



PLANNING COMMISSION MEETING AGENDA

Monday, June 05, 2023 at 6:00 PM
Commission Chambers - 300 Municipal Drive

Meetings 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. Minutes from 5.1.2023

B. Approval of April Minutes - Redone due to error

5. NEW BUSINESS

A. Vote on First Vice Chair

B. Densities and Intensities

C. Shade Structures

D. Change July Meeting to 7/10/2023 from 7.3.1023

6. OLD BUSINESS

7. ADMINISTRATIVE/STAFF PRESENTATION

8. PLANNING COMMISSION DISCUSSION

9. NEXT MEETING

Next meeting is scheduled for Monday July 3rd, 2023 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. 255 or fax a written request to 727-399-1131.

**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

May 1, 2023 - MINUTES

1. **CALL TO ORDER** Chairman Michael Wyckoff called the meeting to order at 6:00 p.m.

2. **ROLL CALL**

Members in Attendance:

Chairman Wyckoff

Commissioner Dillon

Commissioner Noble

Commissioner LaRue

Commissioner Ghovae

Commissioner Connolly

Members Absent:

Commissioner Meager

Staff Representatives:

Jenny Rowan, Community Development Director

Andrew Morris, Long Range Planner

Lisa Scheuermann, Program Coordinator/Board Secretary

3. **PUBLIC COMMENTS**

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

No residents came forward.

4. **APPROVAL OF MINUTES**

Commissioner Dillon made a motion to accept the minutes from the April 3, 2023 meeting.

Commissioner Connolly seconded the motion, and the motion passed unanimously.

5. **NEW BUSINESS**

- A. **Ordinance - 2023-09, Increase in Notice Requirement for Development Agreement Applications.**

Jenny Rowan Presented. This ordinance would change the mailing radius from 200 to 300 feet for Development Agreements.

Commissioner Dillon asked for clarification on the area of the subject property from which the distance is measured and asked why the change was necessary.

Ms. Rowan replied that the reason is for consistency with other notices and deferred to Andrew Morris to address the question of where on the property the area is measured from. Mr. Morris replied that it is information from the Pinellas County Property Appraiser's website using a radius search tool.

There was some discussion among the Commissioners.

Chairman Wyckoff called for a motion at the end of the discussion.

Commissioner Noble moved that Ordinance - 2023-09 pass as written.

Commissioner Dillon seconded.

The motion carried unanimously.

B. Ordinance 2023-10: Alcohol Beverage Permit Application Fee

Andrew Morris Presented. The proposed ordinance removes the exact fee amount from the Madeira Beach Code of Ordinances and instead refers to the fee and collection procedure manual.

This is an administrative change so the ordinance will not need to be changed when there is a fee change.

Chairman Wyckoff called for a motion.

Commissioner Noble made a motion to approve to accept as written.

Commissioner Dillon seconded the motion.

The motion passed without objection.

C. Ordinance 2023-12 Amendment to LDR – Definition of Portable Sign

Jenny Rowan presented. This Ordinance is proposed to follow a federal appeals court ruling. The case states that it is a First Amendment right to carry a non-commercial sign in public areas, including city sidewalks and parks.

Mr. Trask explained that this ordinance is to ensure a code is in place proactively and prevent litigation in the future.

Discussion among the commission ensued, Mr. Trask further explained the difference between commercial and non-commercial sign.

Chairman Wyckoff called for a motion.

Commissioner Noble made a motion to accept the motion as written.

Commissioner Ghovae seconded.

The motion passed unanimously.

D. Ordinance 2023-13, LDC – Rental of Residential Amenities.

Chairman Wyckoff asked if the ordinance covered docks as well. Jenny Rowan stated that docks were discussed at BOC previously and separate ordinance will be brought to cover docks.

Mr. Trask explained that this ordinance is in response to the Swimply app, which allows people to rent out their swimming pools and other amenities on their property such as driveways, yards, etc.

This is a disruption to the neighborhood and a burden on the residents.

Commissioner Noble asked if the ordinance covers parking for events if people wanted to rent out their driveways. Mr. Trask said that would be covered in the code.

Discussion among the commissioners regarding renting driveways for events followed.

Commissioner Ghovae suggested tabling the ordinance to clarify exceptions for special events. The discussion continued, and the question of whether or not it is necessary to cover special events in this ordinance was brought up. Discussion continued on the subject.

Commissioner LaRue stated that we're not sure the dock issue or the special event parking issue is actually happening so it's a non-issue for this ordinance.

More discussion followed, and it was suggested to move forward with a motion.

Commissioner LaRue motioned that Ordinance 2023-13, LDC – Rental of Residential Amenities be approved as written.

Commissioner Connolly seconded the motion.

The motion passed with one 'no' vote.

6. OLD BUSINESS

There was no old business.

7. ADMINISTRATIVE/STAFF PRESENTATION

Tom Trask conducted Sunshine Law Training

8. NEXT MEETING

Next meeting is scheduled for Monday, June 5, 2023, at 6:00 p.m.

9. ADJOURNMENT

Chairman Wyckoff adjourned the meeting at 7:04 p.m.

Respectfully submitted:

Chuck Dillon, 2nd Vice Chair

Date

Lisa Scheuermann, Board Secretary

Date

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April 4, 2023 - MINUTES

1. **CALL TO ORDER** Chairman Michael Wyckoff called the meeting to order at 6:00 p.m.

2. **ROLL CALL**

Members in Attendance:

Chairman Wyckoff

Commissioner Dillon

Commissioner Noble

Commissioner LaRue

Commissioner Meagher

Commissioner Connolly

Members Absent:

None

Staff Representatives:

Jenny Rowan, Community Development Director

Andrew Morris, Long Range Planner

Lisa Scheuermann, Program Coordinator/Board Secretary

3. **PUBLIC COMMENTS**

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

No residents came forward.

4. **APPROVAL OF MINUTES**

5. **Commissioner Dillon made a motion to accept the minutes from the January 9th, 2023 meeting. Commissioner Connolly seconded the motion, and the motion passed unanimously.**

6. **NEW BUSINESS**

A. Redevelopment Planning Application - RDV 2023-01

Tom Trask, City Attorney, covered the requirements of Ordinance 110-97 regarding the requirements of changing zoning of a non-compliant duplex located at 321 Boca Ciega Drive submitted by Michael Kamenoff

Commissioner Dillon's email inquiry regarding the specifics of the application was received in to record.

Mr. Trask swore in the speakers.

Mr. Kamenoff spoke at 6:07 regarding demolishing the existing structure at the location and building a new structure to comply with current standards.

Mr. Kamenoff wishes to maintain the setbacks as they sit with the existing structure.

Commissioner Dillon had questions regarding current and existing setbacks.

Commissioner Connolly had questions regarding the siding of the new structure, stating that in order for him to approve the existing structure he would want stucco or other non-flammable material siding.

Andrew Morris testified that they are applying for redevelopment in residential district R-2 because R-2 requires a 4,000 square foot lot and read the current code aloud.

Mr. Morris stated that the application meets all other code requirements and that the staff recommends approval of the application.

The report was received in to evidence.

Commissioner Dillon asked questions about the square footage and density for approval and Mr. Morris and Commissioner Wyckoff explained how the word "density" is used for code purposes.

Mr. Dillon's concern is that people will remove single family structure, and replace them with multi-unit structures.

Mr. Morris explained that for these types of applications, it is required that people put up like-for-like within the lot. They could not, for example, remove the duplex and put up a multi-unit townhouse.

Mr. Trask explained how land use is allowed for an existing structure and new builds must comply with current codes. FAR must be maintained and the new build will be in the same footprint.

There was further discussion among the commissioners regarding allowances for building on an existing lot.

Commissioner Connolly asked Mr. Kamenoff if the two derelict boats in the water have been removed. Mr. Kamenoff said that one boat has been removed and the other one was in the process of removal.

Commissioner Connolly asked for a 30 day provision in the approval of the application for the boats to be removed.

Mr. Trask stated that the issue has been addressed by the Magistrate.

Commissioner Connolly asked if the approval of the application can be conditional to the siding and Mr. Trask said that it cannot.

Mr. Morris stated that if the siding meets current code requirements it's OK.

Chairman Wyckoff called for a motion.

Commissioner Dillon made a motion to approve application RDV 2023-01

Commissioner Connolly seconded the motion.

The motion passed without objection.

B. Ordinance 2023-15: Comprehensive Plan Definition

Jenny Rowan presented the information for the text change. Ms. Rowan stated that Ordinance 2023-15 is a re-write of 2022-03 with minor changes including changing the planning council to Forward Pinellas and other items.

An email from Forward Pinellas was entered in to evidence.

Commissioner Wyckoff asked a clarifying question.

Commissioner Dillon asked a question about the location within the document of the changes.

Ms. Rowan explained that we are adding text only. There are not comprehensive changes.

Chairman Wyckoff asked for a motion. Mr. Trask explained that there will also be a typo fix in the old resolution number and a purpose statement in the change.

Commissioner Dillon made a motion to accept with change to 1.11.2 to 4.1.1.2 and purpose statement.

Commissioner Noble seconded the motion.

The motion passed without objection.

6. OLD BUSINESS

There was no old business.

7. NEXT MEETING

Next meeting is scheduled for Monday, May 1, 2023, at 6:00 p.m.

8. ADJOURNMENT

Chairman Wyckoff adjourned the meeting at 6:42 p.m.

Respectfully submitted:

Chuck Dillon, 2nd Vice Chair

Date _____

Lisa Scheuermann, Board Secretary

Date _____



Memorandum

Meeting Details: June 5, 2023, Planning Commission Meeting

Prepared For: Planning Commission

From: Community Development Department

Subject: Density and Intensity Consistency with Forward Pinellas

Background: The Madeira Beach Comprehensive Plan and Land Development Regulations in the Madeira Beach Code of Ordinances are inconsistent with the Forward Pinellas Countywide Plan. The city must remedy this inconsistency.

Discussion: The City of Madeira Beach previously adopted the alternative temporary lodging use standards available from Forward Pinellas. The standards were not clearly defined within the City's Comprehensive Plan and Land Development Regulations which has led to this inconsistency.

Fiscal Impact: Potential impact on new development and redevelopment.

Recommendation(s): Staff recommends amending the Madeira Beach Comprehensive Plan and Code of Ordinances to clarify the alternative temporary lodging use standards and intensities and densities to conform to the Forward Pinellas Countywide Plan.

Attachments:

- Forward Pinellas Consistency Letter
- Madeira Beach Comprehensive Plan Future Land Use description
- Future Land Use Map, Madeira Beach Comprehensive Plan
- Madeira Beach Code of Ordinances C-3, C-4, R-3
- Madeira Beach Zoning Map



February 10, 2023

Andrew Morris
Planner/GIS Technician
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

RE: Review of proposed amendments to Comprehensive Plan (Ord. No. 2023-11)

Dear Andrew:

Thank you for forwarding the proposed amendments to the City's Comprehensive Plan. Staff have reviewed the proposed amendments and find that the City is required to address several inconsistencies outlined in the attached review form. Staff have also outlined recommended amendments which would provide clarity in consistency with the Countywide Rules.

Staff recommends the City of Madeira Beach thoroughly review the attached narrative for required amendments which will address inconsistencies with the City's Comprehensive Plan and Countywide Rules, particularly with the following sections of the Future Land Use Element regarding the density/intensity standards for various future land use categories: FLU Element, Policy 4.1.1.2 (Residential/Office/Retail, Resort Facilities Medium and Resort Facilities High categories) and FLU Element, Policy 4.1.1.3 (Commercial General category).

Forward Pinellas staff are happy to provide clarifications and continue assisting the City of Madeira Beach in matters of consistency with the Countywide Rules.

If you have any questions, please feel free to email nrahman@forwardpinellas.org.

Sincerely,

Nousheen Rahman

Nousheen Rahman
Planner

Countywide Rules Determination of Consistency for Madeira Beach Comprehensive Plan Amendments (Ord. No. 2023-11) 2/10/2023

3.1 Definitions

- Consider amending definition of *Ancillary non-residential use* to be consistent with Countywide Rules: “Off-street parking and trash receptable areas for adjacent, contiguous, nonresidential uses”
- Amend definition of *Floor Area Ratio (FAR)* from “relationship between the gross floor area on a site and gross land area” to “relationship between the gross floor area on a site and **net** land area”
- Amend definition of *Floor Area Ratio (FAR)* from “dividing by the gross land area” to “dividing by the **net** land area”
- Amend definition of *Impervious Surface Ratio (ISR)* from “relationship between the total impervious surface area on a site and the gross land area” to “relationship between the total impervious surface area on a site and the **net** land area.”
- Amend definition of *Impervious Surface Ratio (ISR)* from “the square footage of the gross land area” to “the square footage of the **net** land area.”

FLU Element, Policy 4.1.1.1

- Staff recommends clearly adding allowable uses for each residential category, consistent with the Countywide Rules
- The definitions for each Residential category outlines allowable density “excluding residential equivalent uses and institutional uses.” Staff recommends clearly outlining what the maximum allowable densities for residential equivalent uses and institutional uses.

FLU Element, Policy 4.1.1.2

Residential/Office/Retail category:

- The temporary lodging density standards for the R/O/R are **inconsistent** with the Countywide Rules. They are outlined as up to 45 UPA and should be **no more than 40 UPA as outlined by the corresponding Countywide Rules category Retail & Services** unless the Alternative Temporary Lodging Standards of Countywide Rules Section 5.2.1.3 are adopted for this category. The City is required to address this inconsistency.
- The FAR for the R/O/R category is **inconsistent** with the Countywide Rules. The FAR is outlined as 1.0 and should be **no more than 0.55 FAR as outlined by the corresponding Countywide Rules category Retail & Services**. Adopting the Alternative Temporary Standards would bring this standard into consistency for **temporary lodging uses only**. The City is required to address this inconsistency.
- Staff recommends clearly outlining what “other” uses are as referenced in the R/O/R category.

Resort Facilities Medium and High categories:

- The temporary lodging standards for the Resort Facilities Medium and Resort Facilities High categories are **partly consistent** with the Alternative Temporary Lodging Standards.
- The density and intensity standards, and the requirement for a development agreement, are consistent, but not all of the required provisions of Countywide Rules Section 5.2.1.3 have been addressed.

FLU Element, Policy 4.1.1.3

- The temporary lodging density standards for the CG category are **inconsistent** with the Countywide Rules. They are outlined as up to 60 UPA and should be **no more than 40 UPA as outlined by the corresponding Countywide Rules category Retail & Services unless the Alternative Temporary Lodging Standards are adopted for this category.** The City is required to address this inconsistency.
- The intensity standards for the CG category are **inconsistent** with the Countywide Rules. They are outlined as 1.2 FAR and should be **no more than 0.55 FAR as outlined by the corresponding Countywide Rules category Retail & Services.** Adopting the Alternative Temporary Standards would bring this standard into consistency for **temporary lodging uses only.** The City is required to address this inconsistency.
- Staff recommends clearly outlining allowable uses for the CG category.
- Staff recommends clearly outlining allowable uses for the R/OS category
- Staff recommends clearly outlining allowable uses for the Preservation category
- Staff recommends clearly outlining allowable uses for the Institutional category
- Staff recommends clearly outlining allowable uses for the T/U category

Objective 4.2.1

- Amend references from “Countywide Future Land Use Plan” to “Countywide Plan for Pinellas County” or “Pinellas County Countywide Plan”

General Comments for the Future Land Use Element

- The Future Land Use Element and some of its land use categories are inconsistent with the standards provided in the Countywide Rules. These inconsistencies are required to be addressed.
- Staff recommends including a table and/or matrix within the Future Land Use Element outlining each land use category, associated allowable uses, developmental standards and the corresponding Countywide Plan Map category for clarity. This would also help the city in identifying and addressing inconsistencies.

Coastal Management and Conservation Element General Comments

- This element should include provisions for amendments in the Coastal High Hazard Area, either verbatim or by reference (though we recommend verbatim), consistent with Section 4.2.7 of the Countywide Rules

Remaining Elements

- The remaining amendments are not subject to review for consistency with the Countywide Rules.

4.0 FUTURE LAND USE ELEMENT

GOAL 4.1: ENSURE THAT THE RESIDENTIAL/FAMILY AND BEACH COMMUNITY CHARACTER OF THE CITY OF MADEIRA BEACH IS MAINTAINED AND PROTECTED WHILE:

MAXIMIZING THE POTENTIAL FOR ECONOMIC BENEFIT RESULTING FROM THE TOURIST TRADE AND THE ENJOYMENT OF NATURAL AND MAN-MADE RESOURCES BY CITIZENS AND VISITORS;

MINIMIZING THE THREAT TO HEALTH, SAFETY, AND WELFARE POSED BY HAZARDS, NUISANCES, INCOMPATIBLE LAND USES, AND ENVIRONMENTAL DEGRADATION;

MAXIMIZING LAND DEVELOPMENT WHICH RESPECTS NECESSARY ECOLOGICAL FUNCTIONS AND SUITABILITY FOR URBAN DEVELOPMENT;

PRESERVING OR IMPROVING THE COMMUNITY'S NATURAL RESOURCES AND VALUABLE AMENITIES;

ENCOURAGING AN ORDERLY AND AESTHETIC MIX OF LAND USES BY ALLOWING NEW DEVELOPMENT AND REDEVELOPMENT THAT WILL ENHANCE AND PROTECT THE CITY'S EXISTING CHARACTER; AND

PROVIDING A COMPREHENSIVE PLAN THAT IS FLEXIBLE AND INCORPORATES CHANGING COMMUNITY VALUES AND ATTITUDES.

Objective 4.1.1:

Ensure that redevelopment and new development occurs in planned areas at the appropriate densities and intensities as indicated on, and consistent with Map LU-4, Future Land Use and Transportation.

Policy 4.1.1.1:

The City of Madeira Beach hereby adopts those land use categories identified and defined in this policy as those which shall govern residential development within the community pursuant to Rule 9J-5.006(3)(c)7, Florida Administrative Code. These land use categories shall be consistent with primary and secondary uses and maximum intensity standards listed in the Pinellas Planning Council Countywide Plan Rules, except as specifically modified herein.

RESIDENTIAL

Residential Urban (RU), density of 0 to 7.5 residential units per acre, excluding residential equivalent uses and institutional uses.

Residential Medium (RM), density of 0 to 15.0 residential units per acre, excluding residential equivalent uses and institutional uses.

Policy 4.1.1.2:

The City of Madeira Beach hereby adopts those land use categories identified and defined in this policy as those which shall govern mixed-use development within the

community pursuant to Rule 9J-5.006(3)(c)7, Florida Administrative Code. These land use categories shall be consistent with primary and secondary uses and maximum density and intensity standards listed in the Pinellas Planning Council Countywide Plan Rules, except as specifically modified herein.

MIXED USE:

Resort Facilities Medium (RFM), with a residential density of 0 to 18 units per acre and temporary lodging with maximum density and intensity standards as shown in the table below with an approximate percentage distribution of 70 to 100 percent residential, 0 to 20 percent nonresidential, and 0 to 10 percent “other”. RFM shall not include residential equivalent uses.

Temporary Lodging Density and Intensity Standards for the RFM land use plan category are as follows, subject to the specific standards to be set forth in a Development Agreement as provided for in the City’s land development regulations.

Land Area	Units per Acre	FAR	ISR
Less than 1 acre	45	1.0	0.85
Between one acre and three acres	60	1.5	0.85
Greater than three acres	75	2.0	0.85

Resort Facilities high (RFH), with a residential density of 0 to 15 dwelling units per acre and temporary lodging with maximum density and intensity standards as shown in the table below, with an approximate percentage distribution of 70 to 100 percent temporary lodging use, 0 to 20 percent tourist-related commercial, and 0 to 10 percent residential. RFH shall not include residential equivalent uses.

All applications for the Resort Facilities high plan category shall require corresponding rezoning to the PD, Planned Development zoning district pursuant to the procedures and requirements of the PD district set forth in the City’s land development regulations.

Temporary Lodging Density and intensity Standards for the RFH land use plan category are as follows, subject to the specific standards to be set forth in a Development Agreement as provided for in the City’s land development regulations.

Land Area	Units per Acre	FAR	ISR
Less than 1 acre	75	2.0	0.95
Between one acre and three acres	100	3.0	0.95
Greater than three acres	125	4.0	0.95

Residential/Office/Retail (R/O/R), with a residential density of 0 to 18 units per acre

and a temporary lodging density of up to 45 units per acre with a maximum FAR of 1.0 and an ISR of 0.85 and a percentage distribution of 30 to 50 percent residential, 30 to 60 percent nonresidential, and 0 to 20 percent “other”. R/O/R shall not include residential equivalent, research/development, and light manufacturing/assembly uses.

Planned Redevelopment – Mixed Use (PR-MU), -The purpose of this category is to depict those areas that are developed with a collection of temporary lodging residential, office, and commercial uses, along corridors, adjacent to neighborhoods or within distinct areas that are interrelated and complimentary. This category should facilitate infill and redevelopment of these areas to create a desirable mix of non- residential and residential uses by promoting aesthetically pleasing, safe environments, and buildings that are compatible with the area’s character, uses, and transportation facilities.

The uses, development standards, density/intensity standards, and locational characteristics associated with this category must be set forth in,

Special Area Plan approved by the Board of Commissioners. The Special Area Plan (and any substantive changes to an approved special area plan) shall be subject to review by and approval of the Countywide Planning Authority upon recommendation of the Pinellas Planning Council pursuant to the applicable Countywide Plan Rules. Each Special Area Plan shall establish the density, intensity, and mix of permitted uses, and shall include, at a minimum, information addressing the requirements for special area plans or their equivalent as set forth in the Countywide Plan Rules.

Policy 4.1.1.3:

The City of Madeira Beach hereby adopts those land use categories identified and defined in this policy as those which shall govern commercial and other uses within the community pursuant to Rule 9J-5.006(3)(c)7, Florida Administrative Code. These land use categories shall be consistent with primary and secondary uses and maximum intensity standards listed in the Pinellas Planning Council Countywide Plan Rules, except as specifically modified herein.

COMMERCIAL

Commercial General (CG), with a density of 0 to 15 residential units per acre for multifamily dwellings and a temporary lodging density of up to 60 units per acre with a maximum floor area ratio (FAR) of 1.2 and impervious surface ratio (ISR) of 0.9. CG shall not include residential equivalent uses.

PUBLIC / SEMI-PUBLIC

Recreation/Open Space, (R/OS), with a maximum FAR of 0.25. R/OS shall exclude golf course/clubhouse uses and shall not allow the transfer of development rights.

Preservation (P), with a maximum FAR of 0.1. The preservation category shall not allow transfer of development rights.

Institutional (I), with a density of 0 to 10 residential units per acre (residential equivalent use shall not exceed 2.0 to 3.0 beds per dwelling unit), with a maximum FAR of 0.65 and ISR of 0.7. Institutional uses shall not include residential equivalent uses.

Transportation/Utility (T/U), with a maximum FAR of 0.7 and ISR of 0.7.

Policy 4.1.1.4:

Zoning districts that define specific uses and development densities and intensities implementing these land use designations shall be included within the City of Madeira Beach land development regulations.

Objective 4.1.2:

Future development and redevelopment shall be managed through the implementation and enforcement of the land development regulations as codified by the City of Madeira Beach consistent with this comprehensive plan.

Policy 4.1.2.1:

The land development regulations shall contain administrative provisions:

For the division of lots, the use of land, the protection of environmentally sensitive lands, and flood hazard safety;

Which implement guidelines for the administration of those land use categories adopted for the City of Madeira Beach;

Ensuring that applications for development approval are subject to site plan review, except for single-family, duplex, and triplex dwelling units;

Ensuring that all development is consistent with those coastal construction regulations adopted and/or amended by the State of Florida, Pinellas County, and other agencies with jurisdictional responsibilities;

Ensuring that drainage and stormwater management is based on the minimum criteria established by the Southwest Florida Water Management District and other governmental agencies with jurisdictional responsibilities; and

Ensuring that all development is consistent with National Flood Insurance Program regulations.

Policy 4.1.2.2:

The land development regulations shall contain design provisions:

Ensuring compliance with the stormwater requirements of the Southwest Florida Water Management District, for the permitted use of either vegetated swales in conjunction with retention ponds or sand filtration and catchment systems where space prohibits the use of retention ponds;

For drainage and stormwater management, open space, safe and convenient on-site traffic flow, parking, and signage;

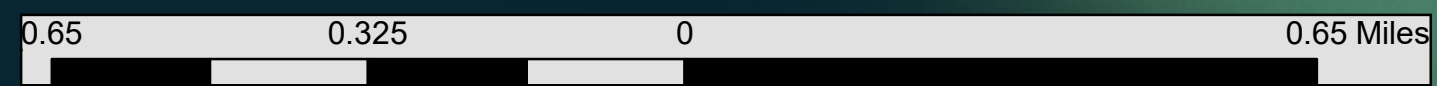
Ensuring the compatibility of adjacent land uses and provide for adequate and appropriate buffering;

Madeira Beach Future Land Use and Street Names Map

Madeira Beach Future Land Use

Future Land Use Categories

<div></div>	Commercial General
<div></div>	Institutional
<div></div>	Planned Redevelopment-Mixed Use
<div></div>	Preservation
<div></div>	Recreation/Open Space
<div></div>	Residential Medium
<div></div>	Residential Urban
<div></div>	Residential/Office/Retail
<div></div>	Resort Facilities Medium
<div></div>	Right of Way
<div></div>	Scenic Corridors
<div></div>	Transportation/Utility
<div></div>	Water
<div></div>	Madeira Beach Parcels
<div></div>	Roads



PART II - CODE OF ORDINANCES
Chapter 110 - ZONING
ARTICLE V. - DISTRICTS
DIVISION 4. R-3, MEDIUM DENSITY MULTIFAMILY RESIDENTIAL

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 both permanent and tourist residential 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) category of the City of Madeira Beach Comprehensive Plan.

(Code 1983, § 20-404; Ord. No. 1138, § 4, 12-9-08; Ord. No. 2022-14 , § 1, 5-11-22)

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

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) Tourist dwelling units.
- (6) Restaurants, excluding drive-in restaurants.
- (7) Publicly owned or operated parks and recreation areas.

(Code 1983, § 20-404)

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.

(Code 1983, § 20-404)

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 and personal service uses only ancillary to a permitted use.
- (2) Public service facilities.
- (3) Commercial recreation and entertainment facilities.

(Code 1983, § 20-404; Ord. No. 2017-03 , § 4, 3-7-17)

Sec. 110-230. Minimum 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: 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 hotel: 60 feet.
 - c. Restaurants: 60 feet.
- (3) Lot depth: All permitted uses 80 feet.

(Code 1983, § 20-404; Ord. No. 1043, § 1, 6-14-05; Ord. No. 1138, § 4, 12-9-08; Ord. No. 2022-14 , § 2, 5-11-22)

Sec. 110-231. Setback requirements.

The following minimum setbacks shall apply in the R-3, medium density multifamily residential district:

- (1) Front yard:
 - a. Single-family, duplex and triplex: 20 feet, measured from right-of-way to structure.
 - b. Multifamily, hotel and restaurants: 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, hotels and restaurants: The minimum side yard setback shall be ten feet provided that the provisions of section 110-236 are met.

(Code 1983, § 20-404; Ord. No. 2022-14 , § 3, 5-11-22)

Sec. 110-232. Maximum building height.

No building in the R-3, medium density multifamily residential district shall exceed 44 feet in height.

(Code 1983, § 20-404; Ord. No. 2021-23 , § 1, 11-10-21; Ord. No. 2022-14 , § 4, 5-11-22)

Sec. 110-233. Maximum lot coverage.

The maximum lot coverage in the R-3, medium density multifamily residential district is as follows:

- (1) Residential use: Floor area ratio (FAR) 1.0. The maximum area of a lot or parcel to be covered by structures shall be 40 percent.
- (2) Multifamily, hotel, and related uses: The density shall be a maximum of 18 residential dwelling units or temporary lodging units as shown in the table below. A combination of both residential and tourist dwelling units may be permissible provided that the provisions of subsection 110-236(b) are met.

Land Area of the Development Site	Units/Acre	FAR	ISR
Less than one acre	45	1.0	0.85
One to three acres	60	1.5	0.85
Greater than three acres	75	2.0	0.85

(3) Commercial/nonresidential: Floor area ratio (FAR) 0.55.

(4) Public service facilities: Floor area ratio (FAR) 0.65.

(5) Public owned parks and recreation facilities: Floor area ratio (FAR) 0.25.

(Code 1983, § 20-404; Ord. No. 1138, § 4, 12-9-08; Ord. No. 2022-14 , § 5, 5-11-22)

Sec. 110-234. Impervious surface ratio (ISR).

The impervious surface ratio (ISR) in the R-3, medium density multifamily residential district for all uses is 0.85.

(Code 1983, § 20-404; Ord. No. 2022-14 , § 6, 5-11-22)

Sec. 110-235. Buffering requirements.

Buffering requirements in the R-3, medium density multifamily residential district are as follows:

- (1) Parking lots/garages for tourist dwellings and nonresidential 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.

(Code 1983, § 20-404)

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 gross 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 or non-residential 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.

(Code 1983, § 20-404; Ord. No. 1138, § 4, 12-9-08; Ord. No. 2022-14 , § 7, 5-11-22)

Secs. 110-237—110-255. Reserved.

DIVISION 7. C-3, RETAIL COMMERCIAL

Sec. 110-316. Definition; purpose and intent.

The C-3, retail commercial district provides service to both permanent and transient residents where a full range of urban services and a high degree of accessibility is required. The C-3, retail commercial district correlates with the commercial general (CG) category and the residential office retail (R/O/R) category of the City of Madeira Beach Comprehensive Plan.

(Code 1983, § 20-404; Ord. No. 1138, § 7, 12-9-08; Ord. No. 2022-10 , § 1, 5-11-22)

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

Sec. 110-317. Permitted uses.

The permitted uses in the C-3, retail commercial district are as follows:

- (1) Retail and personal service uses.
- (2) Business office and financial service uses.

- (3) Multifamily dwellings.
- (4) Tourist dwelling units.
- (5) Restaurants.
- (6) Adult entertainment establishments (article VI, division 13 of this chapter).

(Code 1983, § 20-404)

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.

(Code 1983, § 20-404)

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 and entertainment facilities provided that such facilities shall not be permissible when the underlying future land use category is R/O/R.
- (3) Churches, synagogues or other houses of worship.
- (4) Public service facilities.
- (5) Drive-in or drive-through retail personal service, business and financial services.
- (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) Medical marijuana dispensaries.

(Code 1983, § 20-404; Ord. No. 1138, § 7, 12-9-08; Ord. No. 2015-03, § 1, 2-24-15)

Sec. 110-320. Minimum 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/tourist dwelling units: 4,000 square feet.
 - b. Duplex and triplex units: 3,000 square feet per dwelling unit.
 - c. Multi-family dwelling 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/tourist dwelling units: 40 feet.
 - b. Multifamily/tourist dwelling units: 60 feet.
- (3) Lot depth: All permitted uses: 80 feet.
- (4) Within the CG land use category, the density shall be a maximum of 15 residential dwelling units or 60 temporary lodging units per acre. A combination of both residential dwelling units and temporary lodging units may be permissible provided that the provisions of subsections 110-326(d) are met.
- (5) Within the R/O/R land use category, the density shall be a maximum of 18 dwelling units or 45 temporary lodging units per acre. A combination of both residential dwelling units and temporary lodging units may be permissible provided that the provisions of subsections 110-326(d) are met.

(Code 1983, § 20-404; Ord. No. 1043, § 2, 6-14-05; Ord. No. 1138, § 7, 12-9-08; Ord. No. 2022-10, § 2, 5-11-22)

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.

(Code 1983, § 20-404)

Sec. 110-322. Maximum building height.

- (a) For all uses in the C-3, retail commercial district the maximum building height shall be 34 feet.
- (b) Multifamily/tourist dwelling units in the C-3, retail commercial district shall not exceed 44 feet in height.

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

Sec. 110-323. Maximum lot coverage.

The maximum lot coverage in the C-3, retail commercial district is as follows:

- (1) Residential use: Floor area ratio (FAR) 0.80. The maximum area of a lot or parcel to be covered by structures shall be 40 percent.
- (2) Temporary lodging units: Floor area ratio (FAR) as set forth in the following table, provided that the requirements of subsection 110-326(d) are met:

Land use category	FAR
Commercial general	1.2
Residential/office/retail	1.0

- (3) Commercial general and public service facilities: Floor area ratio (FAR) 0.55; Residential/office/retail: Floor area ratio (FAR) 0.55.

(Code 1983, § 20-404; Ord. No. 1138, § 7, 12-9-08; Ord. No. 2022-10 , § 4, 5-11-22)

Sec. 110-324. Impervious surface ratio (ISR).

- (a) The impervious surface ratio (ISR) in the C-3, retail commercial district for all uses, other than temporary lodging units, is 0.70.
- (b) The impervious surface ratio (ISR) for temporary lodging units is 0.85.

(Code 1983, § 20-404; Ord. No. 1138, § 7, 12-9-08)

Sec. 110-325. Buffering requirements.

- (a) Parking lots/garages for tourist dwellings 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.

(Code 1983, § 20-404)

Sec. 110-326. Special requirements.

- (a) In the C-3, retail commercial district residential dwelling units are permitted on the second floor above first-floor commercial or office units within this district.
- (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. There shall be a minimum of a ten-foot separation between structures.
- (c) When a proposed non-residential 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.

(Code 1983, § 20-404; Ord. No. 1138, § 7, 12-9-08; Ord. No. 2022-10, § 5, 5-11-22)

Secs. 110-327—110-345. Reserved.***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) category of the City of Madeira Beach Comprehensive Plan.

(Code 1983, § 20-404; Ord. No. 1138, § 8, 12-9-08; Ord. No. 2022-11, § 1, 5-11-22)

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

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) Restaurants.
- (4) Tourist dwelling units.
- (5) Retail offices and personal service uses.
- (6) Commercial fishing activities.
- (7) Charter and party boat operations.
- (8) Adult entertainment establishments (article VI, division 13 of this chapter).

- (9) Dwelling units located on the second floor above first floor commercial or office units within this district.

(Code 1983, § 20-404; Ord. No. 1138, § 8, 12-9-08)

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.

(Code 1983, § 20-404)

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 and entertainment facilities.
- (3) Public administration and service facilities.
- (4) Drive-in or drive-through retail, personal service, business and financial services.
- (5) 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.

(Code 1983, § 20-404; Ord. No. 1138, § 8, 12-9-08)

Sec. 110-350. Minimum 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 tourist dwelling units: 4,000 square feet.
 - b. Residential dwellings 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 tourist dwellings: 40 feet.
 - b. Tourist dwellings: 60 feet.
- (3) Lot depth: All permitted uses 80 feet.
- (4) Within the CG land use category, the density shall be a maximum of 15 residential dwelling units or 60 temporary lodging units. A combination of both residential and tourist dwelling units may be permissible provided that the provisions of subsections 110-355(c) and (e) are met.

(Code 1983, § 20-404; Ord. No. 1043, § 3, 6-14-05; Ord. No. 1138, § 8, 12-9-08)

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. Tourist dwelling 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.

(Code 1983, § 20-404)

Sec. 110-352. Maximum building height.

For all uses in the C-4, 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. 2022-11 , § 2, 5-11-22)

Sec. 110-353. Maximum lot coverage.

The maximum lot coverage in the C-4, marine commercial district is as follows:

- (1) Commercial general uses: Floor area ratio (FAR) 0.55; temporary lodging uses in the CG land use category FAR is 1.2, provided that the requirements of subsection 110-356(c) are met.

(2) Public service facilities:

- a. Institutional: Floor area ratio (FAR) 0.55.
- b. Transportation/utility: Floor area ratio (FAR) 0.55.

(Code 1983, § 20-404; Ord. No. 1138, § 8, 12-9-08; Ord. No. 2022-11, § 3, 5-11-22)

Sec. 110-354. Impervious surface ratio (ISR).

The impervious surface ratio (ISR) in the C-4, marine commercial district for all uses is 0.85.

(Ord. No. 2022-11, § 4, 5-11-22)

Editor's note(s)—Ord. No 2022-11, § 4, adopted May 11, 2022, renumbered the former § 110-354 as § 110-355 and enacted a new § 110-354 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 110-355. Buffering requirements.

- (a) Parking lots/garages for tourist dwellings 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.

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

Editor's note(s)—Ord. No 2022-11, § 5, adopted May 11, 2022, renumbered the former § 110-354 as § 110-355 as set out herein. See also the editor's note at § 110-354.

Sec. 110-356. Special requirements.

- (a) In the C-4, marine commercial district residential dwelling 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.

(Code 1983, § 20-404; Ord. No. 1138, § 8, 12-9-08; Ord. No. 1173, § 1, 9-28-10; Ord. No. 2022-11, § 6, 5-11-22)

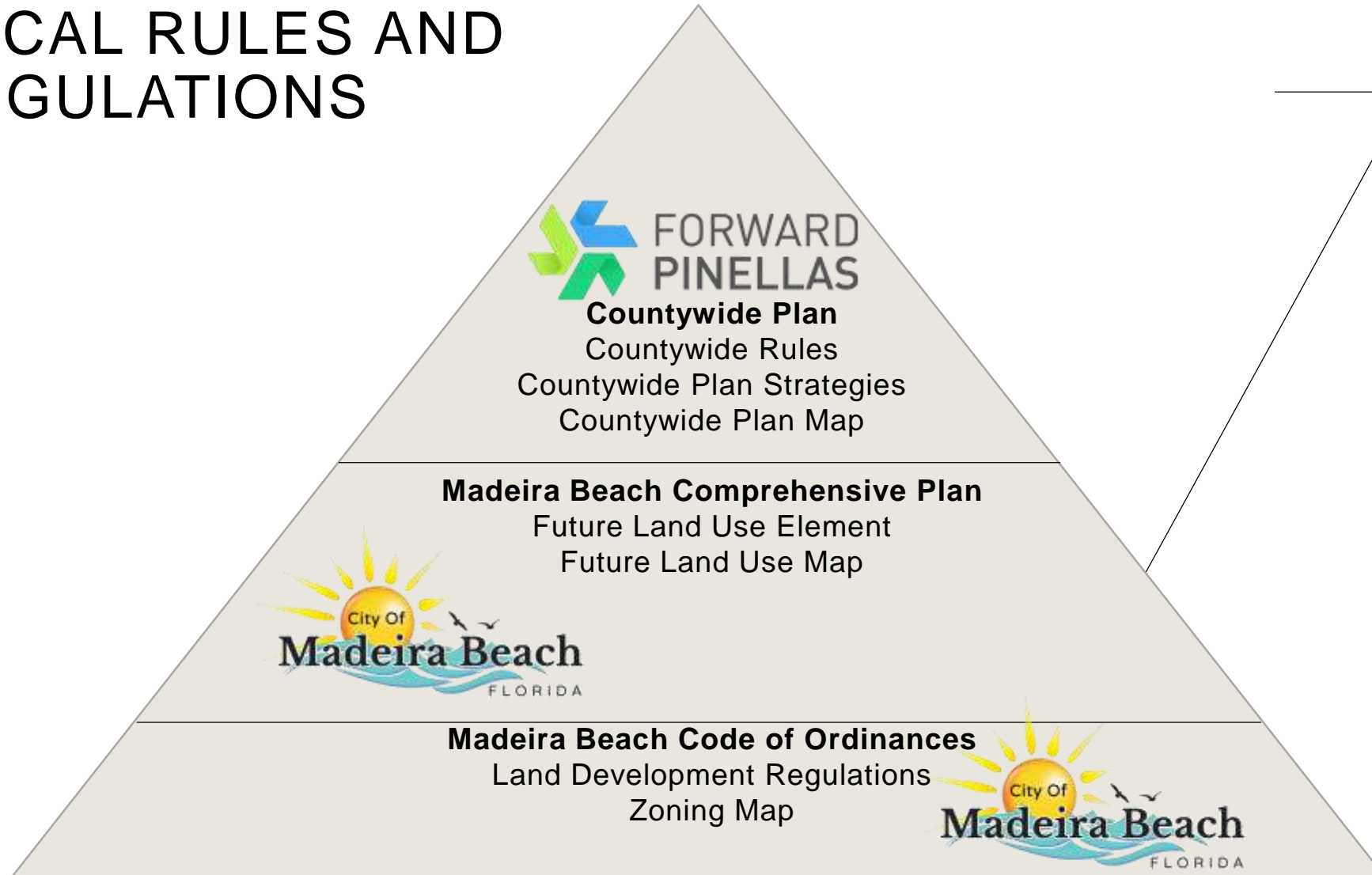
Editor's note(s)—Ord. No 2022-11 , § 6, adopted May 11, 2022, renumbered the former § 110-355 as § 110-356 as set out herein. See also the editor's note at § 110-355.

Secs. 110-357—110-375. Reserved.

LAND USE CONSISTENCY

Community Development Department
May BOC Workshop 2023

LOCAL RULES AND REGULATIONS



PART ONE

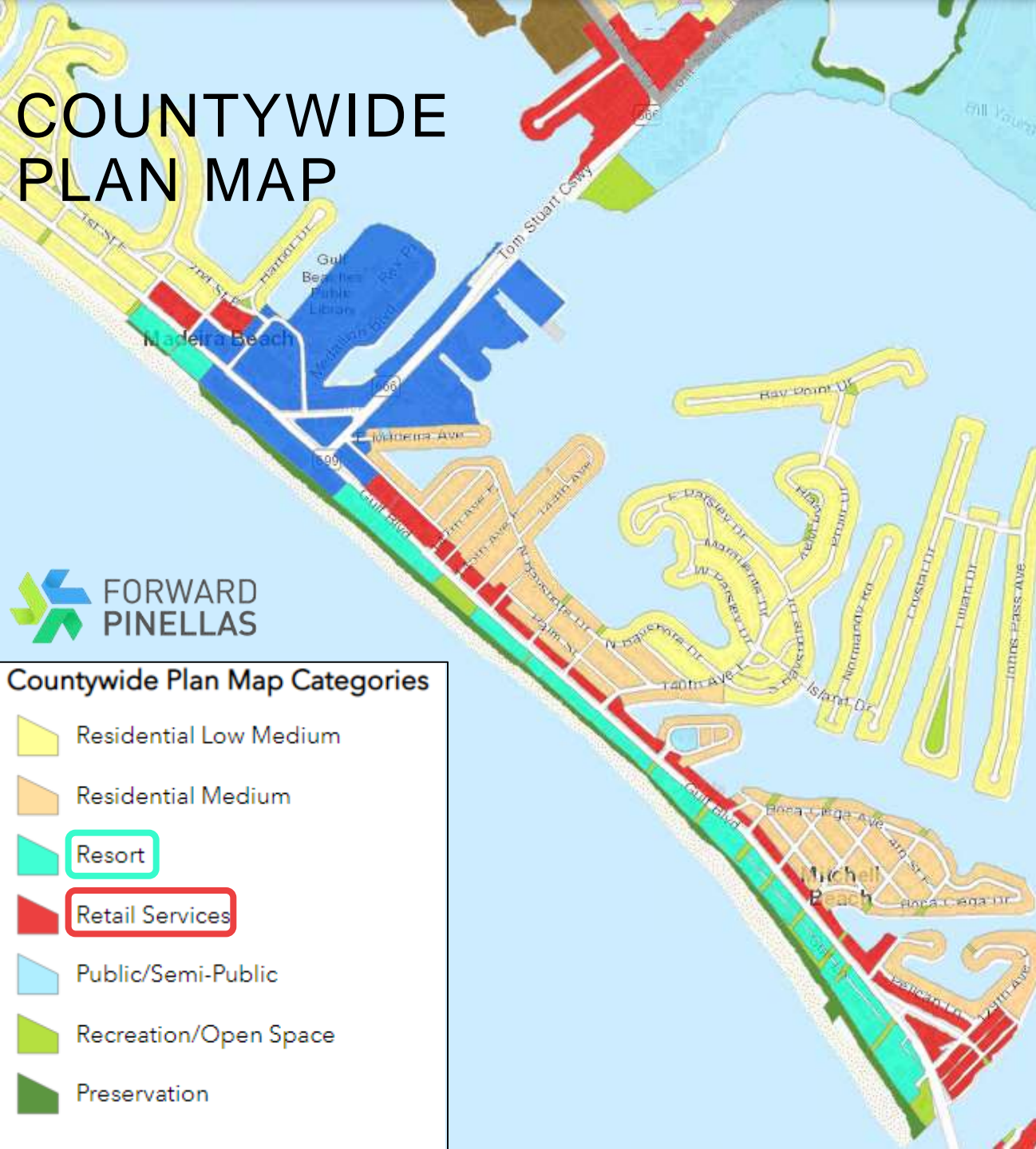
Consistency with the Countywide Plan and
Madeira Beach Comprehensive Plan

COUNTYWIDE PLAN MAP



Countywide Plan Map Categories

-  Residential Low Medium
-  Residential Medium
-  Resort
-  Retail Services
-  Public/Semi-Public
-  Recreation/Open Space
-  Preservation



MADEIRA BEACH FUTURE LAND USE MAP

Item 5B.



Madeira Beach Future Land Use Future Land Use Categories

-  Commercial General
-  Institutional
-  Planned Redevelopment-Mixed Use
-  Preservation
-  Recreation/Open Space
-  Residential Medium
-  Residential Urban
-  Residential/Office/Retail
-  Resort Facilities Medium



COUNTYWIDE MEASUREMENT OF DENSITY/INTENSITY

- **Nonresidential:** FAR
- **Residential:** UPA or FAR if permitted by the category
- **Temporary Lodging:** UPA or nonresidential FAR or UPA and FAR with alternative temporary lodging use standards (inclusive of the garage)
- **Mixed Use:** combination of residential and nonresidential density/intensity standards allocated to respective proportion or all-inclusive FAR

UPA: Units per acre

FAR: Floor Area Ratio



MADEIRA BEACH MEASUREMENT OF DENSITY/INTENSITY

- **Commercial:** FAR
- **Residential:** UPA and FAR
- **Temporary Lodging:** UPA and FAR
- **Mixed Use:** combination of residential or temporary lodging and commercial density/intensity standards allocated to respective proportion

UPA: Units per acre
FAR: Floor Area Ratio



COUNTYWIDE PLAN MAP CATEGORY



Category	UPA Residential	UPA Temporary Lodging	FAR Nonresidential
Resort (R)	30	50	1.2
Retail & Services (R&S)	24	40	0.55

MB FUTURE LAND USE MAP CATEGORY



Category	UPA Residential	UPA Temporary Lodging	FAR
Resort Facilities Medium (RFM)	18	45/60/75*	1.0/1.5/2.0*
Residential Office Retail (R/O/R)	18	45	1.0
Commercial General (CG)	15	60	1.2

UPA: Units Per Acre
 FAR: Floor Area Ratio
 *Depends on lot size

ALTERNATIVE TEMPORARY LODGING USE STANDARDS COUNTYWIDE RULES 5.2.1.3

- Standards must be included in the local Comprehensive Plan and Land Development Regulations
- To use the standards there must be an approved Development Agreement

ALTERNATIVE TEMPORARY LODGING USE STANDARDS COUNTYWIDE RULES

Countywide Plan Category	Property Area Requirements	UPA Temporary Lodging	FAR
Resort (R)	< One Acre	75	2.2
	One to Three Acres	100	3.0
	> Three Acres	125	4.0
Retail & Services (R&S)	No Size Limitations	60	1.2

UPA: Units Per Acre

FAR: Floor Area Ratio



MADEIRA BEACH HISTORY

The Comprehensive Plan was amended in 2007 (Ordinance 1125) to mirror the alternative temporary lodging provision, but the City incorrectly applied them to the entire Commercial General, Retail/Office/Residential, and Resort Facilities Medium area.

Ordinance 1138 (2008) amended the Land Development Regulations to include the Alternative Temporary Lodging Use Standards, but did not provide standards given “by right” (without using the Alternative Temporary Lodging provision)

Commercial General (CG), with a density of 0 to 15 residential units per acre for multifamily dwellings and a temporary lodging density of up to 60 units per acre with a maximum floor area ratio (FAR) of 1.2 and impervious surface ratio (ISR) of 0.9. CG shall not include residential equivalent uses.

Residential/Office/Retail (R/O/R), with a residential density of 0 to 18 units per acre and a temporary lodging density of up to 45 units per acre with a maximum FAR of 1.0 and an ISR of 0.85 and a percentage distribution of 30 to 50 percent residential, 30 to 60 percent nonresidential, and 0 to 20 percent “other”. R/O/R shall not include residential equivalent, research/development, and light manufacturing/assembly uses.

Resort Facilities Medium (RFM), with a residential density of 0 to 18 units per acre and temporary lodging with maximum density and intensity standards as shown in the table below with an approximate percentage distribution of 70 to 100 percent residential, 0 to 20 percent nonresidential, and 0 to 10 percent “other”. RFM shall not include residential equivalent uses.

Temporary Lodging Density and Intensity Standards for the RFM land use plan category are as follows, subject to the specific standards to be set forth in a Development Agreement as provided for in the City’s land development regulations.

Land Area	Units per Acre	FAR	ISR
Less than 1 acre	45	1.0	0.85
Between one acre and three acres	60	1.5	0.85
Greater than three acres	75	2.0	0.85

MADEIRA BEACH COMPREHENSIVE PLAN

- Does not clarify the temporary lodging density and higher FAR is only allowed with a Development Agreement
- Does not provide temporary lodging and FAR “by right”



SOLUTION FOR COMPREHENSIVE PLAN

- Not create nonconforming properties
- Consist with Countywide Plan
- Clarify and reduce temporary lodging UPA and FAR “by right”
- Clarify Development Agreement Requirement for Alternative Temporary Lodging Use Standard
- Clarify FAR is only for commercial use (not residential or temporary lodging)
- Clarify FAR is only calculated for temporary lodging when using the alternative temporary lodging use standards

UPA: Units per acre

FAR: Floor Area Ratio



PART TWO

Consistency with the Countywide Plan,
Madeira Beach Comprehensive Plan, and
Land Development Regulations

COUNTYWIDE PLAN MAP



Countywide Plan Map Categories

- Residential Low Medium
- Residential Medium
- Resort
- Retail Services
- Public/Semi-Public
- Recreation/Open Space
- Preservation

MADEIRA BEACH ZONING MAP

Item 5B.



Madeira Beach Zoning Zoning Categories

- C-1
- C-2
- C-3
- C-4
- P-SP
- PD
- R-1
- R-2
- R-3

COUNTYWIDE PLAN MAP CATEGORY



Category	UPA Residential	UPA Temporary Lodging	FAR Nonresidential
Resort (R)	30	50	1.2
Retail & Services (R&S)	24	40	0.55

MB ZONING CATEGORY



Category	UPA Residential	UPA Temporary Lodging	FAR
R-3	18	45/60/75*	1.0/1.5/2.0*
C-3	15/18**	45/60**	0.55/1.0/1.2**
C-4	15	60	0.55/1.2**

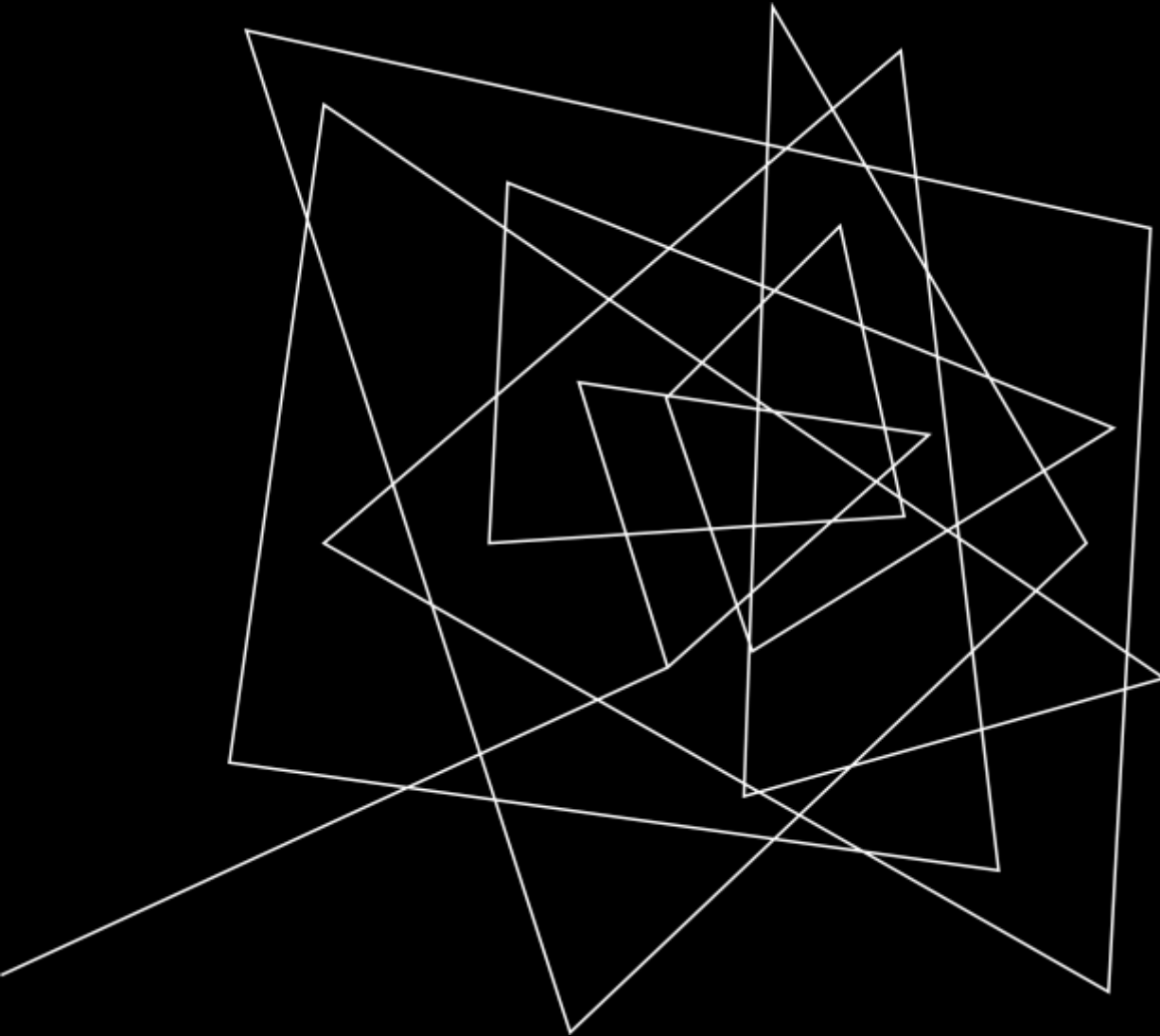
UPA: Units Per Acre
FAR: Floor Area Ratio

*Depends on lot size

** Depends on
Comprehensive Plan Future
Land Use Category and use

SOLUTION FOR LDR

Item 5B.



- Not create nonconforming properties
- Consist with Countywide Plan
- Clarify and reduce temporary lodging UPA and FAR “by right”
- Clarify Development Agreement Requirement for Alternative Temporary Lodging Use Standard
- Clarify FAR is only for commercial use (not residential or temporary lodging)
- Clarify FAR is only calculated for temporary lodging when using the alternative temporary lodging use standards

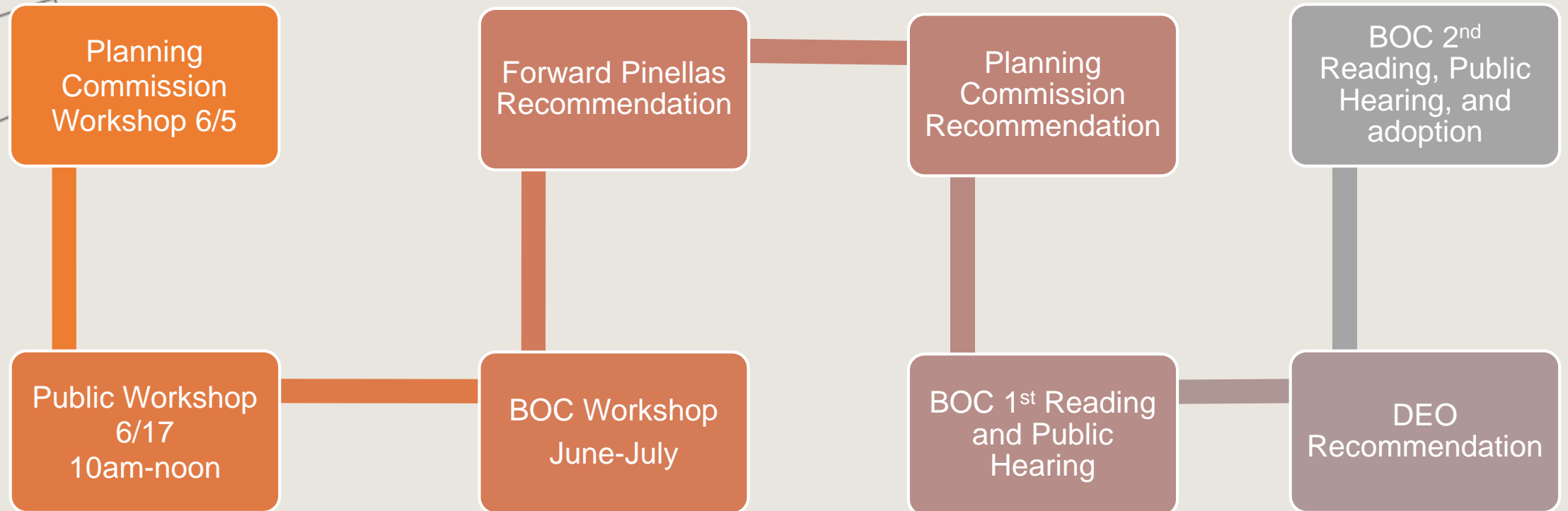
UPA: Units Per Acre
FAR: Floor Area Ratio



PART THREE

Next Steps

PROCESS AND TIMELINE





Memorandum

Meeting Details: June 5, 2023, Planning Commission Meeting

Prepared For: Planning Commission

From: Community Development Department

Subject: Shade Structures

Background: At the Board of Commissioners (BOC) workshop meeting on May 24, 2023, a public comment was discussed regarding shade structures in the rear yard. The BOC asked to get an opinion from the Planning Commission on whether the Madeira Beach Code of Ordinances (Code) should be amended to allow for shade structures (e.g. gazebo, chickee hut). To view the public comment from the BOC workshop meeting please visit <https://www.youtube.com/watch?v=amCpAERNEjg> (the public comment in question is from 1:30 to 5:00 in the video).

Discussion: Currently the setback for accessory structures in residential districts is dependent on the Zoning District and whether the lot is on the water (Chapter 110, Article VI, Division 4. Accessory Structures). Accessory structures on lots on the water in residential zoning districts require the same rear setback as required for the principal structure. Many homes are built to the rear setback which leaves no allowable space for an accessory structure in those lots on the water. Temporary shade structures are allowed within the setback. Accessory structures in commercial zoning districts (except C-1 zoning district) also require the same rear setback as the principal structure. The allowable size in the Code for an accessory structure is smaller than the typical chickee hut: eight feet wide by ten feet long by eight feet high (Sec. 110-480) for residential zones.

Recommendation(s): Staff recommends that the Planning Commission should discuss this item.

Attachments:

- Division 4. Accessory Structures
- Sec. 94-42. Buildings, structures and facilities exempt from Florida Building Code
- Division 11. Swimming Pools

DIVISION 4. ACCESSORY STRUCTURES

Sec. 110-471. Building permits required.

Building permits are required for the construction or placement of all accessory structures.

(Code 1983, § 20-505(A))

Sec. 110-472. R-1, single-family residential zones.

Accessory structures may not be located in front yards in R-1, single-family residential zones.

- (1) *Lots not on water.* For lots not on water in R-1, single-family residential zones, accessory structures may be located in side or rear yards but must provide a minimum of 2½-foot setback to allow for vegetation control.
- (2) *Lots on water.* For lots on water in R-1, single-family residential zones, accessory structures may be located in side or rear yards. If the accessory structure is located in a side yard, a minimum of 2½-foot side setback must be provided. If the accessory structure is located in the rear yard, the same rear setback as required for principal structures must be provided.

(Code 1983, § 20-505(B))

Sec. 110-473. R-2, low density multifamily residential zones.

Accessory structures may not be located in front yards in R-2, low density multifamily residential zones.

- (1) *Lots not on water.* For lots not on water in R-2, low density multifamily residential zones, accessory structures may be located in side or rear yards but must provide a minimum of 2½-foot setback to allow for vegetation control.
- (2) *Lots on water.* For lots on water in R-2, low density multifamily residential zones, accessory structures may be located in side or rear yards. If the accessory structure is located in a side yard, a minimum of 2½-foot side setback must be provided. If the accessory structure is located in the rear yard, the same rear setback as required for principal structures must be provided.

(Code 1983, § 20-505(C))

Sec. 110-474. R-3, medium density multifamily residential zones.

Accessory structures (except carports) may not be located in front yards in R-3, medium density multifamily residential zones.

- (1) *Lots not on water.* For lots not on water in R-3, medium density multifamily residential zones, accessory structures (except carports) 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-foot setback must be provided to allow for vegetation control.

- (2) *Lots on water.* Accessory structures (except carports) on lots on water in R-3, medium density multifamily residential zones must provide the same setbacks as are required for the principal structure.
- (3) Carports in the R-3, medium density multifamily residential zones may be located in the front or side yard and must provide a five-foot side yard setback and ten-foot front yard setback.
- (4) The accessory structure must meet the intersection visibility requirement.

(Code 1983, § 20-505(D); Ord. No. 2022-12 , § 1, 5-11-22)

Sec. 110-475. C-1, tourist commercial zones.

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 2½-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.

(Code 1983, § 20-505(E))

Sec. 110-476. C-2, John's Pass marine commercial zone.

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.

(Code 1983, § 20-505(F))

Sec. 110-477. C-3, retail commercial zones.

Accessory structures may not be located in front yards in C-3, retail commercial zones. Accessory structures in C-3, retail commercial zones must provide the same side and rear setbacks as are required for the principal structure.

(Code 1983, § 20-505(G))

Sec. 110-478. C-4, marine commercial zones.

Accessory structures may not be located in front yards in C-4, marine commercial zones. Accessory structures in C-4, marine commercial zones must provide the same side and rear setbacks as are required for the principal structure.

(Code 1983, § 20-505(H))

Sec. 110-479. P/SP, public-semi public zones.

There are no restrictions regarding accessory structures in P/SP, public-semi public zones. Accessory structures in P/SP, public-semi public zones must be consistent with site plan approval.

(Code 1983, § 20-505(I))

Sec. 110-480. Maximum size in R-1, R-2 and R-3 zones.

For single-family structures, the maximum size for an accessory structure will be eight feet wide by ten feet long by eight feet high. For duplex and multifamily structures, there may not be more than two accessory structures for a maximum size of six feet by eight feet by eight feet or a single accessory structure eight feet by ten feet by eight feet. The maximum size of a carport in the R-3, medium density multifamily residential zone for single family structures, is 20 feet wide by 22 feet long by ten feet high. For single family structures, there may not be more than one carport. The limit to the number of carport structure for duplex and multifamily structures will be regulated by parking requirements and the site plan approval process.

(Code 1983, § 20-505(J); Ord. No. 2022-12 , § 2, 5-11-22)

Sec. 110-481. Maximum size in C-1, C-2, C-3 and C-4 zones.

An accessory structure not to exceed eight feet by 12 feet by eight feet may be installed and only one accessory type structure may be placed on any lot or group of lots under the same ownership.

(Code 1983, § 20-505(K))

Sec. 110-482. Lot coverage.

The area covered by accessory structures shall be included in the allowable lot coverage.

(Code 1983, § 20-505(L))

Sec. 110-483. Tiedowns.

All accessory structures must have tiedowns per the Standard Building Code. This also applies to all accessory type structures in place before the passage of the ordinance from which this section was derived.

(Code 1983, § 20-505(M))

Sec. 110-484. Placement.

An accessory type structure may not be placed forward of the front entrance of the principal structure. In no case shall an accessory type structure be placed closer to any lot line adjacent to a street than provided for the principal structure nor closer than 18 feet to any seawall on the Gulf of Mexico.

(Code 1983, § 20-505(N); Ord. No. 918, § 3, 12-7-99)

Sec. 110-485. Prohibited accessory structures.

Manufactured housing, mobile homes, semi-trailers and other motor vehicles shall not be permitted to be used as storage buildings or other such uses.

(Code 1983, § 20-505(O))

Secs. 110-486—110-500. Reserved.

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)

DIVISION 11. SWIMMING POOLS

Sec. 110-716. Permitted; requirements.

Swimming pools are permitted accessory structures to residential or nonresidential uses, provided that the requirements in this division are met. In addition to swimming pools, spas shall also meet the requirements of this division.

(Code 1983, § 20-610)

Sec. 110-717. Location.

Swimming pools may be located within side, rear or corner yards but shall not be allowed in front yards in R-1 and R-2 zoned districts. A swimming pool which projects above the finish grade more than one foot shall not be permitted in any yard that fronts on an open water body. Spas adjoining swimming pools and decorative features such as waterfalls, which project above the finish grade more than 36 inches shall not be permitted in any yard which fronts on an open body of water.

(Code 1983, § 20-610(1); Ord. No. 1091, § 1(Exh. A), 9-26-06)

Sec. 110-718. Site coverage.

A pool constructed in accordance with this division and which does not protrude more than one foot above finish grade surrounding the pool shall not be included in determining the percentage of lot coverage. A swimming pool which does project above finish grade more than one foot shall be included in determining the percentage of lot coverage.

(Code 1983, § 20-610(2))

Sec. 110-719. Fencing.

All swimming pools shall be enclosed with a screen enclosure or a fence or wall having a minimum height of four feet and in compliance with the provisions of article VI, division 3 of this chapter. The fence, wall or door to the screen enclosure shall be equipped with a self-closing and self-latching gate which operates from the interior of the swimming pool area only.

(Code 1983, § 20-610(3))

Sec. 110-720. Setbacks.

- (a) A swimming pool shall be constructed in such a manner as to meet the following minimum setbacks, as measured from the water's edge.

Structure: 5 feet.

Side: 5 feet.

Rear, not on water: 5 feet.

Rear, Boca Ciega Bay: 12 feet or greater, so as not to interfere with seawall tiebacks. Pools may be located within the required rear yard setback provided a minimum setback of eight feet is maintained from the rear property line. Prior to issuance of a permit, a signed and sealed certification from an engineer, registered in the State of Florida, must be submitted stating that the proposed swimming pool will not affect the integrity or functioning of the seawall or its deadmen.

Rear, Gulf of Mexico: landward of the county coastal construction control line.

- (b) The water's edge shall not be located any closer than ten feet horizontally or vertically to any overhead electrical power line.
- (c) In no case shall a pool be located on any easement.

(d) Screen enclosures must be constructed to meet the setbacks of the principal structure as required for the appropriate zoning district.

(Code 1983, § 20-610(4); Ord. No. 933, § 1, 10-17-00; Ord. No. 1038, § 1(Exh. A), 4-12-05)

Sec. 110-721. Patios; lighting; design.

- (a) If a patio is provided adjacent to or surrounding the swimming pool it shall be designed as to be self-draining away from that pool and comply with the provisions of chapter 106, article II, landscaping, for maximum permeable surfaces and chapter 98, article II for protection of soil and water resources.
- (b) Any artificial light used to illuminate the premises shall be directed away from adjacent properties and streets to comply with the provisions of article VI, division 5 of this chapter, outdoor lighting.
- (c) All in-ground swimming pools and similar structures shall be designed and sealed by a registered engineer of the state. The in-ground swimming pool or similar structure shall comply with all Code provisions of the city and state laws.
- (d) A patio or paved deck which projects above the finish grade more than one foot shall not be permitted in any yard that fronts on an open water body. A patio that has a vertical height greater than 12 inches shall not be approved unless an analyses prepared by a qualified and registered design professional demonstrates no new offsite runoff, in which case, patios may not project above finish grade more than three feet.

(Code 1983, § 20-610(5); Ord. No. 2019-09 , § 1, 6-11-19)

Secs. 110-722—110-740. Reserved.