



PLANNING COMMISSION MEETING AGENDA

Monday, September 11, 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**
5. **NEW BUSINESS**

- A. Ordinance 2023-19 Definitions to be consistent with Forward Pinellas
- B. Ordinance 2023-22 Future Land Use Element to be consistent with Forward Pinellas
- C. Ordinance 2023-26: R-3 Medium Density Multifamily Residential Zoning District to be consistent with the Countywide Plan
- D. 2023-27: C-1 Tourist Commercial Zoning District to be consistent with the Countywide Plan
- E. Ordinance 2023-28: C-2 John's Pass Marine Commercial Zoning District to be consistent with the Countywide Plan

F. Ordinance 2023-29: C-3 Retail Commercial Zoning District to be consistent with the Countywide Plan

G. Ordinance 2023-30: C-4 Marine Commercial Zoning District to be consistent with the Countywide Plan

6. OLD BUSINESS

7. ADMINISTRATIVE/STAFF PRESENTATION

8. PLANNING COMMISSION DISCUSSION

9. NEXT MEETING

Next meeting is scheduled for Monday, October 2, 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. 244 or fax a written request to 727-399-1131.



Memorandum

Meeting Details: September 11, 2023, Planning Commission

Prepared For: Planning Commission

From: Community Development Department

Subject: Ordinance 2023-19 Definitions to be consistent with Forward Pinellas

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

Discussion: The city is required to be consistent with the Forward Pinellas Countywide Plan. To be consistent with the Countywide Plan, the city must make amendments to the Comprehensive Plan and Code of Ordinances. The upcoming amendments will include clarification of the alternative temporary lodging use standards, clarification of intensity and density standards without using the alternative temporary lodging use standards, update allowed uses terminology to conform with the Countywide Plan definitions and clarify the measurement of intensity and density to be consistent with the Forward Pinellas Countywide Plan.

Ordinance 2023-19 amends Section 82-2 of the Code of Ordinances to include and amend definitions to be consistent with the Countywide Plan. While amending the Comprehensive Plan and Code of Ordinances Forward Pinellas required the city to include uses as defined in the Countywide Plan. The majority of the additional definitions are based on allowed uses in the Countywide Plan, while the amendments are to reflect what is within the Countywide Plan to assure consistency.

Recommendation(s): Staff recommends approval of Ordinance 2023-19.

Attachments:

- Ordinance 2023-19 Definitions to be consistent with Forward Pinellas
- Forward Pinellas Response

ORDINANCE 2023-19

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 ADD DEFINITIONS FOR COMMERCIAL/BUSINESS SERVICE USE, COMMERCIAL RECREATION USE, INSTITUTIONAL USES, MIXED USE, NET LAND AREA, NONRESIDENTIAL USE, OFFICE USE, PERSONAL SERVICE/OFFICE SUPPORT USE, PUBLIC EDUCATIONAL FACILITY, RECREATION/OPEN SPACE USES, RESIDENTIAL EQUIVALENT USE, RESIDENTIAL USE, RETAIL COMMERCIAL USE, STORAGE/WAREHOUSE/DISTRIBUTION – LIGHT, TRANSPORTATION/UTILITY USES, VACATION RENTAL USE AND WORKING WATERFRONT; TO REVISE THE DEFINITION OF MULTIFAMILY UNDER THE DEFINITION OF DWELLING UNIT; TO REVISE THE DEFINITIONS OF FLOODWAY, FLOOR AREA RATIO (FAR) AND IMPERVIOUS SURFACE RATIO (ISR); PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Staff has reviewed the current provisions of Section 82-2 of Chapter 82 of the Land Development Code of the City of Madeira Beach and recommends adding the definitions of Commercial/Business Service Use, Commercial Recreation Use, Institutional Uses, Mixed Use, Net Land Area, Nonresidential Use, Office Use, Personal Service/Office Support Use, Public Educational Facility, Recreation/Open Space Uses, Residential Equivalent Use, Residential Use, Retail Commercial Use, Storage/Warehouse/Distribution – Light, Transportation/Utility Uses, Vacation Rental Use and Working Waterfront; and

WHEREAS, City Staff has reviewed the current provisions of Section 82-2 of Chapter 82 of the Land Development Code of the City of Madeira Beach and recommends amending the definition of Multifamily under the definition of Dwelling and amending the definitions of Floodway, Floor Area Ratio (FAR) and Impervious Surface Ratio (ISR); and

WHEREAS, the recommendations of staff have 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. The following definitions are hereby added to Section 82-2 of the Land Development Code of the City of Madeira Beach and shall read as follows:

Commercial/Business Service Use means an occupation or service involving the sale, storage, repair, service or rental of motor vehicles, water craft, residential machinery or equipment, examples of which include automobile, boat, and household or yard equipment sales, service or repair, and like uses; the production, assembly or dismantling of which shall be clearly secondary and incidental to the primary use characteristics of the Commercial/Business Service Use. The sale, storage or rental of heavy equipment is prohibited.

Commercial Recreation Use means a private or quasi-public recreation facility designed for participant or spectator activities for a charge, including but not limited to marina, miniature golf, sports stadium, performance venues, and indoor recreation/entertainment uses such as billiard halls, bowling alleys, movie theatres, and video game arcades.

Institutional Uses means those facilities and services of a public, private, or quasi-public nature, including educational, medical, governmental, civic, and religious uses, such as schools, hospitals, courthouses, community centers, and churches.

Mixed Use means a combination of uses on a single lot.

Net Land Area means the total land area within the property boundaries of the subject parcel exclusive of any submerged land or public road right-of-way. This area is for the purpose of computing density/intensity.

Nonresidential Use means those uses as provided for under the respective categories, other than residential or residential equivalent use.

Office Use means an occupation or service providing primarily an administrative, professional or clerical service and not involving the sale of merchandise; examples of which include medical, legal, real estate, design, and financial services, and like uses. No "Office Use" shall include any Personal Service/Office Support Use, Retail Commercial Use, or Commercial/Business Service Use.

Personal Service/Office Support Use means an occupation or service attending primarily to one's personal care or apparel; examples of which include hair and beauty care, clothing repair or alteration, dry cleaning/laundry service (collection and distribution only), and like personal service uses; animal grooming; and office equipment or supplies, and like office support uses. Any assembly, sale of merchandise or conveyance of a product in support of a personal service or office support use shall be clearly secondary and incidental to the primary use characteristics of the Personal Service/Office Support Use.

Public Educational Facility means elementary schools, special education facilities, alternative education facilities, middle schools, high schools, and area vocational-technical schools of the Pinellas County School District.

Recreation/Open Space Uses means uses providing recreation facilities, sporting facilities, and open space, such as a park, public recreation facility, public beach/water access, and public or private golf course/clubhouse.

Residential Equivalent Use means a residential-like accommodation other than a dwelling unit, including bed and breakfast, group home, congregate care, nursing home and comparable assisted living facilities. No such use shall be required or eligible to employ the residential equivalent standards for density/intensity for any household that qualifies as a dwelling unit. This use shall not include any type of use authorized by Chapter 419, Florida Statutes, Community Residential Homes, which is entitled to be treated as a dwelling unit.

Residential Use means a dwelling unit including single-family, multifamily, and mobile home dwelling unit. This use shall include any type of use authorized by Chapter 419, Florida Statutes, Community Residential Homes, which is entitled to be treated as a residential dwelling unit.

Retail Commercial Use means an occupation or service providing primarily for the sale of consumer goods, products, merchandise or services from within an enclosed building; examples of which include grocery, pharmacy, apparel, jewelry, electronics, sporting goods, specialty shops, building supplies, convenience goods, restaurant, indoor recreation/entertainment uses (such as billiard halls, bowling alleys, movie theaters, and video game parlors) and like uses. Any exterior storage or facilities in connection with such use shall be clearly secondary and incidental to the primary use characteristics of the Retail Commercial Use.

Storage/Warehouse/Distribution - Light means a use devoted primarily to the storage or distribution of goods, materials or equipment. Such use shall be located within an enclosed building and any exterior storage or distribution area shall be incidental to and not exceed twenty (20) percent of the area of the building to which it is accessory.

Transportation/Utility Uses means uses including transportation facilities and utilities infrastructure, such as an airport, seaport, marina, electric power generation plant, electric power substation, and telephone switching station.

Vacation Rental Use means a residential dwelling unit used as a temporary lodging use, as defined by Section 509.242(1)(c), Florida Statutes.

Working Waterfront means a property that provides access for water-dependent commercial activities, or provides public access to the water. Working waterfronts require direct access to or a location on, over, or adjacent to a body of water. The term includes water-dependent facilities that are open to the public and offer public access by vessels to a body of water or that are support facilities for recreational, commercial, research, or governmental vessels. These facilities include docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over water.

Section 2. The following definition, under the definition of Dwelling Unit, in Section 82-2 of the Land Development Code of the City of Madeira Beach is hereby amended to read as follows:

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

Section 3. The following definitions in Section 82-2 of the Land Development Code of the City of Madeira Beach are hereby amended to read as follows:

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

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

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

Section 4. For purposes of codification of any existing section of the Madeira Beach Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

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

Section 6. In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

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

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

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

James "Jim" Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____



July 5, 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 and Land Development Regulations

Dear Andrew:

Thank you for forwarding the above-referenced amendments for a review for consistency with the Countywide Rules. We appreciate the effort that City staff has taken to bring your regulations into consistency with the Rules, and your continued coordination with us. We have reviewed the proposed amendments and found only a few minor consistency issues that remain to be addressed. We are also recommending a few other edits for internal consistency and clarity. Our findings are as follows:

FLU category matrix

- For internal consistency, under the Preservation category, Water Supply needs to be added as a permitted use since there is an associated intensity standard.
- The second footnote, relating to Alternative Temporary Lodging Standards in the Resort Facilities High category, needs to indicate that the required development agreement must follow all required standards in the Countywide Rules, similar to the first footnote for other categories.

LDR Chapter 82 – Definitions

- Newly added definitions for various land uses are consistent with the Countywide Rules.
- While the formulas applied to density, floor area ratio, and impervious surface ratio are substantively consistent with the Rules, the City uses the term “gross land area” where the Rules use “net land area.” Recommend amending the terminology to match the Rules.

LDR Chapter 110 – Zoning

- In the R-3 Medium Density Multifamily Residential zoning district, Institutional is not listed as a permitted use, but an acreage limitation for that use is included under “Special requirements.” It should either be added as a permitted use or the acreage limitation should be deleted.

- Conversely, under the C-1 Tourist Commercial district, Institutional is listed as a special exception use, but there is no acreage limitation. A five-acre maximum needs to be added for consistency with the Retail & Services category of the Countywide Plan Map.
- The zoning districts list certain separate land uses, such as personal service and office support, that are combined into a single definition, such as Personal Service/Office Support. For internal consistency, suggest that use of the terms be made uniform.
- Maximum density/intensity standards for each zoning district are listed under the “Minimum building site area requirements” section. For clarity, recommend moving them to the “Maximum lot coverage” section or another appropriate heading.

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

If you have any questions, please feel free to call me at 727-464-8220 or email me at lfisher@forwardpinellas.org.

Sincerely,



Linda Fisher, AICP
Principal Planner



Memorandum

Meeting Details: September 11, 2023, Planning Commission

Prepared For: Planning Commission

From: Community Development Department

Subject: Ordinance 2023-22 Future Land Use Element to be consistent with Forward Pinellas

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

Discussion: The city is required to be consistent with the Forward Pinellas Countywide Plan. To be consistent with the Countywide Plan, the city must make amendments to the Comprehensive Plan and Code of Ordinances. The upcoming amendments will include clarification of the alternative temporary lodging use standards, clarification of intensity and density standards without using the alternative temporary lodging use standards, update allowed uses terminology to conform with the Countywide Plan definitions and clarify the measurement of intensity and density to be consistent with the Forward Pinellas Countywide Plan.

Ordinance 2023-22 amends the Future Land Use Element in the Madeira Beach Comprehensive Plan to include uses consistent to the Countywide Plan, reformats the Future Land Use Element into a matrix as requested by Forward Pinellas, provides the “by right” density for temporary lodging use, and details the process for the Alternative Temporary Lodging Use Standards as required in the Countywide Plan.

Recommendation(s): Staff recommends approval of Ordinance 2023-22.

Attachments:

- Ordinance 2023-22 Future Land Use Element to be consistent with Forward Pinellas
- Forward Pinellas Response
- Madeira Beach Comprehensive Plan Future Land Use Map

ORDINANCE 2023-22

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING POLICY 4.1.1.1 TO INCORPORATE THE PROVISIONS OF POLICIES 4.1.1.2 AND 4.1.1.3 OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO REFORMAT EACH LAND USE CATEGORY INTO A MATRIX, INCLUDE THE COUNTYWIDE PLAN LAND USE CATEGORIES, AND INCLUDE ALLOWED USES CONSISTENT WITH THE COUNTYWIDE PLAN; RENUMBERING POLICY 4.1.1.4 TO POLICY 4.1.1.2; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the Comprehensive Plan of the City of Madeira Beach must be consistent with Forward Pinellas' Countywide Plan; and

WHEREAS, including allowed uses within each Future Land Use is standard and consistent with the Countywide Plan; and

WHEREAS, the density and intensity in the Comprehensive Plan of Madeira Beach may not be more dense or intense than the Countywide Plan; and

WHEREAS, the alternative temporary lodging use standard is only allowed through an approved Development Agreement, as detailed in the Countywide Plan; and

WHEREAS, City staff has recommended changes to the Future Land Use element of the Comprehensive Plan to make it consistent with the Countywide Plan; and

WHEREAS, those recommended changes include reformatting each land use category into a matrix that includes the Countywide Plan land use categories and allowed uses consistent with the Countywide Plan; and

WHEREAS, the recommended changes were presented and reviewed by the Planning Commission at a public meeting; and

WHEREAS, the Planning Commission has recommended approval of the changes to the Future Land Use element proposed by city staff; 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 Policies 4.1.1.2 and 4.1.1.3 of Section 4.0, Future Land Use Element, of the City of Madeira Beach Comprehensive Plan, are hereby deleted and the provisions thereof combined in a chart (including footnotes thereto) to be inserted under Policy 4.1.1.1 which shall read as follows:

Policy 4.1.1.1:

The future land use plan categories identified and defined in this policy govern residential development within the City. These future land use plan categories are consistent with primary and secondary uses and maximum intensity standards listed in the Forward Pinellas Countywide Rules, except as specifically modified herein.

| <u>Madeira Beach Future Land Use Category</u> | <u>Permitted Uses</u> | <u>Density/Intensity Standards</u> | <u>Countywide Plan Map Categories</u> |
|---|--|--|---------------------------------------|
| <u>Residential Urban (RU)</u> | <ul style="list-style-type: none"> ▪ <u>Residential</u> ▪ <u>Public Education Facilities</u> ▪ <u>Recreation/ Open Space</u> | <ul style="list-style-type: none"> ▪ <u>Residential 7.5 UPA</u> ▪ <u>Nonresidential FAR 0.5</u> ▪ <u>ISR 0.65</u> | <u>Residential Low Medium (RLM)</u> |
| <u>Residential Medium (RM)</u> | <ul style="list-style-type: none"> ▪ <u>Residential</u> ▪ <u>Public Education Facilities</u> ▪ <u>Institutional****</u> ▪ <u>Vacation Rental</u> | <ul style="list-style-type: none"> ▪ <u>Residential 15 UPA</u> ▪ <u>Nonresidential FAR 0.5</u> ▪ <u>ISR 0.70</u> | <u>Residential Medium (RM)</u> |

| | | | |
|---|--|---|--|
| | <ul style="list-style-type: none"> ▪ <u>Recreation/ Open Space</u> | | |
| <u>Resort Facilities Medium (RFM)</u> | <ul style="list-style-type: none"> ▪ <u>Residential</u> ▪ <u>Temporary Lodging</u> ▪ <u>Vacation Rental</u> ▪ <u>Personal Service/ Office Support</u> ▪ <u>Retail Commercial</u> ▪ <u>Commercial Recreation</u> ▪ <u>Recreation/Open Space</u> | <ul style="list-style-type: none"> ▪ <u>Residential and Vacation Rental 18 UPA</u> ▪ <u>Temporary Lodging 50 UPA</u> ▪ <u>Other Uses FAR 0.55</u> ▪ <u>ISR 0.85</u> <hr/> <p><i><u>Alternative Temporary Lodging Use Standard*</u></i></p> <ul style="list-style-type: none"> ▪ <u>Temporary Lodging 60 UPA</u> ▪ <u>Total FAR 2.0</u> ▪ <u>ISR 0.85</u> | <u>Resort (R)</u> |
| <u>Residential/Office e/ Retail (R/O/R)</u> | <ul style="list-style-type: none"> ▪ <u>Office</u> ▪ <u>Personal Service/ Office Support</u> ▪ <u>Retail Commercial</u> ▪ <u>Commercial/ Business Service</u> ▪ <u>Commercial Recreation</u> ▪ <u>Residential</u> ▪ <u>Vacation Rental</u> ▪ <u>Temporary Lodging</u> ▪ <u>Recreation/ Open Space</u> | <ul style="list-style-type: none"> ▪ <u>Residential and Vacation Rental 18 UPA</u> ▪ <u>Temporary Lodging 40 UPA</u> ▪ <u>Other Uses FAR 0.55</u> ▪ <u>ISR 0.85</u> <hr/> <p><i><u>Alternative Temporary Lodging Use Standard*</u></i></p> <ul style="list-style-type: none"> ▪ <u>Temporary Lodging 60 UPA</u> ▪ <u>Total FAR 1.2</u> ▪ <u>ISR 0.85</u> | <u>Retail & Services (R&S)</u> |
| <u>Commercial General (CG)</u> | <ul style="list-style-type: none"> ▪ <u>Office</u> ▪ <u>Personal Service/ Office Support</u> ▪ <u>Retail Commercial</u> ▪ <u>Commercial/ Business Service</u> ▪ <u>Commercial Recreation</u> ▪ <u>Residential</u> ▪ <u>Vacation Rental</u> ▪ <u>Temporary Lodging</u> ▪ <u>Recreation/ Open Space</u> ▪ <u>Storage/ Warehouse/ Distribution - Light</u> ▪ <u>Institutional***</u> | <ul style="list-style-type: none"> ▪ <u>Residential and Vacation Rental 15 UPA</u> ▪ <u>Temporary Lodging 40 UPA</u> ▪ <u>Other Uses FAR 0.55</u> ▪ <u>ISR 0.85</u> <hr/> <p><i><u>Alternative Temporary Lodging Use Standard*</u></i></p> <ul style="list-style-type: none"> ▪ <u>Temporary Lodging 60 UPA</u> ▪ <u>Total FAR 1.2</u> ▪ <u>ISR 0.85</u> | |

| | | | |
|--|--|--|-------------------------------------|
| | <ul style="list-style-type: none"> ▪ <u>Transportation/Utility ***</u> ▪ <u>Ancillary Nonresidential ***</u> | | |
| <u>Institutional (I)</u> | <ul style="list-style-type: none"> ▪ <u>Institutional</u> ▪ <u>Residential</u> | <ul style="list-style-type: none"> ▪ <u>Residential 10 UPA</u> ▪ <u>FAR 0.65</u> ▪ <u>ISR 0.70</u> | <u>Public/Semi-Public (P/SP)</u> |
| <u>Transportation/Utility (T/U)</u> | <ul style="list-style-type: none"> ▪ <u>Transportation/Utility</u> | <ul style="list-style-type: none"> ▪ <u>FAR 0.70</u> ▪ <u>ISR 0.70</u> | |
| <u>Recreation/Open Space (R/OS)</u> | <ul style="list-style-type: none"> ▪ <u>Recreation/Open Space</u> | <ul style="list-style-type: none"> ▪ <u>FAR 0.25</u> ▪ <u>ISR 0.60</u> | <u>Recreation/Open Space (R/OS)</u> |
| <u>Preservation (P)</u> | <ul style="list-style-type: none"> ▪ <u>Preservation</u> ▪ <u>Water Supply</u> | <ul style="list-style-type: none"> ▪ <u>Preservation FAR 0.1</u> ▪ <u>Water Supply FAR 0.25</u> ▪ <u>Preservation ISR 0.20</u> ▪ <u>Water Supply ISR 0.50</u> | <u>Preservation (P)</u> |
| <u>Planned Redevelopment-Mixed Use (PR-MU)</u> | <ul style="list-style-type: none"> ▪ <u>Residential</u> ▪ <u>Temporary Lodging</u> ▪ <u>Vacation Rental</u> ▪ <u>Retail Commercial</u> ▪ <u>Commercial Recreation</u> ▪ <u>Business Office and Financial Services</u> ▪ <u>Restaurants</u> ▪ <u>Office Use</u> ▪ <u>Personal Service/Office Support Use</u> | <p><u>See Madeira Beach Town Center Special Area Plan</u></p> | <u>Activity Center (AC)</u> |
| <u>Resort Facilities High (RFH)**</u> | <ul style="list-style-type: none"> ▪ <u>Temporary Lodging</u> ▪ <u>Restaurant</u> ▪ <u>Retail Commercial</u> ▪ <u>Commercial Recreation</u> ▪ <u>Personal Service/Office Support Use</u> | <p><u>Less than 1-acre Temporary Lodging</u></p> <ul style="list-style-type: none"> ▪ <u>Temporary Lodging 75 UPA</u> ▪ <u>Total FAR 2.0</u> ▪ <u>ISR 0.95</u> <p><u>Between 1-acre and 3-acres Temporary Lodging</u></p> <ul style="list-style-type: none"> ▪ <u>Temporary Lodging 100 UPA</u> ▪ <u>Total FAR 3.0</u> ▪ <u>ISR 0.95</u> | |

| | | | |
|------------------------|---|---|--|
| | | <u>Greater than three acres Temporary Lodging</u> <ul style="list-style-type: none"> ▪ <u>Temporary Lodging 125 UPA</u> ▪ <u>Total FAR 4.0</u> ▪ <u>ISR 0.95</u> | |
| <u>Activity Center</u> | <ul style="list-style-type: none"> ▪ <u>Residential</u> ▪ <u>Vacation Rental</u> ▪ <u>Temporary Lodging</u> ▪ <u>Retail Commercial</u> ▪ <u>Commercial Recreation</u> ▪ <u>Business Office and financial services</u> ▪ <u>Office Use</u> ▪ <u>Personal Service/ Office Support Use</u> | <u>Requires an approved Special Area Plan that details UPA, FAR, and ISR</u> | |

*A Development Agreement is required by the City’s land development regulations and Forward Pinellas’ Countywide Rules to use the Alternative Temporary Lodging Use Standard. The Development Agreement must follow all required standards in the Countywide Rules to use the Alternative Temporary Lodging Use Standards. When using Alternative Temporary Lodging Use Standards, the Floor Area Ratio accounts for the entire project as detailed in the Countywide Rules.

**RFH must only be used as an Alternative Temporary Lodging Use Standard in the PR-MU as detailed in the Madeira Beach Town Center Special Area Plan. A rezone to PD and accompanying Development Agreement are required to use the RFH Category. The Development Agreement must follow all required standards in the Countywide Rules to use the Alternative Temporary Lodging Use Standards. When using Alternative Temporary Lodging Use Standards, the Floor Area Ratio accounts for the entire project as detailed in the Countywide Rules.

***Permitted Uses Subject to Acreage Thresholds Uses Subject to Five Acre Maximum – Institutional; Transportation/Utility; Ancillary Nonresidential

****Uses Subject to Five Acre Maximum – Institutional (except Public Educational Facilities which are not subject to this threshold, pursuant to the provisions of Section 6.5.4.2 in the Countywide Rules).

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 future land use plan categories identified and defined in this policy govern mixed-use development within the City. These future land use plan categories are consistent with primary and secondary uses and maximum density and intensity standards listed in the Pinellas County Countywide Plan Rules, except as specifically modified herein.~~

MIXED USE:

~~Resort Facilities Medium (RFM), a residential density of 0 to 18 units per acre, and temporary lodging with maximum density and intensity standards in Table 4.0 below. With an approximate distribution of 70 to 100 percent residential uses, 0 to 20 percent nonresidential uses, and 0 to 10 percent "other" uses.~~

~~RFM does not allow residential equivalent uses.~~

~~Temporary Lodging Density and Intensity Standards for the RFM future land use plan category are as follows, subject to specific standards provided in a Development Agreement required by the City's land development regulations.~~

Table 4.0

| 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 0 to 15 dwelling units per acre and temporary lodging with maximum density and intensity standards as shown in Table 4.1, below, with an approximate percentage distribution of 70 to 100 percent temporary lodging uses, 0 to 20 percent tourist-related commercial uses, and 0 to 10 percent residential uses. RFH does not include residential equivalent uses.~~

~~All applications for the RFH future land use plan category require corresponding rezoning of the subject property to the PD, Planned Development zoning district pursuant to the procedures and requirements of the PD district provided in the City's land development regulations.~~

~~Temporary Lodging density and intensity standards for the RFH future land use plan~~

~~category are as follows, subject to the specific standards provided in a Development Agreement required by the City’s land development regulations.~~

Table 4.1

| 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 uses, 30 to 60 percent nonresidential uses, and 0 to 20 percent “other” uses. R/O/R will 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 is intended to facilitate infill development 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 a Special Area Plan approved by the Board of Commissioners. The Special Area Plan (and any substantive changes to an approved Special Area Plan) are 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 establishes the density, intensity, and mix of permitted uses, and must include, at a minimum, information addressing the requirements for Special Area Plans or their equivalent as required by the Countywide Plan Rules.~~

Policy 4.1.1.3:

~~The future land use plan categories identified and defined in this policy govern commercial and other uses within the City. These future land use plan categories are 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 does not allow residential equivalent uses.~~

~~PUBLIC / SEMI-PUBLIC~~

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

~~Preservation (P), with a maximum FAR of 0.1. The preservation future land use plan category does not allow the transfer of development entitlements or rights.~~

~~Institutional (I), with a density of 0 to 10 residential units per acre), with a maximum FAR of 0.65 and ISR of 0.7. Institutional uses do not include residential equivalent uses.~~

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

Section 2. That Policy 4.1.1.4 of Section 4.0, Future Land Use Element, of the City of Madeira Beach Comprehensive Plan, shall hereby be renumbered to Policy 4.1.1.2 as follows:

Policy 4.1.1.42:

Zoning districts that define specific uses and development densities and intensities implementing these future land use plan categories are included within the City of Madeira Beach land development regulations.

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

Section 7. Pursuant to Section 163.3184(3), Florida Statutes, the effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS _____day of _____, 2023.

James "Jim" Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____



July 5, 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 and Land Development Regulations

Dear Andrew:

Thank you for forwarding the above-referenced amendments for a review for consistency with the Countywide Rules. We appreciate the effort that City staff has taken to bring your regulations into consistency with the Rules, and your continued coordination with us. We have reviewed the proposed amendments and found only a few minor consistency issues that remain to be addressed. We are also recommending a few other edits for internal consistency and clarity. Our findings are as follows:

FLU category matrix

- For internal consistency, under the Preservation category, Water Supply needs to be added as a permitted use since there is an associated intensity standard.
- The second footnote, relating to Alternative Temporary Lodging Standards in the Resort Facilities High category, needs to indicate that the required development agreement must follow all required standards in the Countywide Rules, similar to the first footnote for other categories.

LDR Chapter 82 – Definitions

- Newly added definitions for various land uses are consistent with the Countywide Rules.
- While the formulas applied to density, floor area ratio, and impervious surface ratio are substantively consistent with the Rules, the City uses the term “gross land area” where the Rules use “net land area.” Recommend amending the terminology to match the Rules.

LDR Chapter 110 – Zoning

- In the R-3 Medium Density Multifamily Residential zoning district, Institutional is not listed as a permitted use, but an acreage limitation for that use is included under “Special requirements.” It should either be added as a permitted use or the acreage limitation should be deleted.

- Conversely, under the C-1 Tourist Commercial district, Institutional is listed as a special exception use, but there is no acreage limitation. A five-acre maximum needs to be added for consistency with the Retail & Services category of the Countywide Plan Map.
- The zoning districts list certain separate land uses, such as personal service and office support, that are combined into a single definition, such as Personal Service/Office Support. For internal consistency, suggest that use of the terms be made uniform.
- Maximum density/intensity standards for each zoning district are listed under the “Minimum building site area requirements” section. For clarity, recommend moving them to the “Maximum lot coverage” section or another appropriate heading.

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

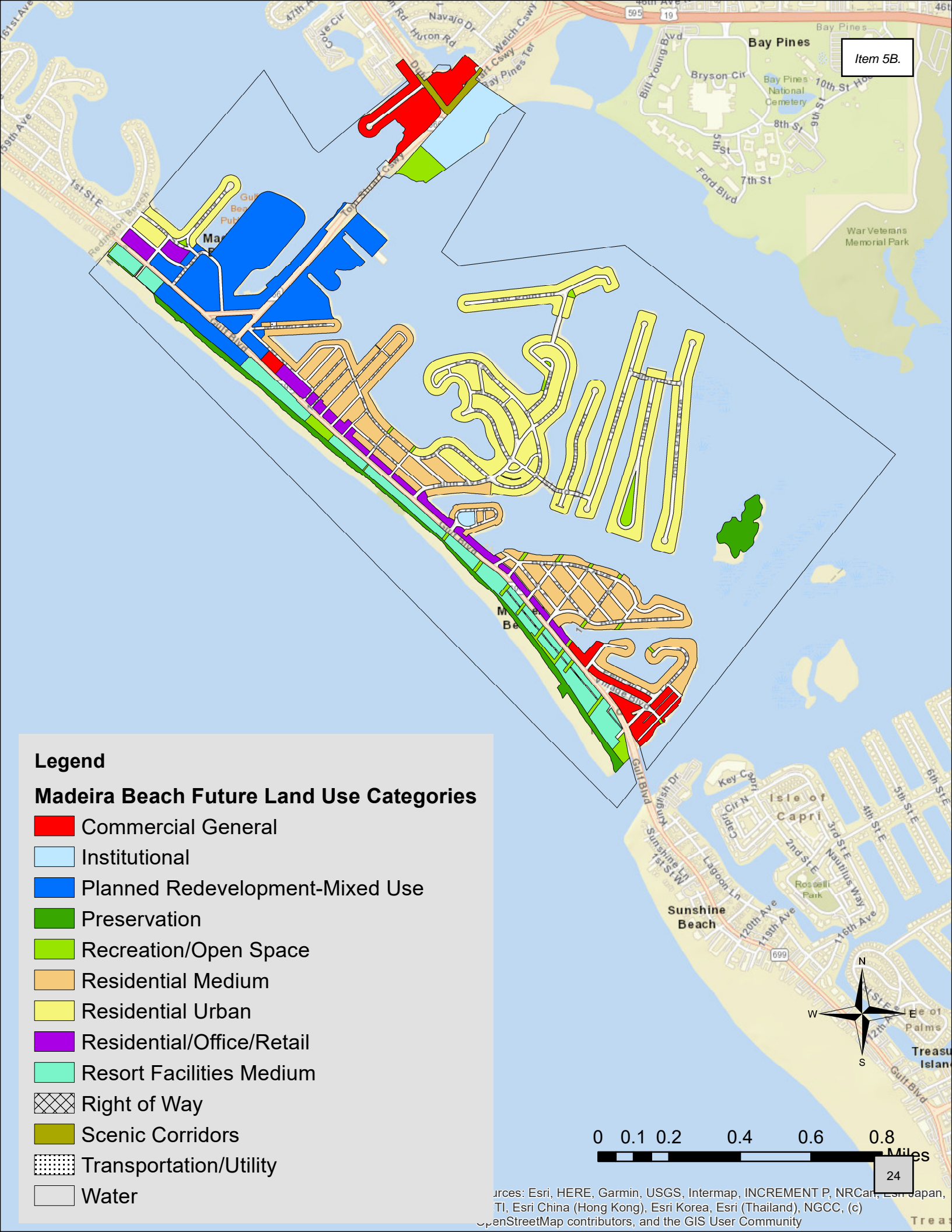
If you have any questions, please feel free to call me at 727-464-8220 or email me at lfisher@forwardpinellas.org.

Sincerely,



Linda Fisher, AICP
Principal Planner

Item 5B.



Legend

Madeira Beach 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
- Right of Way
- Scenic Corridors
- Transportation/Utility
- Water

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, DeLorme, NAVTEQ, Swisstopo, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



Memorandum

Meeting Details: September 11, 2023, Planning Commission

Prepared For: Planning Commission

From: Community Development Department

Subject: Ordinance 2023-26: R-3 Medium Density Multifamily Residential Zoning District to be consistent with the Countywide Plan

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

Discussion: The city is required to be consistent with the Forward Pinellas Countywide Plan. To be consistent with the Countywide Plan, the city must make amendments to the Comprehensive Plan and Code of Ordinances. The upcoming amendments will include clarification of the alternative temporary lodging use standards, clarification of intensity and density standards without using the alternative temporary lodging use standards, update allowed uses terminology to conform with the Countywide Plan definitions and clarify the measurement of intensity and density to be consistent with the Forward Pinellas Countywide Plan.

Ordinance 2023-26 amends the R-3 Medium Density Multifamily Residential Zoning District to include uses consistent to the Countywide Plan, provide the “by right” density for temporary lodging use, detail that stand-alone restaurant or retail commercial use must have frontage on Gulf Blvd, and details the process for the Alternative Temporary Lodging Use Standards as required in the Countywide Plan.

Recommendation(s): Staff recommends approval of Ordinance 2023-26.

Attachments:

- Ordinance 2023-26: R-3 Medium Density Multifamily Residential Zoning District to be consistent with the Countywide Plan
- Forward Pinellas Response
- Zoning Map

ORDINANCE 2023-26

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 4 (R-3, MEDIUM DENSITY MULTIFAMILY RESIDENTIAL) OF ARTICLE V (DISTRICTS) OF CHAPTER 110 (ZONING) OF THE CITY'S LAND DEVELOPMENT CODE TO AMEND THE PURPOSE AND INTENT OF THE R-3 DISTRICT; ADD VACATION RENTAL, TEMPORARY LODGING AND INSTITUTIONAL AS PERMITTED USES; ADD RETAIL COMMERCIAL AND PERSONAL SERVICE USES AS AN ACCESSORY USE; REVISE THE SPECIAL EXCEPTION USES FOR STANDALONE RETAIL COMMERCIAL AND PERSONAL SERVICE USES; ADD RETAIL COMMERCIAL TO BUILDING SITE REQUIREMENTS AND MAXIMUM DENSITY FOR RESIDENTIAL DWELLING, VACATION RENTAL UNITS AND TEMPORARY LODGING UNITS IN SECTION 110-230; ADD SETBACK REQUIREMENTS FOR TEMPORARY LODGING AND RETAIL COMMERCIAL; AMEND MAXIMUM LOT COVERAGE PROVISIONS; AMEND BUFFERING REQUIREMENTS FOR TEMPORARY LODGING; ADD SPECIAL REQUIREMENTS FOR TEMPORARY LODGING, ALTERNATIVE TEMPORARY LODGING USE STANDARDS AND STAND-ALONE RESTAURANTS AND RETAIL COMMERCIAL USES; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Staff has reviewed the current provisions of Division 4 (R-3, Medium Density Multifamily Residential) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach and recommends amending same; and

WHEREAS, the recommended changes were presented to and reviewed by the Planning Commission at a public hearing; and

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

WHEREAS, the recommendations of staff have 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 Division 4 (R-3, Medium Density Multifamily Residential) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach, Florida, is hereby amended to read as follows:

DIVISION 4. R-3, MEDIUM DENSITY MULTIFAMILY RESIDENTIAL

Sec. 110-226. Definition; purpose and intent.

The R-3, medium density multifamily residential district provides for medium density development for ~~both permanent and tourist~~ residential, vacation rental, and temporary lodging facilities at locations where public facilities are adequate to support such intensity. The R-3, medium density multifamily residential district correlates with the resort facilities medium (RFM) future land use category of the City of Madeira Beach Comprehensive Plan, and Resort (R) plan category in the Countywide Plan.

Sec. 110-227. Permitted uses.

The permitted uses in the R-3, medium density multifamily residential district are as follows:

- (1) Single-family.
- (2) Duplex.
- (3) Triplex.
- (4) Multifamily.
- (5) Vacation Rental.
- ~~(5)(6)~~ Tourist dwelling units. Temporary Lodging.
- ~~(6)~~ (7) Stand alone Rrestaurants, excluding drive-in restaurants (provided that the provisions of subsection Section 110-236(f) are met).
- ~~(7)~~ (8) Publicly owned or operated parks and recreation areas.
- (9) Institutional.

Sec. 110-228. Accessory uses.

The accessory uses in the R-3, medium density multifamily residential district are as follows:

- (1) Home occupation.
- (2) Private garages and carports.
- (3) Swimming pools or cabanas used as bath houses.
- (4) Residential docks.
- (5) Essential services.
- (6) Wireless communication antennas as regulated by article VI, division 12, subdivisions I, II and IV of this chapter.
- (7) Retail commercial and personal service/office support uses.

Sec. 110-229. Special exception uses.

Upon application for a special exception to the special magistrate and favorable action thereon, the following uses may be permitted in the R-3, medium density multifamily residential district:

- (1) Retail commercial and personal service/office support uses as a stand-alone use (provided that the provisions of subsection Section 110-236(f) are met) only ancillary to a permitted use.
- (2) Public service facilities.
- (3) Commercial recreation and entertainment facilities.

Sec. 110-230. ~~Minimum b~~ Building site area requirements.

The minimum building site area requirements in the R-3, medium density multifamily residential district are as follows:

- (1) Lot size:
 - a. Single-family: 4,000 square feet.
 - b. Duplex, triplex: 3,000 square feet per dwelling unit.
 - c. Multifamily: 2,420 square feet per dwelling unit.
 - d. Restaurants and retail commercial: 5,000 square feet.
 - e. Public service facilities: Shall not exceed a maximum area of three acres. Like uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the P-SP zoning district and the appropriate land use category.
- (2) Lot width:
 - a. Single-family, duplex, triplex: 40 feet.
 - b. Multifamily and hotel temporary lodging: 60 feet.
 - c. Restaurants: 60 feet.
- (3) Lot depth: All permitted uses 80 feet.

(4) The density is a maximum of 18 residential dwelling units, 18 vacation rental units, or 50 temporary lodging units per acre. Alternative Temporary Lodging Use Standards are allowed as detailed in subsection 110-236(e).

Sec. 110-231. Setback requirements.

The following minimum setbacks shall apply in the R-3, medium density multifamily residential district. Vacation rentals are built to residential standards:

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

Sec. 110-232. Maximum building height.

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

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)~~ (1) Other c Commercial uses/nonresidential: Floor area ratio (FAR) 0.55.

~~(4)~~ (2) Public service facilities: Floor area ratio (FAR) 0.65.

~~(5)~~ (3) Public owned parks and recreation facilities: Floor area ratio (FAR) 0.25.

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.

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~~ temporary lodging and commercial 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.

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, temporary lodging or ~~non-residential commercial~~ use in the R-3, medium density multifamily residential district abuts a single-family, duplex, or triplex, an additional five-foot setback is required along the length of the entire shared lot line. This additional setback will be utilized to provide additional landscaped screening.

- (e) In the RFM future land use category, Alternative Temporary Lodging Use Standards allows 60 temporary lodging units per acre and a FAR of 2.0. A Development Agreement is required by the City's land development regulations and Forward Pinellas' Countywide Rules to use the Alternative Temporary Lodging Use Standard. The Development Agreement must follow all required standards in Forward Pinellas Countywide Rules to use the Alternative Temporary Lodging Use Standards.
- (f) Stand-alone restaurant or retail commercial use must have frontage on Gulf Boulevard.

Secs. 110-237—110-255. Reserved.

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

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

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

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

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

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

James "Jim" Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____



July 5, 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 and Land Development Regulations

Dear Andrew:

Thank you for forwarding the above-referenced amendments for a review for consistency with the Countywide Rules. We appreciate the effort that City staff has taken to bring your regulations into consistency with the Rules, and your continued coordination with us. We have reviewed the proposed amendments and found only a few minor consistency issues that remain to be addressed. We are also recommending a few other edits for internal consistency and clarity. Our findings are as follows:

FLU category matrix

- For internal consistency, under the Preservation category, Water Supply needs to be added as a permitted use since there is an associated intensity standard.
- The second footnote, relating to Alternative Temporary Lodging Standards in the Resort Facilities High category, needs to indicate that the required development agreement must follow all required standards in the Countywide Rules, similar to the first footnote for other categories.

LDR Chapter 82 – Definitions

- Newly added definitions for various land uses are consistent with the Countywide Rules.
- While the formulas applied to density, floor area ratio, and impervious surface ratio are substantively consistent with the Rules, the City uses the term “gross land area” where the Rules use “net land area.” Recommend amending the terminology to match the Rules.

LDR Chapter 110 – Zoning

- In the R-3 Medium Density Multifamily Residential zoning district, Institutional is not listed as a permitted use, but an acreage limitation for that use is included under “Special requirements.” It should either be added as a permitted use or the acreage limitation should be deleted.

- Conversely, under the C-1 Tourist Commercial district, Institutional is listed as a special exception use, but there is no acreage limitation. A five-acre maximum needs to be added for consistency with the Retail & Services category of the Countywide Plan Map.
- The zoning districts list certain separate land uses, such as personal service and office support, that are combined into a single definition, such as Personal Service/Office Support. For internal consistency, suggest that use of the terms be made uniform.
- Maximum density/intensity standards for each zoning district are listed under the “Minimum building site area requirements” section. For clarity, recommend moving them to the “Maximum lot coverage” section or another appropriate heading.

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

If you have any questions, please feel free to call me at 727-464-8220 or email me at lfisher@forwardpinellas.org.

Sincerely,



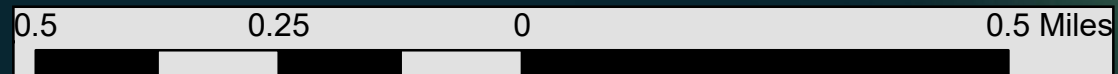
Linda Fisher, AICP
Principal Planner

City of Madeira Beach Zoning and Street Names Map

Madeira Beach Zoning

Zoning Categories

- C-1
- C-2
- C-3
- C-4
- P-SP
- PD
- R-1
- R-2
- R-3
- Madeira Beach Parcels
- Roads



Item 5C.



Memorandum

Meeting Details: September 11, 2023, Planning Commission

Prepared For: Planning Commission

From: Community Development Department

Subject: Ordinance 2023-27: C-1 Tourist Commercial Zoning District to be consistent with the Countywide Plan

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

Discussion: The city is required to be consistent with the Forward Pinellas Countywide Plan. To be consistent with the Countywide Plan, the city must make amendments to the Comprehensive Plan and Code of Ordinances. The upcoming amendments will include clarification of the alternative temporary lodging use standards, clarification of intensity and density standards without using the alternative temporary lodging use standards, update allowed uses terminology to conform with the Countywide Plan definitions and clarify the measurement of intensity and density to be consistent with the Forward Pinellas Countywide Plan.

Ordinance 2023-27 amends the C-1 Tourist Commercial Zoning District to include uses consistent to the Countywide Plan, provide the “by right” density for temporary lodging use, and details the process for the Alternative Temporary Lodging Use Standards as required in the Countywide Plan.

Recommendation(s): Staff recommends approval of Ordinance 2023-27.

Attachments:

- Ordinance 2023-27: C-1 Tourist Commercial Zoning District to be consistent with the Countywide Plan
- Zoning Map
- Forward Pinellas Response

ORDINANCE 2023-27

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 5 (C-1, TOURIST COMMERCIAL) OF ARTICLE V (DISTRICTS) OF CHAPTER 110 (ZONING) OF THE CITY'S LAND DEVELOPMENT CODE TO AMEND THE PURPOSE AND INTENT OF THE C-1 DISTRICT; REVISE PERMITTED USES TO INCLUDE RESIDENTIAL, VACATION RENTAL, PERSONAL SERVICE, OFFICE, OFFICE SUPPORT, RETAIL COMMERCIAL, BUSINESS SERVICE, COMMERCIAL AND TEMPORARY LODGING; DELETE COMMERCIAL, RECREATION AND ENTERTAINMENT FACILITIES AS SPECIAL EXCEPTION USES; ADD INSTITUTIONAL AND COMMERCIAL RECREATION AS SPECIAL EXCEPTION USES; ADD RETAIL COMMERCIAL AND RESIDENTIAL DWELLING UNITS TO BUILDING SITE REQUIREMENTS AND MAXIMUM DENSITY FOR VACATION RENTAL UNITS AND TEMPORARY LODGING UNITS IN SECTION 110-260; REVISE REFERENCE FOR PERMITTED USES OF SIDE YARDS IN SETBACK REQUIREMENTS; AMEND MAXIMUM LOT COVERAGE PROVISIONS; ADD SPECIAL REQUIREMENTS FOR ALTERNATIVE TEMPORARY LODGING USE STANDARDS AND INSTITUTIONAL USES OTHER THAN PUBLIC EDUCATIONAL FACILITIES; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Staff has reviewed the current provisions of Division 5 (C-1, Tourist Commercial) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach and recommends amending same; and

WHEREAS, the recommended changes were presented to and reviewed by the Planning Commission at a public hearing; and

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

WHEREAS, the recommendations of staff have 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 Division 5 (C-1, Tourist Commercial) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach, Florida, is hereby amended to read as follows:

DIVISION 5. C-1, TOURIST COMMERCIAL

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

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

Sec. 110-257. Permitted uses.

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

- (1) ~~Dwelling units~~ Residential and vacation rental located ~~on the second floor~~ above first floor ~~commercial or office units~~ nonresidential commercial use within this district.
- (2) ~~Business offices and financial uses~~ Personal service, office, and office support, not including excluding drive-through windows.
- (3) ~~Retail and personal services.~~ Retail commercial, business service, and commercial, excluding drive-through windows,
- (4) Restaurants, excluding drive-through windows.
- (5) ~~Tourist dwelling units.~~ Temporary lodging located above first floor commercial use.

Sec. 110-258. Accessory uses.

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

- (1) Swimming pools or cabanas used as bath houses.
- (2) Essential services.
- (3) Nonresidential signs.

- (4) Off-street parking and loading.

Sec. 110-259. Special exception uses.

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

- (1) ~~Institutional as a religious use such as c~~Churches, synagogues or other houses of worship.
- (2) Private social, recreational or fraternal clubs and organizations.
- (3) Publicly owned or operated parks or recreation areas.
- (4) ~~Commercial, recreation or entertainment facilities.~~ Commercial recreation.
- (5) Auditoriums.
- (6) Stand-alone parking lots and parking garages as a principal use.

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

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

- (1) Lot size:
 - a. ~~Retail commercial and other c~~Commercial uses: 4,000 square feet.
 - b. ~~Residential d~~Dwelling units and vacation rental units above first floor commercial: 3,000 square feet per ~~dwelling~~ unit.
- (2) Lot width: All permitted uses 40 feet.
- (3) Lot depth: All permitted uses 80 feet.
- (4) Maximum: The density ~~shall be is~~ a maximum of 15 residential dwelling units, or 15 vacation rental units, per acre or a maximum of 60 or 40 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 110-265(e) and (f) are met.~~ Alternative Temporary Lodging Use Standards are allowed as detailed in subsection 110-265(g).

Sec. 110-261. Setback requirements.

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

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

Sec. 110-262. Maximum building height.

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

Sec. 110-263. Maximum lot coverage.

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

- (1) ~~Nonresidential/e~~ Commercial uses: Floor area ratio (FAR) 0.55.
- (2) Public owned parks and recreation facilities: Floor area ratio (FAR) 0.25.
- ~~(3) Temporary lodging uses: Floor area ratio (FAR) 1.2, provided that the provision of subsections 110-265(d) are met.~~

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

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

Sec. 110-265. Special requirements.

- (a) The C-1, tourist commercial district does not permit the storage of commercial vehicles.
- (b) All properties located within the C-1, tourist commercial district abutting Gulf Boulevard will be required to provide a setback on Gulf Boulevard of 25 feet.
- (c) No single commercial structure in the C-1, tourist commercial district may be wider than 120 feet, paralleling to the right-of-way without providing a visual appearance of multiple buildings in increments of 40 feet.
- (d) Mixed uses in a single development shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.
- (e) Mechanical units shall be on the roof and not visible or shielded from public right-of-way.
- (f) Walls constructed or renovated on the property lines must comply with the current Florida Building Codes including occupancy ratings and current fire codes.
- ~~(g) In the CG future land use category, Alternative Temporary Lodging Use Standards allows 60 temporary lodging units per acre and a FAR of 1.2. A Development Agreement is required by the City's land development regulations and Forward Pinellas' Countywide Rules to use the Alternative Temporary Lodging Use Standard. The Development Agreement must follow all required standards in Forward Pinellas Countywide Rules to use the Alternative Temporary Lodging Use Standards.~~
- ~~(h) Institutional, other than public educational facilities shall not exceed a maximum area of five acres.~~

Secs. 110-266—110-285. Reserved.

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

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

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

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

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

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

James “Jim” Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____



July 5, 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 and Land Development Regulations

Dear Andrew:

Thank you for forwarding the above-referenced amendments for a review for consistency with the Countywide Rules. We appreciate the effort that City staff has taken to bring your regulations into consistency with the Rules, and your continued coordination with us. We have reviewed the proposed amendments and found only a few minor consistency issues that remain to be addressed. We are also recommending a few other edits for internal consistency and clarity. Our findings are as follows:

FLU category matrix

- For internal consistency, under the Preservation category, Water Supply needs to be added as a permitted use since there is an associated intensity standard.
- The second footnote, relating to Alternative Temporary Lodging Standards in the Resort Facilities High category, needs to indicate that the required development agreement must follow all required standards in the Countywide Rules, similar to the first footnote for other categories.

LDR Chapter 82 – Definitions

- Newly added definitions for various land uses are consistent with the Countywide Rules.
- While the formulas applied to density, floor area ratio, and impervious surface ratio are substantively consistent with the Rules, the City uses the term “gross land area” where the Rules use “net land area.” Recommend amending the terminology to match the Rules.

LDR Chapter 110 – Zoning

- In the R-3 Medium Density Multifamily Residential zoning district, Institutional is not listed as a permitted use, but an acreage limitation for that use is included under “Special requirements.” It should either be added as a permitted use or the acreage limitation should be deleted.

- Conversely, under the C-1 Tourist Commercial district, Institutional is listed as a special exception use, but there is no acreage limitation. A five-acre maximum needs to be added for consistency with the Retail & Services category of the Countywide Plan Map.
- The zoning districts list certain separate land uses, such as personal service and office support, that are combined into a single definition, such as Personal Service/Office Support. For internal consistency, suggest that use of the terms be made uniform.
- Maximum density/intensity standards for each zoning district are listed under the “Minimum building site area requirements” section. For clarity, recommend moving them to the “Maximum lot coverage” section or another appropriate heading.

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

If you have any questions, please feel free to call me at 727-464-8220 or email me at lfisher@forwardpinellas.org.

Sincerely,



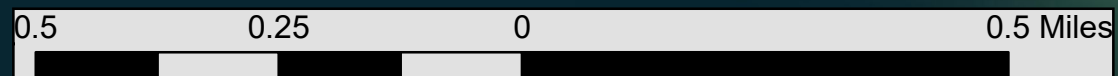
Linda Fisher, AICP
Principal Planner

City of Madeira Beach Zoning and Street Names Map

Madeira Beach Zoning

Zoning Categories

- C-1
- C-2
- C-3
- C-4
- P-SP
- PD
- R-1
- R-2
- R-3
- Madeira Beach Parcels
- Roads





Memorandum

Meeting Details: September 11, 2023, Planning Commission

Prepared For: Planning Commission

From: Community Development Department

Subject: Ordinance 2023-28: C-2 John's Pass Marine Commercial Zoning District to be consistent with the Countywide Plan

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

Discussion: The city is required to be consistent with the Forward Pinellas Countywide Plan. To be consistent with the Countywide Plan, the city must make amendments to the Comprehensive Plan and Code of Ordinances. The upcoming amendments will include clarification of the alternative temporary lodging use standards, clarification of intensity and density standards without using the alternative temporary lodging use standards, update allowed uses terminology to conform with the Countywide Plan definitions and clarify the measurement of intensity and density to be consistent with the Forward Pinellas Countywide Plan.

Ordinance 2023-28 amends the C-2 John's Pass Marine Commercial Zoning District to include uses consistent to the Countywide Plan and cleans up the structure separation inconsistency.

Recommendation(s): Staff recommends approval of Ordinance 2023-28.

Attachments:

- Ordinance 2023-28: C-2 Zoning District to be consistent with the Countywide Plan
- Zoning Map
- Forward Pinellas Response

ORDINANCE 2023-28

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 6 (C-2, JOHN'S PASS MARINE COMMERCIAL) OF ARTICLE V (DISTRICTS) OF CHAPTER 110 (ZONING) OF THE CITY'S LAND DEVELOPMENT CODE TO AMEND THE PURPOSE AND INTENT OF THE C-2 DISTRICT; DELETE RETAIL AND ADD COMMERCIAL, COMMERCIAL RECREATION AND RETAIL COMMERCIAL AS PERMITTED USES; DELETE THE C-2, JOHN'S PASS MARINE COMMERCIAL DISTRICT SPECIAL REQUIREMENTS; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Staff has reviewed the current provisions of Division 6 (C-2, John's Pass Marine Commercial) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach and recommends amending same; and

WHEREAS, the recommended changes were presented to and reviewed by the Planning Commission at a public hearing; and

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

WHEREAS, the recommendations of staff have 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 Division 6 (C-2, John's Pass Marine Commercial) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach, Florida, is hereby amended to read as follows:

DIVISION 6. C-2, JOHN'S PASS MARINE COMMERCIAL

Sec. 110-286. Definition; purpose and intent.

The purpose of the C-2, John's Pass marine commercial district is to recognize the unique commercial, marine, tourist and historic value of this area. The C-2, John's Pass marine commercial district correlates with the commercial general (CG) future land use category of the City of Madeira Beach Comprehensive Plan and the Retail and Services (R&S) plan category of the Countywide Plan. It is the intent of the comprehensive land use plan to retain the nautical theme and important character of the waterfront area and of John's Pass Village.

Sec. 110-287. Principal permitted uses.

The permitted uses in the C-2, John's Pass marine commercial district are as follows:

- (1) ~~Retail Commercial, eCommercial recreation, office~~ and personal service/office support use. uses.
- (2) Commercial fishing activities.
- (3) Charter and party boat operations.
- (4) Restaurants and retail commercial, excluding drive-in windows.
- (5) ~~Commercial docks~~Working waterfront.

Sec. 110-288. Accessory uses.

The accessory uses in the C-2, John's Pass marine commercial district are as follows:

- (1) Off-street parking.
- (2) Nonresidential signs.
- (3) Essential services.
- (4) Other customary accessory uses ancillary to the principal uses.

Sec. 110-289. Special exception uses.

There are no special exception uses permitted in the C-2, John's Pass marine commercial district.

Sec. 110-290. ~~Minimum~~ b Building site area requirements.

The minimum building site area requirements in the C-2, John's Pass marine commercial district are as follows:

- (1) Lot size: All uses within this district is 2,000 square feet.
- (2) Lot width: 40 feet.
- (3) Lot depth: 50 feet.

Sec. 110-291. Setback requirements.

The following minimum setbacks shall apply in the C-2, John's Pass marine commercial district:

- (1) Front yard: 20 feet, measured from right-of-way to the structure.
- (2) Rear yard or waterfront yard: None, however access to the "tie-backs" supporting seawalls shall be provided for maintenance.
- (3) Side yard: five feet on one side.

Sec. 110-292. Maximum building height.

For all uses in the C-2, John's Pass marine commercial district the maximum building height shall be 34 feet.

Sec. 110-293. Maximum lot coverage.

The maximum lot coverage in the C-2, John's Pass marine commercial district is as follows:

Nonresidential/commercial uses: Floor area ratio (FAR) 0.55.

Sec. 110-294. Impervious surface ratio (ISR).

The impervious surface ratio (ISR) in the C-2, John's Pass marine commercial district for all uses is 0.85.

Sec. 110-295. Special requirements.

- ~~(a) No structure in the C-2, John's Pass marine commercial district may be wider than 60 feet in width parallel to the front yard right-of-way without a minimum of a ten-foot separation between structures. Overall structure width shall also take into consideration adjacent properties in the 60-foot measurement.~~
- (ba) Due to the unique character of the C-2, John's Pass marine commercial district, a nautical theme should be emphasized within all renovations or new construction.
- (eb) Mechanical units must be located on the roof and not visible or shielded from public right-of-way.
- (dc) Walls constructed or renovated on the property lines must comply with the current Florida Building Codes including occupancy ratings and current fire codes.

Secs. 110-296—110-315. Reserved.

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

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

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

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

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

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

James "Jim" Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____



July 5, 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 and Land Development Regulations

Dear Andrew:

Thank you for forwarding the above-referenced amendments for a review for consistency with the Countywide Rules. We appreciate the effort that City staff has taken to bring your regulations into consistency with the Rules, and your continued coordination with us. We have reviewed the proposed amendments and found only a few minor consistency issues that remain to be addressed. We are also recommending a few other edits for internal consistency and clarity. Our findings are as follows:

FLU category matrix

- For internal consistency, under the Preservation category, Water Supply needs to be added as a permitted use since there is an associated intensity standard.
- The second footnote, relating to Alternative Temporary Lodging Standards in the Resort Facilities High category, needs to indicate that the required development agreement must follow all required standards in the Countywide Rules, similar to the first footnote for other categories.

LDR Chapter 82 – Definitions

- Newly added definitions for various land uses are consistent with the Countywide Rules.
- While the formulas applied to density, floor area ratio, and impervious surface ratio are substantively consistent with the Rules, the City uses the term “gross land area” where the Rules use “net land area.” Recommend amending the terminology to match the Rules.

LDR Chapter 110 – Zoning

- In the R-3 Medium Density Multifamily Residential zoning district, Institutional is not listed as a permitted use, but an acreage limitation for that use is included under “Special requirements.” It should either be added as a permitted use or the acreage limitation should be deleted.

- Conversely, under the C-1 Tourist Commercial district, Institutional is listed as a special exception use, but there is no acreage limitation. A five-acre maximum needs to be added for consistency with the Retail & Services category of the Countywide Plan Map.
- The zoning districts list certain separate land uses, such as personal service and office support, that are combined into a single definition, such as Personal Service/Office Support. For internal consistency, suggest that use of the terms be made uniform.
- Maximum density/intensity standards for each zoning district are listed under the “Minimum building site area requirements” section. For clarity, recommend moving them to the “Maximum lot coverage” section or another appropriate heading.

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

If you have any questions, please feel free to call me at 727-464-8220 or email me at lfisher@forwardpinellas.org.

Sincerely,



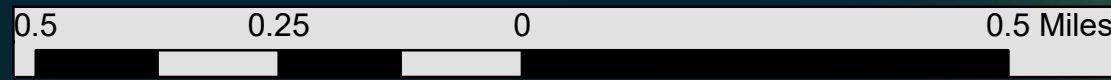
Linda Fisher, AICP
Principal Planner

City of Madeira Beach Zoning and Street Names Map

Madeira Beach Zoning

Zoning Categories

- C-1
- C-2
- C-3
- C-4
- P-SP
- PD
- R-1
- R-2
- R-3
- Madeira Beach Parcels
- Roads



Source: Esri, Maxar, GeoEye, Earthstar
Geographics, CNES/Airbus DS, USDA, USGS, community

Item 5E.



Memorandum

Meeting Details: September 11, 2023, Planning Commission

Prepared For: Planning Commission

From: Community Development Department

Subject: Ordinance 2023-29: C-3 Retail Commercial Zoning District to be consistent with the Countywide Plan

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

Discussion: The city is required to be consistent with the Forward Pinellas Countywide Plan. To be consistent with the Countywide Plan, the city must make amendments to the Comprehensive Plan and Code of Ordinances. The upcoming amendments will include clarification of the alternative temporary lodging use standards, clarification of intensity and density standards without using the alternative temporary lodging use standards, update allowed uses terminology to conform with the Countywide Plan definitions and clarify the measurement of intensity and density to be consistent with the Forward Pinellas Countywide Plan.

Ordinance 2023-29 amends the C-3 Retail Commercial Zoning District to include uses consistent to the Countywide Plan, provide the “by right” density for temporary lodging use, and details the process for the Alternative Temporary Lodging Use Standards as required in the Countywide Plan.

Recommendation(s): Staff recommends approval of Ordinance 2023-29.

Attachments:

- Ordinance 2023-29: C-3 Retail Commercial Zoning District to be consistent with the Countywide Plan
- Zoning Map
- Forward Pinellas Response

ORDINANCE 2023-29

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 7 (C-3, RETAIL COMMERCIAL) OF ARTICLE V (DISTRICTS) OF CHAPTER 110 (ZONING) OF THE CITY'S LAND DEVELOPMENT CODE TO AMEND THE PURPOSE AND INTENT OF THE C-3 DISTRICT; DELETE BUSINESS OFFICE, FINANCIAL SERVICE USES AND TOURIST DWELLING UNITS AS PERMITTED USES; ADD RETAIL COMMERCIAL, COMMERCIAL, OFFICE SUPPORT, BUSINESS SERVICE, MULTIFAMILY RESIDENTIAL, VACATION RENTAL AND TEMPORARY LODGING AS PERMITTED USES; DELETE ENTERTAINMENT FACILITIES, BUSINESS AND FINANCIAL SERVICES AND MEDICAL MARIJUANA DISPENSARIES AS SPECIAL EXCEPTION USES; ADD INSTITUTIONAL AS RELIGIOUS USE, RETAIL COMMERCIAL AND BUSINESS SERVICES AS SPECIAL EXCEPTION USES; DELETE TOURIST DWELLING AND MULTIFAMILY UNITS FROM BUILDING SITE REQUIREMENTS; ADD VACATION RENTAL AND TEMPORARY LODGING UNITS, MULTIFAMILY AND VACATION RENTAL UNITS LOT SIZE REQUIREMENTS, AND REVISE LOT WIDTH REQUIREMENTS FOR RESIDENTIAL, VACATION RENTAL UNITS AND TEMPORARY LODGING UNITS WITHIN BUILDING SITE REQUIREMENTS IN SECTION 110-320; REVISE THE DENSITY REQUIREMENTS FOR RESIDENTIAL OR VACATION RENTAL DWELLING UNITS; ADD REFERENCE TO ALTERNATIVE TEMPORARY LODGING USE STANDARDS IN CG AND R/O/R FUTURE LAND USE CATEGORIES; AMEND MAXIMUM LOT COVERAGE TO ALLOW FOR NONRESIDENTIAL/COMMERCIAL USE ONLY; DELETE TOURIST DWELLINGS AND ADD TEMPORARY LODGING TO BUFFERING REQUIREMENTS; ADD REQUIREMENTS FOR VACATION RENTALS AND TEMPORARY LODGING UNITS IN SPECIAL REQUIREMENTS; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Staff has reviewed the current provisions of Division 7 (C-3, Retail Commercial) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach and recommends amending same; and

WHEREAS, the recommended changes were presented to and reviewed by the Planning Commission at a public hearing; and

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

WHEREAS, the recommendations of staff have 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 Division 7 (C-3, Retail Commercial) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach, Florida, is hereby amended to read as follows:

DIVISION 7. C-3, RETAIL COMMERCIAL

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

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

Sec. 110-317. Permitted uses.

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

- (1) Retail commercial, commercial, and personal service/office support. uses.
- (2) ~~Business or Office, office support, and business service. and financial service uses.~~
- (3) Multifamily residential and vacation rental. dwellings.
- (4) ~~Tourist dwelling units. Temporary lodging.~~
- (5) Restaurants.
- (6) Adult entertainment establishments (article VI, division 13 of this chapter).

Sec. 110-318. Accessory uses.

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

- (1) Off-street parking and loading/unloading.
- (2) Nonresidential signs.
- (3) Essential services.
- (4) Other accessory uses customarily permitted.
- (5) Boat slips associated with a permitted business use, not for rental or commercial marine activities.

Sec. 110-319. Special exception uses.

Upon application for a special exception to the special magistrate and favorable action thereon, the following uses may be permitted in the C-3, retail commercial district:

- (1) Service stations.
- (2) Commercial recreation ~~and entertainment facilities~~ provided that such facilities shall not be permissible when the underlying future land use category is R/O/R.
- (3) Institutional as religious use such as cChurches, synagogues or other houses of worship.
- (4) Public service facilities.
- (5) Drive-in or drive-through retail commercial, and personal service, ~~business and financial business 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.~~

Sec. 110-320. ~~Minimum building~~ Building site area requirements.

The minimum building site area requirements in the C-3, retail commercial district are as follows:

- (1) Lot size:
 - a. For all uses except multifamily/, vacation rental and temporary lodging ~~tourist dwelling~~ units: 4,000 square feet.
 - b. Duplex and triplex units: 3,000 square feet per dwelling unit.

- c. ~~Multi-family dwelling~~ Multifamily and vacation rental units and above: 2,420 square feet per dwelling unit.
 - d. Public service facilities: Shall not exceed a maximum area of five acres. Like uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the P-SP zoning district and the appropriate land use category.
- (2) Lot width:
- a. All permitted uses except multifamily, vacation rental and temporary lodging ~~/tourist dwelling~~ units: 40 feet.
 - b. Multifamily, vacation rental and temporary lodging ~~/tourist dwelling~~ units: 60 feet.
- (3) Lot depth: All permitted uses: 80 feet.
- (4) Within the CG future land use category in the Comprehensive Pplan, the density ~~shall be~~ is a maximum of 15 residential dwelling units, ~~or 15 vacation rental dwelling units~~, or ~~60~~ 40 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 are met. Alternative Temporary Lodging Use Standards are allowed as detailed in subsection 110-326(f).~~
- (5) Within the R/O/R future land use category, the density ~~shall be~~ is a maximum of 18 residential dwelling units, ~~18 or vacation rental dwelling units~~, or ~~45~~ 40 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. Alternative Temporary Lodging Use Standards are allowed as detailed in subsection 110-326(g).~~

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 is 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)(1) Commercial general and public service facilities: Floor area ratio (FAR) 0.55; Residential/office/retail: Floor area ratio (FAR) 0.55. Nonresidential/Commercial use: Floor area ratio (FAR) 0.55.~~

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.

Sec. 110-325. Buffering requirements.

- (a) Parking lots/garages for ~~tourist dwellings~~ temporary lodging and nonresidential uses in the C-3, retail commercial district shall be designed to minimize their impacts to any adjacent residential uses as established in the land development regulations.
- (b) During the development process, existing curb cuts in the C-3, retail commercial district shall be reoriented, if necessary, to minimize the negative impact on adjacent properties.
- (c) All development within the C-3, retail commercial district in this category will meet or exceed the buffering/landscape requirements as outlined in chapter 106, article II.

Sec. 110-326. Special requirements.

- (a) In the C-3, retail commercial district residential dwelling units, vacation rental units, and temporary lodging units are permitted ~~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 by a minimum of a ten-foot feet. Separation between structures.~~
- (c) When a proposed ~~non-residential~~ nonresidential use in the C-3, retail commercial district abuts a residential use an additional five-foot setback is required along the length of the entire shared lot line. This additional setback will be utilized to provide additional landscaped screening.
- (d) Mixed uses in a single development shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.
- (e) Institutional, other than public educational facilities shall not exceed a maximum area of five acres. Transportation and/or utility uses shall not exceed a maximum area of three acres.
- (f) In the CG future land use category, Alternative Temporary Lodging Use Standards allows 60 temporary lodging units per acre and a FAR of 1.2. A Development Agreement is required by the City's land development regulations and Forward Pinellas' Countywide Rules to use the Alternative Temporary Lodging Use Standard. The Development Agreement must follow all required standards in Forward Pinellas Countywide Rules to use the Alternative Temporary Lodging Use Standards.

(g) In the R/O/R future land use category, Alternative Temporary Lodging Use Standards allows 60 temporary lodging units per acre and a FAR of 1.2. A Development Agreement is required by the City's land development regulations and Forward Pinellas' Countywide Rules to use the Alternative Temporary Lodging Use Standard. The Development Agreement must follow all required standards in Forward Pinellas Countywide Rules to use the Alternative Temporary Lodging Use Standards.

Secs. 110-327—110-345. Reserved.

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

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

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

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

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

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

James "Jim" Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____



July 5, 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 and Land Development Regulations

Dear Andrew:

Thank you for forwarding the above-referenced amendments for a review for consistency with the Countywide Rules. We appreciate the effort that City staff has taken to bring your regulations into consistency with the Rules, and your continued coordination with us. We have reviewed the proposed amendments and found only a few minor consistency issues that remain to be addressed. We are also recommending a few other edits for internal consistency and clarity. Our findings are as follows:

FLU category matrix

- For internal consistency, under the Preservation category, Water Supply needs to be added as a permitted use since there is an associated intensity standard.
- The second footnote, relating to Alternative Temporary Lodging Standards in the Resort Facilities High category, needs to indicate that the required development agreement must follow all required standards in the Countywide Rules, similar to the first footnote for other categories.

LDR Chapter 82 – Definitions

- Newly added definitions for various land uses are consistent with the Countywide Rules.
- While the formulas applied to density, floor area ratio, and impervious surface ratio are substantively consistent with the Rules, the City uses the term “gross land area” where the Rules use “net land area.” Recommend amending the terminology to match the Rules.

LDR Chapter 110 – Zoning

- In the R-3 Medium Density Multifamily Residential zoning district, Institutional is not listed as a permitted use, but an acreage limitation for that use is included under “Special requirements.” It should either be added as a permitted use or the acreage limitation should be deleted.

- Conversely, under the C-1 Tourist Commercial district, Institutional is listed as a special exception use, but there is no acreage limitation. A five-acre maximum needs to be added for consistency with the Retail & Services category of the Countywide Plan Map.
- The zoning districts list certain separate land uses, such as personal service and office support, that are combined into a single definition, such as Personal Service/Office Support. For internal consistency, suggest that use of the terms be made uniform.
- Maximum density/intensity standards for each zoning district are listed under the “Minimum building site area requirements” section. For clarity, recommend moving them to the “Maximum lot coverage” section or another appropriate heading.

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

If you have any questions, please feel free to call me at 727-464-8220 or email me at lfisher@forwardpinellas.org.

Sincerely,



Linda Fisher, AICP
Principal Planner

City of Madeira Beach Zoning and Street Names Map

Madeira Beach Zoning

Zoning Categories

- C-1
- C-2
- C-3
- C-4
- P-SP
- PD
- R-1
- R-2
- R-3
- Madeira Beach Parcels
- Roads



Item 5F.



Memorandum

Meeting Details: September 11, 2023, Planning Commission

Prepared For: Planning Commission

From: Community Development Department

Subject: Ordinance 2023-30: C-4 Marine Commercial Zoning District to be consistent with the Countywide Plan

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

Discussion: The city is required to be consistent with the Forward Pinellas Countywide Plan. To be consistent with the Countywide Plan, the city must make amendments to the Comprehensive Plan and Code of Ordinances. The upcoming amendments will include clarification of the alternative temporary lodging use standards, clarification of intensity and density standards without using the alternative temporary lodging use standards, update allowed uses terminology to conform with the Countywide Plan definitions and clarify the measurement of intensity and density to be consistent with the Forward Pinellas Countywide Plan.

Ordinance 2023-30 amends the C-4 John's Pass Marine Commercial Zoning District to include uses consistent to the Countywide Plan, provide the "by right" density for temporary lodging use, and details the process for the Alternative Temporary Lodging Use Standards as required in the Countywide Plan.

Recommendation(s): Staff recommends approval of Ordinance 2023-30.

Attachments:

- Ordinance 2023-30: C-4 Marine Commercial Zoning District to be consistent with the Countywide Plan
- Zoning Map
- Forward Pinellas Response

ORDINANCE 2023-30

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 8 (C-4, MARINE COMMERCIAL) OF ARTICLE V (DISTRICTS) OF CHAPTER 110 (ZONING) OF THE CITY'S LAND DEVELOPMENT CODE TO AMEND THE PURPOSE AND INTENT OF THE C-4 DISTRICT; DELETE RESTAURANTS, TOURIST DWELLING UNITS AND RETAIL AS PERMITTED USES; ADD RETAIL COMMERCIAL, TEMPORARY LODGING UNITS, COMMERCIAL/BUSINESS SERVICE USE AND RESIDENTIAL AND VACATION RENTAL UNITS AS PERMITTED USES; DELETE ENTERTAINMENT FACILITIES AND FINANCIAL SERVICES AND ADD COMMERCIAL, BUSINESS SERVICE AND INSTITUTIONAL AS RELIGIOUS USE AS SPECIAL EXCEPTION USES; DELETE TOURIST DWELLING AND ADD TEMPORARY LODGING AND VACATION RENTAL UNITS TO BUILDING SITE REQUIREMENTS AND MAXIMUM DENSITY IN SECTION 110-350; ADD REFERENCE TO ALTERNATIVE TEMPORARY LODGING USE STANDARDS IN CG AND R/O/R FUTURE LAND USE CATEGORIES; DELETE TOURIST DWELLING UNITS AND ADD TEMPORARY LODGING UNITS IN BUILDING SETBACK REQUIREMENTS; AMEND MAXIMUM LOT COVERAGE PROVISIONS TO DELETE REFERENCE TO TEMPORARY LODGING USES; AMEND BUFFERING REQUIREMENTS FOR TEMPORARY LODGING; ADD SPECIAL REQUIREMENTS FOR VACATION RENTALS AND TEMPORARY LODGING UNITS; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Staff has reviewed the current provisions of Division 8 (C-4, Marine Commercial) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach and recommends amending same; and

WHEREAS, the recommended changes were presented to and reviewed by the Planning Commission at a public hearing; and

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

WHEREAS, the recommendations of staff have 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 Division 8 (C-4, Marine Commercial) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach, Florida, is hereby amended to read as follows:

DIVISION 8. C-4, MARINE COMMERCIAL

Sec. 110-346. Definition; purpose and intent.

The purpose of the C-4, marine commercial district is to provide for those commercial uses which are directly related to commercial and marine uses and associated services. The C-4, marine commercial district correlates with the commercial general (CG) future land use category and the residential office retail (R/O/R) future land use of the City of Madeira Beach Comprehensive Plan and Retail and Services (R&S) plan category in the Countywide Plan.

Sec. 110-347. Permitted uses.

The permitted uses in the C-4, marine commercial district are as follows:

- (1) Marina and commercial docks.
- (2) Boat repair and sales.
- (3) ~~Restaurants.~~ Retail Commercial.
- (4) ~~Tourist dwelling units.~~ Temporary lodging units.
- (5) ~~Retail Commercial/Business Service Use,~~ offices and personal service ~~uses.~~
- (6) Commercial fishing activities and working waterfront.
- (7) Charter and party boat operations.
- (8) Adult entertainment establishments (article VI, division 13 of this chapter).
- (9) Residential dwelling units and vacation rental ~~D~~dwelling units located ~~on the second floor~~ above first floor commercial or office units within this district.

Sec. 110-348. Accessory uses.

The accessory uses in the C-4, marine commercial district are as follows:

- (1) Off-street parking.
- (2) Marine and boat storage.
- (3) Essential services.
- (4) Other accessory uses, customarily incidental to the permitted use.
- (5) Wireless communication antennas as regulated by article VI, division 12, subdivisions I, II and IV of this chapter.
- (6) Wireless communication towers shall be allowed, through special permit granted by the board of commissioners, as an alternative to prohibiting towers and only in the event substantial proof is submitted by an applicant which demonstrates that no existing tower, structure, or building can accommodate the applicant's proposed antenna. Wireless communication towers must further comply with the provisions of article VI, division 12, subdivisions I, II and IV of this chapter.

Sec. 110-349. Special exception uses.

Upon application for a special exception to the special magistrate and favorable action thereon, the following uses may be permitted in the C-4, marine commercial district:

- (1) Service stations.
- (2) Commercial, ~~recreation~~ ~~and entertainment facilities~~.
- (3) Public administration and service facilities.
- (4) Drive-in or drive-through retail commercial, personal service, and business service. and financial services.
- (5) Institutional as religious use such as cChurches, 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.

Sec. 110-350. ~~Minimum~~ b 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~~ temporary lodging units: 4,000 square feet.
 - b. Residential dwellings and vacation rental unitss 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:
- All permitted uses except ~~tourist dwellings~~ temporary lodging: 40 feet.
 - ~~Tourist dwellings~~ Temporary lodging: 60 feet.
- (3) Lot depth: All permitted uses 80 feet.
- (4) Within the CG future land use category, the density ~~shall be~~ is a maximum of 15 residential dwelling units, or 15 vacation rental units, or 40 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. Alternative Temporary Lodging Use Standards are allowed as detailed in subsection 110-356(e).~~
- (5) Within the R/O/R future land use category, the density is a maximum of 18 residential dwelling units, or 18 vacation rental units, or 40 temporary lodging units. Alternative Temporary Lodging Use Standards are allowed as detailed in subsection 110-356(f).

Sec. 110-351. Building setback requirements.

The following minimum setbacks shall apply in the C-4, marine commercial district:

- Front yard: 25 feet.
- Rear yard: 18 feet.
- Side yard:
 - Minimum of ten feet except as provided in the land development regulations.
 - ~~Tourist dwelling~~ Temporary lodging units:
 - For lots between 60 and 80 feet in width, the minimum side yard setback shall be ten feet.
 - 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:
 - Lots less than 120 feet: ten feet.
 - Lots less than 240 feet: 15 feet.
 - Lots 240 feet or greater: 20 feet.

Sec. 110-352. Maximum building height.

For all uses in the C-4, marine commercial district the maximum building height shall be 34 feet.

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.

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.

Sec. 110-355. Buffering requirements.

- (a) Parking lots/garages for ~~tourist dwellings~~ temporary lodging and nonresidential uses in the C-4, marine commercial district shall be designed to minimize their impacts to any adjacent residential uses as established in the land development regulations.
- (b) During the development process, existing curb cuts in the C-4, marine commercial district shall be reoriented, if necessary, to minimize the negative impact on adjacent properties.
- (c) All development within the C-4, marine commercial district in this category will meet or exceed the buffering/landscape requirements as outlined in chapter 106, article II.

Sec. 110-356. Special requirements.

- (a) In the C-4, marine commercial district residential dwelling units, and vacation rental units, and temporary lodging units are permitted above ground floor commercial or office units within this district.
- (b) No structure in the C-4, marine commercial district may be wider than 150 feet parallel to the front yard right-of-way. If two structures are proposed on the same lot or parcel, the buildings shall be separated by a minimum of ten feet or equal to 50 percent of the height of the tallest building on the same parcel, whichever is more restrictive.
- (c) Mixed uses in a single development shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.

- (d) Institutional, other than public educational facilities shall not exceed a maximum area of five acres. Transportation and/or utility uses shall not exceed a maximum area of three acres.
- (e) In the CG future land use category, Alternative Temporary Lodging Use Standards allows 60 temporary lodging units per acre and a FAR of 1.2. A Development Agreement is required by the City's land development regulations and Forward Pinellas' Countywide Rules to use the Alternative Temporary Lodging Use Standard. The Development Agreement must follow all required standards in Forward Pinellas Countywide Rules to use the Alternative Temporary Lodging Use Standards.
- (f) In the R/O/R future land use category, Alternative Temporary Lodging Use Standards allows 60 temporary lodging units per acre and a FAR of 1.2. A Development Agreement is required by the City's land development regulations and Forward Pinellas' Countywide Rules to use the Alternative Temporary Lodging Use Standard. The Development Agreement must follow all required standards in Forward Pinellas Countywide Rules to use the Alternative Temporary Lodging Use Standards.

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

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

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

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

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

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

James "Jim" Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____



July 5, 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 and Land Development Regulations

Dear Andrew:

Thank you for forwarding the above-referenced amendments for a review for consistency with the Countywide Rules. We appreciate the effort that City staff has taken to bring your regulations into consistency with the Rules, and your continued coordination with us. We have reviewed the proposed amendments and found only a few minor consistency issues that remain to be addressed. We are also recommending a few other edits for internal consistency and clarity. Our findings are as follows:

FLU category matrix

- For internal consistency, under the Preservation category, Water Supply needs to be added as a permitted use since there is an associated intensity standard.
- The second footnote, relating to Alternative Temporary Lodging Standards in the Resort Facilities High category, needs to indicate that the required development agreement must follow all required standards in the Countywide Rules, similar to the first footnote for other categories.

LDR Chapter 82 – Definitions

- Newly added definitions for various land uses are consistent with the Countywide Rules.
- While the formulas applied to density, floor area ratio, and impervious surface ratio are substantively consistent with the Rules, the City uses the term “gross land area” where the Rules use “net land area.” Recommend amending the terminology to match the Rules.

LDR Chapter 110 – Zoning

- In the R-3 Medium Density Multifamily Residential zoning district, Institutional is not listed as a permitted use, but an acreage limitation for that use is included under “Special requirements.” It should either be added as a permitted use or the acreage limitation should be deleted.

- Conversely, under the C-1 Tourist Commercial district, Institutional is listed as a special exception use, but there is no acreage limitation. A five-acre maximum needs to be added for consistency with the Retail & Services category of the Countywide Plan Map.
- The zoning districts list certain separate land uses, such as personal service and office support, that are combined into a single definition, such as Personal Service/Office Support. For internal consistency, suggest that use of the terms be made uniform.
- Maximum density/intensity standards for each zoning district are listed under the “Minimum building site area requirements” section. For clarity, recommend moving them to the “Maximum lot coverage” section or another appropriate heading.

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

If you have any questions, please feel free to call me at 727-464-8220 or email me at lfisher@forwardpinellas.org.

Sincerely,



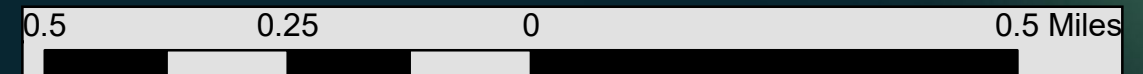
Linda Fisher, AICP
Principal Planner

City of Madeira Beach Zoning and Street Names Map

Madeira Beach Zoning

Zoning Categories

- C-1
- C-2
- C-3
- C-4
- P-SP
- PD
- R-1
- R-2
- R-3
- Madeira Beach Parcels
- Roads



Source: Esri, Maxar, GeoEye, Earthstar
Geographics, CNES/Airbus DS, USDA, USGS, community

