Beach Code of Ordinances, regarding the John's Pass Village Activity Center zoning district and restrictions on the sale of alcoholic beverages. The amendments are consistent with the Countywide Rules, with comments as follows:

- These ordinances address zoning district classifications, setback requirements for accessory structures, and restrictions on the sale of alcoholic beverages in various districts, aligning with the Countywide Rules and current planning practices.

We recognize that the consistency process is an ongoing one, and if either the County 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



Memorandum

Meeting Details: March 3, 2025 – Planning Commission Meeting
Prepared For: Planning Commission
Staff Contact: Community Development Department
Subject: Ordinance 2025-11: Alcoholic Beverages

Background

The John's Pass Village Activity Center was adopted for the Countywide Plan Map, Madeira Beach Comprehensive Plan, and Madeira Beach Land Development Regulations. The adoption of the C-1, John's Pass Village Activity Center Zoning District rezoned the entire activity center area to the C-1 Zoning District and removed the C-2 Zoning District.

Discussion

Staff reviewed the Land Development Regulations and found three different places that referenced the C-1 and C-2 Zoning Districts that need to be revised because of the adoption of the John's Pass Village Activity Center. These amendments respond to the adoption of the Activity Center.

Ordinance 2025-09: Fixes the references to the old names of the C-1 and C-2 Zoning Districts.

Ordinance 2025-10: This section in the Code references all Zoning Districts. The John's Pass Village Activity Center previously consisted of the R-3, R-2, C-1, C-2, C-3, and C-4 zoning districts. A further review of what amendments will be made based on Character Districts.

Ordinance 2025-11: This section in the Code references all Zoning Districts. The John's Pass Village Activity Center previously consisted of the R-3, R-2, C-1, C-2, C-3, and C-4 zoning districts. A further review of what amendments will be made based on Character Districts.

Fiscal Impact

N/A

Recommendation(s)

City Staff recommends the approval of Ordinance 2025-11.

Attachments/Corresponding Documents

- Ordinance 2025-11: Alcoholic Beverages
- Ordinance 2025-11: Alcoholic Beverages Business Impact Statement
- Forward Pinellas Review Letter

ORDINANCE 2025-11

AN ORDINANCE OF THE CITY OF MADEIRA BEACH FLORIDA, AMENDING CHAPTER 110 (ZONING), ARTICLE VI. (SUPPLEMENTARY DISTRICT REGULATIONS), DIVISION 6. (ALCOHOLIC BEVERAGES) OF THE CITY'S LAND DEVELOPMENT REGULATIONS; PROVIDING FOR JOHN'S PASS VILLAGE ACTIVITY CENTER ZONING DISTRICT REGULATIONS; PROVIDING FOR PLANNED DEVELOPMENT ZONING DISTRICT REGULATIONS; REMOVING REFERENCES TO C-2, JOHN'S PASS MARINE COMMERCIAL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance 2024-09 established the C-1, John's Pass Village Activity Center Zoning District which includes Character Districts to further define permitted uses and unique development patterns in the John's Pass Village Activity Center; and

WHEREAS, Chapter 110 – Zoning Article VI. - Supplementary District Regulations Division 6. Alcoholic Beverages does not reference the Character Districts in the C-1, John's Pass Village Activity Center Zoning District; and

WHEREAS, Chapter 110 – Zoning Article VI. - Supplementary District Regulations Division 6. Alcoholic Beverages does not reference alcohol use regulations for properties zoned PD, Planned Development; and

WHEREAS, Ordinance 2024-12 deleted the C-2, John's Pass Commercial Zoning District; and

WHEREAS, City staff has recommended revising Division 6 Alcoholic Beverages to reflect the changes made by Ordinances 2024-09 and 2024-12; and

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

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

WHEREAS, the Board of Commissioners received input from the public at two public hearings to consider the approval of the recommended changes and the adoption of this ordinance.

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

Section 1. That Chapter 110 (Zoning) Article VI. (Supplementary District Regulations) Division 6. (Alcoholic Beverages) of the Land Development Regulations of the City of Madeira Beach is hereby amended to read as follows:

Sec. 110-526. Definitions.

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

Alcoholic beverage means the same as defined in Florida Statutes § 561.01 (~~2001~~2024).

Beer means the same as defined in Florida Statutes § 563.01 (~~2001~~2024).

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

Liquor means the same as defined in Florida Statutes § 565.01 (~~2001~~2024).

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

Wine means the same as defined in Florida Statutes § 564.01 (~~2001~~2024).

Sec. 110-527. Classifications.

- (a) *Package store, beer and wine.* A package store, beer and wine, is an establishment where beer and wine are sold in sealed containers only for consumption off the premises.
- (b) *Retail store, beer and wine.* A retail store, beer and wine, is an establishment where beer and wine are sold in sealed containers only for consumption off the premises

and more than 50 percent of the establishment's gross sales are attributable to the sale of nonalcoholic items.

- (c) *Package store, beer, wine and liquor.* A package store, beer, wine and liquor, is an establishment where beer, wine and liquor are sold in sealed containers only for consumption off the premises.
- (d) *Restaurants.* A restaurant is an establishment where beer, or beer and wine, or beer, wine and liquor are sold for consumption on the premises, or for consumption on the premises and package sales, in connection with a restaurant business wherein the combined gross sales of the business operation are more than 60 percent attributable to the sale of food and nonalcoholic items.
- (e) *Bar.* A bar is an establishment where beer, or beer and wine, or beer, wine and liquor are sold for consumption on the premises, or for consumption on the premises and package sales.
- (f) *Club.* A club is an establishment which is a chartered club where beer, wine and liquor are sold or offered to members for consumption on the premises only and such beer, wine and liquor cannot be sold over the counter to nonclub members.
- (g) *Charter boats.* A charter boat is a vessel primarily engaged in the business of taking passengers for hire where beer, or beer and wine, or beer, wine and liquor are sold for consumption while the vessel is engaged in the transportation of passengers, and more than 50 percent of the business income is derived from the sale of nonalcoholic items or the transportation of passengers.

Sec. 110-528. Prohibition.

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

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

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

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

- (a) *R-1 and R-2 Zoning dDistricts.* No premises shall be used, nor shall a use and occupancy permit be issued for the sale of alcoholic beverages in any district zoned R-1 or R-2 within the city.

- (b) R-3 Zoning dDistrict. Only restaurant establishments shall be allowed as defined in section 110-527 shall be allowed in any district zoned R-3 within the city.

(c) C-1, John's Pass Village Activity Center Zoning District.

(1) Classification permitted.

- i. Traditional Village, Boardwalk, Commercial Core, and the east side of Gulf Boulevard Transitional Character Districts: Package stores (beer and wine, retail stores (beer and wine), package stores (beer, wine and liquor), restaurants, bars and clubs are permitted.
- ii. John's Pass Resort, Low Intensity Mixed Use, and the west side of Gulf Boulevard Transitional Character Districts: Only restaurants, as defined in section 110-527, establishments shall be permitted.

(2) Distance requirements. Except as otherwise provided, no establishment classified as a package store (beer and wine), package store (beer, wine and liquor), club or a bar shall be located within 500 feet of property occupied by an established church, synagogue, temple or place of religious worship, public or private school operated for the instruction of minors, or youth recreation (community) center. The distance provisions shall not apply to restaurants. Furthermore, the distance provision shall not apply to bars or clubs within a hotel of 50 rooms or more.

(3) Measurement of distance. The distance set forth in subsection (c)(2) shall be a straight-line distance from the property line occupied by the enumerated uses in subsection (c)(2) and the property line to be occupied by the establishment applying for permission to sell alcoholic beverages.

(de) ~~C-1, C-2, C-3, and C-4~~ Zoning dDistricts.

- (1) Classifications permitted. Package stores (beer and wine, retail stores (beer and wine), package stores (beer, wine and liquor), restaurants, bars and clubs shall be permitted in C-3 and C-4 Zoning Districts. ~~shall be permitted in any district zoned C-1, C-2, C-3 or C-4 within the city.~~
- (2) Distance requirements. Except as otherwise provided, no establishment classified as a package store (beer and wine), package store (beer, wine and liquor), club or a bar shall be located within 5300 feet of property occupied by an established church, synagogue, temple or place of religious worship, public or private school operated for the instruction of minors, or youth recreation (community) center. The distance provisions shall not apply to restaurants. Further the distance provision shall not apply to bars or clubs within a hotel of 50 rooms or more.
- (3) Measurement of distance. The distance set forth in subsection (d)(2) of this section shall be a straight-line distance from the property line occupied by the enumerated uses in subsection (d)(2) of this section and the property line to be occupied by the establishment applying for permission to sell alcoholic beverages.

(e) PD Zoning Districts

(1) Properties that are rezoned to the PD Zoning District have the same restrictions for alcoholic beverages as the zoning district prior to rezoning to PD Zoning District.

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

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

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

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

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

Sec. 110-532. Consideration of alcoholic beverage application.

When considering the alcoholic beverage application, the board of commissioners shall consider the following factors:

- (1) The extent to which the location and the extent to which the proposed alcoholic beverage request will adversely affect the character of the existing neighborhood.
- (2) The extent to which traffic generated as a result of the location of the proposed alcoholic beverage request will create congestion or present a safety hazard.
- (3) Whether or not the proposed use is compatible with the particular location for which it is proposed.
- (4) Whether or not the proposed use will adversely affect the public safety.
- (5) No application for review under this section shall be considered until the applicant has paid in full any outstanding charges, fees, interest, fines or penalties owed by the applicant to the city under any section of the Code.

Sec. 110-533. Reconsideration of alcoholic beverage zoning.

- (a) A similar application for alcoholic beverage zoning denied by the board of commissioners shall not be resubmitted for reconsideration by the board of commissioners within 12 months of the date of the final action on the previous application unless the applicant demonstrates to the board of commissioners that substantial changes have occurred in the property or in the area adjacent to the subject site which would have a bearing on the consideration of the alcoholic beverage zoning of the site.
- (b) In the event any applicant shall desire reconsideration under subsection (a) of this section, the applicant shall submit ~~their~~ ~~his~~ application for such alcoholic beverage zoning to the city manager or ~~their designee~~ ~~his designate~~ in the usual manner and pay the application fee listed in the fees and collection procedure manual. If, in the judgment of the board of commissioners, substantial changes have occurred, the board of commissioners shall then set the application for public hearing. In the event of a negative finding by the board of commissioners, the application will not be heard.
- (c) An application for alcoholic beverage zoning of lesser intensity will not be deemed a similar application as stated in subsection (a) of this section and such application can be made at any time.

Sec. 110-534. Change of alcoholic beverage zoning.

- (a) Properties that are alcoholic beverage zoned cannot change the alcoholic beverage classification to a license providing greater intensity nor provide a change in the nature or use of the property to a different alcoholic zoning classification, nor enlarge the area for the sale of alcoholic beverages without filing a new petition for alcoholic beverage zoning with the board of commissioners in accordance with the requirements contained in this division.

- (b) The city manager or ~~their~~ ~~his~~ designee may approve, approve with conditions, or deny alcoholic beverage zoned classification that provides for an alcoholic beverage license of lesser intensity or a reduction in the area used for the sale of alcoholic beverages; when the business establishment already holds an alcoholic beverage license approved by the board of commissioners. The city manager or ~~their~~ ~~his~~ designee shall consider the following factors in the decision:
- (1) The extent to which the location and the extent to which the proposed alcoholic beverage request will adversely affect the character of the existing neighborhood.
 - (2) The extent to which traffic generated as a result of the location of the proposed alcoholic beverage request will create congestion or present a safety hazard.
 - (3) Whether or not the proposed use is compatible with the particular location for which it is proposed.
 - (4) Whether or not the proposed use will adversely affect the public safety.
 - (5) No application for review under this section shall be considered until the applicant has paid in full any outstanding charges, fees, interest, fines or penalties owed by the applicant to the city under any section of the Code.

If the requesting party is in disagreement with the decision reached by the city manager or ~~their~~ ~~his~~ designee, an appeal to the board of commissioners is available; and ~~the~~ board of commissioners' decision shall be binding.

Sec. 110-535. Expansion of alcoholic beverage zoning.

Properties that are alcoholic beverage zoned cannot be expanded more than ten percent over the original approved square footage ~~or approved seating count, whichever is more~~ ~~without restrictive without~~ filing a new petition for alcoholic beverage zoning in accordance with the requirements contained in this division. An applicant applying for an expansion that does not require a new petition for alcoholic beverage zoning shall provide a revised site plan showing the expansion. The site plan shall show that the expansion meets all applicable sections of the Madeira Beach Code of Ordinances.

Sec. 110-536. Existing wet zone of properties.

Properties on which the sale of intoxicating beverages ~~are~~ ~~is~~ permitted under any ordinance of the city existing on the effective date of the ordinance from which the land development regulations derived, and which become nonconforming uses by the Code shall be subject to the provisions of the land development regulations pertaining to nonconforming uses.

Sec. 110-537. Revocation of alcoholic beverage zoning.

Any alcoholic beverage zoning may be revoked by the board of commissioners upon finding a violation of the land development regulations, loss of state license, or the failure to conduct the sale of alcoholic beverages for any six-month period as demonstrated by not having a valid city occupational license for such use during this ~~6-~~month period. Any

such action shall only be taken after conducting a hearing in the same manner as for the original application. In addition, affected property owners and/or operators shall be notified by certified mail, return receipt requested, which shall be transmitted at least 15 days prior to the scheduled public hearing date.

Sec. 110-538. Record keeping and reporting requirements.

Establishments classified as retail stores (beer and wine), or restaurants shall maintain books and records reflecting the gross sale of food and nonalcoholic items and the gross sale of alcoholic beverages and shall provide such books and records to the city within 30 days upon request. Failure to keep the books and records required in this section shall be adequate grounds for the board of commissioners to revoke the alcoholic beverage zoning classification of the property upon which the business operates.

Sec. 110-539. Application processing and fees.

- (a) When and at such time as the application has been accepted, the city clerk shall notify abutting property owners within 300 feet of the property, setting forth the time, date and place of the application consideration by the board of commissioners. This notice will be 15 days prior to the regular meeting of the board of commissioners. Notice shall also be posted on the property itself in the same manner. Failure to notify all of the abutting property owners as shown on the records of the county property appraiser office shall not constitute grounds for re-advertising, conducting additional meetings, and shall not affect any action or proceeding on the application for alcoholic beverage sales.
- (b) The city manager or their designee is authorized to charge the application fee listed in the fees and collection procedure manual for processing the application.

Sec. 110-540. Grandfathering business establishments engaged in the sale of alcoholic beverages.

- (a) The business establishments engaged in the sale of alcoholic beverages, or for which applications have been filed with the city for permits to engage in the sale of alcoholic beverages, in areas permitted by ordinances existing at the time of the passage of the ordinance from which this chapter is derived where such areas or business establishments do not meet the qualifications of section 110-530 shall be such areas or business established and to continue so long as the occupational license is renewed for each fiscal year (October 1 through September 30) and the state alcoholic beverage license is renewed on a continuous basis from the time of initial approval of the license.
- (b) Nothing contained in this section shall be construed to allow any establishment holding a license prior to adoption of the ordinance from which this chapter is derived to change the type of license without meeting all ordinance requirements in effect at the time of the application for a new type of license.

Section2. 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.

Section3. Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

Section4. 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.

Section5. The Codifier shall codify the substantive amendments to the Code of Ordinances of the City of Madeira Beach contained in Section 1 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

Section6. Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption.

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

Anne-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____

Business Impact Estimate

Proposed ordinance's title/reference:
Ordinance 2025-11: Alcoholic Beverages

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

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

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

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

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

Ordinance 2025-11: Alcoholic Beverages amends Division 6. Alcoholic Beverages to create regulations defined by the Character Districts in the C-1, John's Pass Village Activity Center Zoning District. The references to the C-2, John's Pass Marine Commercial Zoning District will be removed.

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):

The alcoholic beverage requirements in the C-1 Zoning District will be regulated by Character Districts.



February 18, 2025

Jenny Rowan, CFM
Community Development Director
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

RE: Review of ordinances from the City of Madeira Beach (Ordinances 2025-09, 2025-10, and 2025-11)

Dear Jenny,

Thank you for submitting the proposed amendments to the Madeira Beach Code of Ordinances, regarding the John's Pass Village Activity Center zoning district and restrictions on the sale of alcoholic beverages. The amendments are consistent with the Countywide Rules, with comments as follows:

- These ordinances address zoning district classifications, setback requirements for accessory structures, and restrictions on the sale of alcoholic beverages in various districts, aligning with the Countywide Rules and current planning practices.

We recognize that the consistency process is an ongoing one, and if either the County 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