



# PLANNING COMMISSION MEETING AGENDA

Monday, May 01, 2023 at 6:00 PM  
Commission Chambers - 300 Municipal Drive

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

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## 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. April 4, 2023 - MINUTES

## 5. NEW BUSINESS

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

B. Ordinance 2023-10, Amendment to Ch. 110 - Alcohol Beverage Permit Application Fee

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

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

## 6. OLD BUSINESS

## 7. ADMINISTRATIVE/STAFF PRESENTATION

A. Sunshine Law Training

**8. PLANNING COMMISSION DISCUSSION**

**9. NEXT MEETING**

Next meeting is scheduled for Monday, June 5, 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

**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 9<sup>th</sup>, 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:

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Michael Wyckoff, Chairman

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Date

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Lisa Scheuermann, Board Secretary

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Date



# Memorandum

**Meeting Details:** May 1, 2023, Planning Commission Meeting

**Prepared For:** Planning Commission

**From:** Community Development Department

**Subject:** Ordinance 2023-09, Increase in Notice Requirement for Development Agreement Applications

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**Background:** Ordinance 2023-09 expands the distance of mailed public notices from 200 feet to 300 feet of the subject property for entering into, amending, or revoking a development agreement. The ordinance also clarifies that the Community Development Department will post and mail the public notice when the Development Agreement goes before the planning commission.

**Discussion:** Changing the public notice for entering into, amending, or revoking a development agreement mailing distance to properties within 300 feet would be the same as the public notice mailing requirements for other public hearing notices (land use and zoning changes, alcohol beverage applications, and variances).

**Fiscal Impact:** Minor increase in mailing postage and staff time preparing extra mailing notices.

**Recommendation(s):** Staff recommends the approval of Ordinance 2023-09

**Attachments:**

- Ordinance 2023-09
- Forward Pinellas Consistency Letter

## ORDINANCE 2023-09

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTION 86-144 (NOTIFICATION) OF ARTICLE IV (DEVELOPMENT AGREEMENTS) OF CHAPTER 86 (ADMINISTRATION) OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO PROVIDE FOR NOTICE BY U.S. MAIL TO ALL PROPERTY OWNERS WITHIN 300 FEET IN ANY DIRECTION OF PROPERTY WHICH IS THE SUBJECT OF A PUBLIC HEARING CONSIDERING AN APPLICATION TO ENTER INTO, AMEND OR REVOKE A DEVELOPMENT AGREEMENT; PROVIDING THAT NOTICES SHALL BE POSTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

**WHEREAS**, the Planning Department has reviewed the current provisions of Section 86-144 of Article IV (Development Agreements) of Chapter 86 (Administration) of the Code of Ordinances and has recommended that the notice provision therein be increased from 200 feet to 300 feet; and

**WHEREAS**, the recommendations of the Planning Department has been found meritorious by the Board of Commissioners; and

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

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

**Section 1.** That Section 86-144 (Notification) of Article IV (Development Agreements) of Chapter 86 (Administration) of the Code of Ordinances of the City of Madeira Beach, Florida, is hereby amended to read as follows:

**Sec. 86-144. – Notification.**

- (a) When and at such time as an application for entering into, amending or revoking a development agreement is made, the ~~city clerk~~ Community Development Department shall post a notice of the time and place at which the planning



commission, local planning agency shall consider the subject matter at a public hearing a minimum of 15 days prior to the hearing. Notice of the intent to consider the application for entering into, amending or revoking a development agreement shall be advertised in a newspaper of general circulation and readership within the city at least seven days before the planning commission, local planning agency public hearing. At least 15 days prior to the planning commission, local planning agency public hearing, notice of intent to consider the application for entering into, amending or revoking a development agreement shall also be mailed by first class United States Mail to all property owners of record on the tax roll of the year within which the case is being heard within ~~200~~300 feet in any direction of the property which is the subject matter of the application. Additionally, the notice of intent shall be posted upon the property itself. All such notices of intent to consider the application for entering into, amending or revoking of the development agreement shall specify the location of the land(s) subject to the application, the development uses proposed on the property(ies), the proposed population densities and the proposed building intensities and height and a statement that provides that the board of commissioners, in approving a development agreement, is authorized, without limitation, to grant relief from any provision of the land development regulations that is otherwise authorized to be waived, varied or granted by the land development regulations. All such notices of intent shall also specify a place where a copy of the proposed development agreement can be obtained. The day, time and place at which the board of commissioners will conduct a second public hearing on the application to enter into, amend or revoke a development agreement shall be announced at the first public hearing held before the planning commission, local planning agency. Note: Failure to notify all of the abutting property owners, as shown on the records of the Pinellas County Property Appraiser's Office, shall not constitute grounds for re-advertising the public hearing or conducting additional public hearings and shall not affect any action or proceeding on the application.

- (b) After completion of the first public hearing before the planning commission, local planning agency regarding an application for entering into, amending or revoking a development agreement, the ~~city clerk~~ Community Development Department shall post a notice of the time and place at which the board of commissions shall consider the subject matter at a second public hearing a minimum of 15 days prior to the hearing. Notice of the intent to consider the application for entering into, amending or revoking a development agreement shall be advertised in a newspaper of general circulation and readership within the city at least seven days before the board of commissioners public hearing. Additionally, the notice of intent shall be posted upon the property itself. All such notices of intent to consider the application for entering into, amending or revoking of the development agreement shall specify the location of the land(s) subject to the application, the development uses proposed on the properties, the proposed population densities and the proposed building intensities and height and a statement that provides that the board of commissioners, in approving a development agreement, is authorized, without limitation, to grant relief from any provision of the land development

regulations that is otherwise authorized to be waived, varied or granted by the land development regulations. All such notices of intent shall also specify a place where a copy of the proposed development agreement can be obtained. Note: Failure to notify all of the abutting property owners, as shown on the records of the Pinellas County Property Appraiser's Office, shall not constitute grounds for re-advertising the public hearing or conducting additional public hearings and shall not affect any action or proceeding on the application.

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

**Section 3.** In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

**Section 4.** This Ordinance shall be in full force and effect from and after its adoption and approval in the manner approved by law.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

\_\_\_\_\_  
John B. Hendricks, 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: \_\_\_\_\_



April 7, 2023

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

**RE: Review of proposed code amendments (Ord. Nos. 2023-09, 2023-10, 2023-12, and 2023-13)**

Dear Andrew:

Thank you for forwarding the proposed code amendments, revising provisions for public notice, alcoholic beverage permits, portable signs, and rental of residential amenities. These subjects are not addressed by the Countywide Rules, and therefore the City's amendments do not require a consistency review.

If you have any questions or if there is anything I can assist with, please feel free to call me at 727-424-3351 or email me at [lfisher@forwardpinellas.org](mailto:lfisher@forwardpinellas.org).

Sincerely,

A handwritten signature in black ink that reads "Linda Fisher".

Linda Fisher  
Principal Planner



# Memorandum

**Meeting Details:** May 1, 2023, Planning Commission Meeting

**Prepared For:** Planning Commission

**From:** Community Development Department

**Subject:** Ordinance 2023-10, Amendment to Ch. 110 - Alcohol Beverage Permit Application Fee

## **Background:**

The proposed Ordinance 2023-10 removes the exact fee amount for alcoholic beverage applications from the Madeira Beach Code of Ordinances. Instead, the City's Fees & Collection Procedure Manual will determine the cost of an alcoholic beverage permit application.

## **Discussion:**

By referencing the City's Fees & Collection Procedure Manual instead of stating the exact fee amount, the alcoholic beverage permit application fee can be adjusted without needing to change the fee amount within the Code.

## **Fiscal Impact:**

The ability to adjust the alcohol beverage permit application without amending the Code will save on staff time and notices to amend the Code and make it easier to adjust costs.

## **Recommendation(s):**

Staff recommends the approval of Ordinance 2023-10.

## **Attachments:**

- Ordinance 2023-10
- Forward Pinellas Consistency Letter

## ORDINANCE 2023-10

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTIONS 110-531, 110-533 AND 110-539 OF ARTICLE VI (SUPPLEMENTARY DISTRICT REGULATIONS) OF CHAPTER 110 (ZONING) OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO REFER TO THE CITY'S FEES & COLLECTION PROCEDURE MANUAL FOR THE COST OF AN ALCOHOLIC BEVERAGE PERMIT APPLICATION FEE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, City Staff is recommending that the Board of Commissioners of the City of Madeira Beach, Florida, amend Sections 110-531, 110-533 and 110-539 of Article VI (Supplementary District Regulations) of Chapter 110 (Zoning) to refer to the City's Fees & Collection Procedure Manual for the cost of an alcoholic beverage permit application fee; and

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

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

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

**Section 1.** That subparagraph (6) of Section 110-531 (Application for Zoning of Lot for Sale of Alcoholic Beverages) of Article VI (Supplementary District Regulations) of Chapter 110 (Zoning) of the Code of Ordinances of the City of Madeira Beach, Florida, is hereby amended to read as follows:

- (6) Payment of athe non-refundable ~~\$500.00~~-application fee listed in the Fees & Collection Procedure Manual.

**Section 2.** That subparagraph (b) of Section 110-533 (Reconsideration of Alcoholic Beverage Zoning) of Article VI (Supplementary District Regulations) of Chapter 110 (Zoning) of the Code of Ordinances of the City of Madeira Beach, Florida, is hereby amended to read as follows:

- (b) In the event any applicant shall desire reconsideration under subsection (a) of this section, the applicant shall submit his application for such alcoholic beverage zoning to the city manager or his designate in the usual manner and pay the ~~\$500.00~~ application fee listed in the Fees & 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.

**Section 3.** That subparagraph (b) of Section 110-539 (Application Processing and Fees) of Article VI (Supplementary District Regulations) of Chapter 110 (Zoning) of the Code of Ordinances of the City of Madeira Beach, Florida, is hereby amended to read as follows:

- (b) The city manager is authorized to charge ~~an the~~ application fee ~~of \$500.00~~ listed in the Fees & Collection Procedure Manual for processing the application.

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

**Section 5.** In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

**Section 6.** This Ordinance shall be in full force and effect from and after its adoption and approval in the manner approved by law.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE  
CITY OF MADEIRA BEACH, FLORIDA, THIS \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

\_\_\_\_\_  
John B. Hendricks, 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: \_\_\_\_\_





April 7, 2023

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

**RE: Review of proposed code amendments (Ord. Nos. 2023-09, 2023-10, 2023-12, and 2023-13)**

Dear Andrew:

Thank you for forwarding the proposed code amendments, revising provisions for public notice, alcoholic beverage permits, portable signs, and rental of residential amenities. These subjects are not addressed by the Countywide Rules, and therefore the City's amendments do not require a consistency review.

If you have any questions or if there is anything I can assist with, please feel free to call me at 727-424-3351 or email me at [lfisher@forwardpinellas.org](mailto:lfisher@forwardpinellas.org).

Sincerely,

A handwritten signature in black ink that reads "Linda Fisher".

Linda Fisher  
Principal Planner



# Memorandum

**Meeting Details:** May 1, 2023, Planning Commission Meeting

**Prepared For:** Planning Commission

**From:** Andrew Morris, Planner/GIS Technician, Community Development Department

**Subject:** Ordinance 2023-12, Amendment to LDR - Definition of Portable Sign

**Background:** Ordinance 2023-12 updates the definition of portable sign to follow the federal appeals court ruling from LaCroix v. Town of Fort Myers Beach. The case ruled that it is a first amendment right for citizens to be able to carry non-commercial speech signs in public areas such as sidewalks and parks.

**Discussion:** Ordinance 2023-12 clarifies that a sign not bearing a commercial message which is carried by a person (whether worn or held by hand) shall not be considered a prohibited portable sign. These signs shall be permitted to be carried in any location such person is otherwise lawfully allowed to be present, including on the City's sidewalks and parks.

**Fiscal Impact:**

N/A

**Recommendation(s):**

Staff recommends the approval of Ordinance 2023-12.

**Attachments:**

- Ordinance 2023-12
- Forward Pinellas Consistency Letter

## ORDINANCE 2023-12

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTION 82-2 (DEFINITIONS) OF CHAPTER 82 (GENERAL PROVISIONS) OF THE CITY'S LAND DEVELOPMENT CODE TO REVISE THE DEFINITION OF PORTABLE SIGN; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City last amended its current sign code on December 11, 2018 via Ordinance 2018-14; and

**WHEREAS**, the sign code defines "portable sign" as any sign not permanently attached to the ground or other permanent structure, designed to be transported including, but not limited to, signs designed to be transported by means of wheels, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day-to-day operations of the business; and

**WHEREAS**, the City has become aware of the case of *LaCroix v. Town of Fort Myers Beach*, 38 F.4<sup>th</sup> 941 (11<sup>th</sup> Cir. 2022), wherein the federal appeals court determined that a similarly-worded provision had the effect of preventing citizens from carrying signs on their persons in traditional public areas such as sidewalks and parks to engage in their First Amendment rights; and

**WHEREAS**, in adopting similar model code language, the Board of Commiositioners did not, and does not intend to impinge on such rights; and

**WHEREAS**, since adopting its sign code the City has never cited any person for carrying a sign as a means of engaging in First Amendment rights, and the City is committed to never do so; and

**WHEREAS**, the Board of Commissioners has asked the City Attorney to revise the definition of "portable sign" to ensure it cannot be interpreted or applied in the manner described in the *LaCroix* case, and to ensure instead that it will affirm a citizen's right to carry a sign expressing any non-commercial speech the citizen desires to express; and

**WHEREAS**, the Board of Commissioners finds that it is in the interest of the City and its citizens to adopt the code amendment set forth in this Ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** The definition of Portable Sign, as found under Sign Types within the definition of Sign, in Section 82-2 of the Land Development Code of the City of Madeira Beach is hereby amended to read as follows:

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

**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.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

**Section 4.** 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 5.** 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 \_\_\_\_\_, 2023.**

\_\_\_\_\_  
John B. Hendricks, Mayor

**ATTEST:**

\_\_\_\_\_  
Clara VanBlargan, MMC, MSM, City Clerk

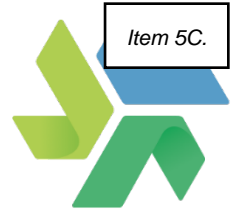
**APPROVED AS TO FORM:**

\_\_\_\_\_  
Thomas J. Trask, City Attorney

PASSED ON FIRST READING: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

PASSED ON SECOND READING: \_\_\_\_\_



April 7, 2023

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

**RE: Review of proposed code amendments (Ord. Nos. 2023-09, 2023-10, 2023-12, and 2023-13)**

Dear Andrew:

Thank you for forwarding the proposed code amendments, revising provisions for public notice, alcoholic beverage permits, portable signs, and rental of residential amenities. These subjects are not addressed by the Countywide Rules, and therefore the City's amendments do not require a consistency review.

If you have any questions or if there is anything I can assist with, please feel free to call me at 727-424-3351 or email me at [lfisher@forwardpinellas.org](mailto:lfisher@forwardpinellas.org).

Sincerely,

A handwritten signature in black ink that reads "Linda Fisher".

Linda Fisher  
Principal Planner



# Memorandum

**Meeting Details:** May 1, 2023, Planning Commission Meeting

**Prepared For:** Planning Commission

**From:** Community Development Department

**Subject:** Ordinance 2023-13, LDC - Rental of Residential Amenities

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**Background:** Home amenity rentals have the potential to create negative impacts on residential neighborhoods by generating additional traffic, noise, and disruptive behavior. Ordinance 2023-13 prohibits the owner or authorized agent of an owner of a residential property from renting or leasing any amenity, feature, or structure other than a dwelling.

**Discussion:** Ordinance 2023-13 defines “Amenity, feature, or structure” as including, but is not limited to, sheds, garages, driveways, rooftops, attics, pools, spas, saunas, putting greens, sports courts, gazebos, or front, rear or side yards. Commercial and other areas in Madeira Beach that currently allow for renting or leasing recreation, or event facilities would not be affected by this ordinance.

**Fiscal Impact:**

N/A

**Recommendation(s):**

Staff recommends the approval of Ordinance 2023-13.

**Attachments:**

- Ordinance 2023-13
- Forward Pinellas Consistency Letter

## ORDINANCE 2023-13

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, CREATING DIVISION 15 OF ARTICLE VI OF CHAPTER 110 (ZONING) OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF MADEIRA BEACH CONCERNING RENTAL OF RESIDENTIAL AMENITIES; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida municipalities have the constitutional and statutory home rule authority to adopt regulations to advance the health, safety and welfare of their residents and visitors, to preserve and protect the unique characteristics of their communities, and to ensure uses of land are consistent with the intended characteristics of established zoning districts; and

**WHEREAS**, the City of Madeira Beach finds that the recent advent of internet based marketplaces which allow owners of single family residential homes to rent out amenities of homes such as pools, yards, driveways and roofs on a daily or even hourly basis is detrimental to its residential neighborhoods; and

**WHEREAS**, such short term rental activities generate additional and frequent automotive traffic into single family residential neighborhoods from customers of such marketplaces, which traffic undermines the level, frequency and timing of traffic in such neighborhoods which were intended with these zoning districts were established; and

**WHEREAS**, such short term rental activities bring to such residential neighborhoods an increase in persons who do not actually live in or have any connection to the neighborhoods; and

**WHEREAS**, frequent home amenity rentals will have negative impacts on the residential neighborhoods in which they occur, including added automotive traffic, consumption of limited available street parking, increased law enforcement calls to address the noisy parties and other disruptive behavior, including behavior which can last into the night, which will often occur by amenity renters who, by virtue of their lack of connection to the property or neighborhood, will not have a regard for the occupants of neighboring homes; and

**WHEREAS**, the provisions of this Ordinance do not prevent citizens from accessing facilities to swim, conduct marriage ceremonies, engage in sports activities, or to otherwise recreate, as there are already ample businesses and venues within and proximate to the City which are properly zoned, with setbacks and other regulatory measures to ensure negative impacts on surrounding properties is minimized; and

**WHEREAS**, the Board of Commissioners finds that it is in the best interest of the City, its residents, and property owners, to approve the regulatory measures set forth in this Ordinance.

**NOW, THEREFORE BE IT ORDAINED** by the Board of Commissioners of the City of Madeira Beach, Florida, that:



**Section 1.** Division 15 of Article VI of Chapter 110 (Zoning) of the Land Development Regulations of the City of Madeira Beach is hereby created as follows:

**DIVISION 15 – REGULATION OF RESIDENTIAL AMENITIES**

**Sec. 110-610. – Residential amenities rentals prohibited.**

- (a) The owner or authorized agent of an owner of a residential property is prohibited from renting or leasing, or listing on any online marketplace for rent or lease, any amenity, feature, or structure, other than a dwelling, detached dwelling, dwelling units or accessory dwellings, appurtenant to or associated with such residential property, regardless of the purpose or length of time of said rental or lease.
- (b) For purposes of this section, the words “amenity, feature, or structure” includes, but is not limited to, sheds, garages, driveways, rooftops, attics, pools, spas, saunas, putting greens, sports courts, gardens, gazebos, or front, rear or side yards.

**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.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

**Section 4.** The Codifier shall codify the substantive amendments to the Madeira Beach Code 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 5.** 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 \_\_\_\_\_, 2023.**

\_\_\_\_\_  
John B. Hendricks, Mayor

**ATTEST:**

\_\_\_\_\_  
Clara VanBlargan, MMC, MSM, City Clerk

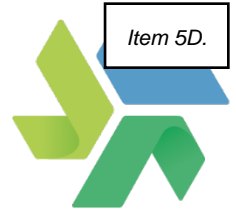
**APPROVED AS TO FORM:**

\_\_\_\_\_  
Thomas J. Trask, City Attorney

PASSED ON FIRST READING: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

PASSED ON SECOND READING: \_\_\_\_\_



April 7, 2023

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

**RE: Review of proposed code amendments (Ord. Nos. 2023-09, 2023-10, 2023-12, and 2023-13)**

Dear Andrew:

Thank you for forwarding the proposed code amendments, revising provisions for public notice, alcoholic beverage permits, portable signs, and rental of residential amenities. These subjects are not addressed by the Countywide Rules, and therefore the City's amendments do not require a consistency review.

If you have any questions or if there is anything I can assist with, please feel free to call me at 727-424-3351 or email me at [lfisher@forwardpinellas.org](mailto:lfisher@forwardpinellas.org).

Sincerely,

A handwritten signature in black ink that reads "Linda Fisher".

Linda Fisher  
Principal Planner