



# PLANNING COMMISSION MEETING AGENDA

Monday, December 01, 2025 at 6:00 PM  
Commission Chambers, 300 Municipal Drive,  
Madeira Beach, FL 33708

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

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## 1. CALL TO ORDER

## 2. ROLL CALL

## 3. PUBLIC COMMENT

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

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

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

## 4. APPROVAL OF MINUTES

A. Approval of November 2025 Minutes

## 5. NEW BUSINESS

A. Ordinance 2025-20 Certified Recovery Residences

B. Approval of the 2026 Planning Commission Calendar

## 6. OLD BUSINESS

## 7. ADMINISTRATIVE/STAFF PRESENTATION

## 8. PLANNING COMMISSION DISCUSSION

A. Nonconforming Time Restrictions

B. Proposed C-3, Zoning District and C-4, Zoning District Amendments Discussion

**9. NEXT MEETING**

Next meeting is scheduled for Monday, January 5, 2025 at 6:00 p.m.

**10. INFORMATIONAL MATERIALS**

**11. ADJOURNMENT**

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

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

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

1. CALL TO ORDER

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

2. ROLL CALL

Members in Attendance:

Chairman Wyckoff  
Commissioner Meagher  
Commissioner Cloud  
Commissioner LaRue  
Commissioner Connolly  
Commissioner Noble

Members Absent:

Commissioner Dillon

Staff Representatives:

Marci Forbes – Community Development Director  
Andrew Morris- Long Range Planner  
Nancy Meyer- City Attorney  
Lisa Scheuermann- Board Secretary

3. PUBLIC COMMENTS

Chairman Wyckoff invited public comments, no residents came forward.

4. APPROVAL OF MINUTES

Minutes from the July 2025 meeting were approved unanimously.

## 5. New Business

- **Staff Update:** The Community Development Director announced her promotion following Jenny Silver's departure (now part-time support).

### A. Resolution 2025-09 – Adoption of Updated Madeira Beach Master Plan

- **Presentation:** Hannah Schaefer and Madison Parker (Kimley Horn) presented the final draft of the Madeira Beach Master Plan, a long-term guiding document (5-, 10-, and 20-year goals) for city growth, infrastructure, and community priorities.
- **Public Engagement:** The planning process began in spring 2024 and included:
  - 3 workshops (147 attendees)
  - 2 online surveys (518 responses)
  - Stakeholder meetings with FDOT, PSTA, Forward Pinellas, etc.
  - Pop-up events at community markets and festivals
- **Focus Areas:**
  1. Transportation – Safety, beautification, parking
  2. Development – Directing growth while preserving character
  3. Economic Development – Support for local businesses and parking
  4. Sustainability – Storm preparation, flood education, stormwater management
  5. Parks & Recreation – Connectivity and kid-friendly spaces
  6. Beautification – Preserve fishing village character, enhance city entrances
- **Implementation:**
  - Plan includes short-, mid-, and long-term goals plus a grants matrix.-
  - Commissioner Cloud recommended a progress dashboard; Schaefer agreed.
  - Community Development Director, Marci Forbes noted the Mayor supports using strategic planning for prioritization.
- **Comments:**
  - Commissioner Cloud praised the clarity of Chapter 5.
  - Chairman Wyckoff suggested flexibility for mixed-use density and supported ideas like transient docks, short-term rental zones, and a new activity center on Gulf Blvd (140th–145th).
- **Action:**
  - Motion: Recommend approval of Resolution 2025-09
  - Moved by: Cloud | Seconded by: Noble | Vote: Unanimous approval

## **B. Ordinance 2025-19 – C-3 Zoning District Setbacks (Public Hearing)**

- Overview: Community Development Director Marci Forbes explained the text amendment—consistent with master plan goals—was submitted as a private application.
- Details:
  - City Planner Andrew Morris distributed updated text clarifying side setbacks for narrow or corner lots.
  - Proposed reduction of front yard setbacks from 25 ft to 10 ft in C-3 districts due to Gulf Blvd road widening, improving feasibility for pedestrian-oriented mixed-use buildings.
- Applicant Comments:
  - Property owner Dave Wonsick explained his mixed-use project replaces a hurricane-damaged structure and has a smaller footprint.
- Discussion:
  - Commissioner Noble asked about lot width definitions; confirmed by Morris.
  - Chairman Wyckoff supported the change, noting reduced lot depths (from 110–120 ft to 80 ft) make current setbacks impractical.
- Action:
  - Motion: Approve Ordinance 2025-19 as presented
  - Moved by: Cloud | Seconded by: LaRue | Vote: Unanimous approval

### **6. OLD BUSINESS**

There was no old business.

### **7. ADMINISTRATIVE PRESENTATION**

There was no administrative presentation.

### **8. PLANNING COMMISSION DISCUSSION**

There was no planning commission discussion.

### **9. NEXT MEETING**

The next meeting is scheduled for Monday December 1, 2025, at 6:00 PM.

### **10. ADJOURNMENT**

Chairman Wyckoff adjourned the meeting at 7:11 PM.

Respectfully submitted:

\_\_\_\_\_  
\_\_\_\_\_

Michael Wyckoff, Chairman

\_\_\_\_\_

Lisa Scheuermann, Board Secretary

\_\_\_\_\_  
\_\_\_\_\_

Date

\_\_\_\_\_

Date



# Memorandum

**Meeting Details:** December 1, 2025 – Planning Commission Meeting  
**Prepared For:** Planning Commission  
**Staff Contact:** Community Development Department  
**Subject:** Ordinance 2025-20 Certified Recovery Residences

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## **Background & Discussion:**

In accordance with Florida Senate Bill 954, municipalities are required to adopt an ordinance by January 1, 2026, establishing procedures for the review and approval of certified recovery residences. This ordinance amends Article VI of Chapter 110 of the Land Development Regulations by creating Division 16 to define certified recovery residences, establish application and review procedures, and outline criteria for reasonable accommodation requests in compliance with the Fair Housing Act and ADA. The proposed Ordinance 2025-20 Certified Recovery Residences if adopted would bring Madeira Beach into compliance with Senate Bill 954.

## **Fiscal Impact:**

Pending the circumstances, there is a possible increase in staff time for review of a permit application associated with this type of project.

## **Recommendation(s):**

City staff recommends the approval of Ordinance 2025-20 Certified Recovery Residences.

## **Attachments/Corresponding Documents:**

- Ordinance 2025-20 Certified Recovery Residences
- Ordinance 2025-20 Business Impact Estimate
- Forward Pinellas Consistency Letter

## ORDINANCE 2025-20

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING ARTICLE VI (SUPPLEMENTAL DISTRICT REGULATIONS) OF CHAPTER 110 (ZONING) THE LAND DEVELOPMENT REGULATIONS BY CREATING DIVISION 16, "CERTIFIED RECOVERY RESIDENCES"; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROCEDURES FOR THE REVIEW AND APPROVAL OF CERTIFIED RECOVERY RESIDENCES; PROVIDING FOR REQUESTS FOR REASONABLE ACCOMMODATIONS; PROVIDING FOR REVOCATION OF REASONABLE ACCOMMODATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature has determined that a person suffering from addiction has a higher success rate of achieving long-lasting sobriety when given the opportunity to build a stronger foundation by living in a recovery residence while receiving treatment or after completing treatment; and

**WHEREAS**, in 2025, the Florida Legislature passed SB 954 which the Governor signed into law, thus creating Chapter 2025-182, amending Chapter 397, Florida Statutes, pertaining to the establishment of a process for review and approval of certified recovery residences; and

**WHEREAS**, the new version of Florida Statute § 397.487(15)(a) provides the following:

By January 1, 2026, the governing body of each county or municipality shall adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction. The ordinance must include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence;

and

**WHEREAS**, this new statutory language necessitates revisions to the City's Zoning Code; and



**WHEREAS**, the Board of Commissioners intends for this Ordinance and all actions of the City pursuant this Ordinance to be consistent with the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq.

**WHEREAS**, the Planning Commission has reviewed the amendments being proposed by City staff and recommended approval of the same; 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, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That Article VI (Supplemental District Regulations) of the City of Madeira Beach Land Development Regulations be amended to create Division 16 (Certified Recovery Residences) and shall read as follows:

**DIVISION 16 – CERTIFIED RECOVERY RESIDENCES**

**Sec. 110-948 - Definitions.** Pursuant to § 397.311, Florida Statutes the following definitions are incorporated fully into this division.

*Certificate of compliance* means a certificate that is issued by a credentialing entity to a recovery residence or a recovery residence administrator.

*Certified recovery residence* means a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator.

- (1) A Level I *certified recovery residence* houses individuals in recovery who have completed treatment, with a minimum of 9 months of

sobriety. A Level I certified recovery residence is democratically run by the members who reside in the home.

- (2) A Level II *certified recovery residence* encompasses the traditional perspectives of sober living homes. There is oversight from a house manager who has experience with living in recovery. Residents are expected to follow rules outlined in a resident handbook provided by the certified recovery residence administrator. Residents must pay dues, if applicable, and work toward achieving realistic and defined milestones within a chosen recovery path.
- (3) A Level III certified recovery residence offers higher supervision by staff with formal training to ensure resident accountability. Such residences are staffed 24 hours a day, 7 days a week, and offer residents peer-support services, which may include, but are not limited to, life skill mentoring, recovery planning, and meal preparation. Clinical services may not be performed at the residence. Such residences are most appropriate for persons who require a more structured environment during early recovery from addiction.
- (4) A Level IV *certified recovery residence* is a residence offered, referred to, or provided by, a licensed service provider to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. Such residences are staffed 24 hours a day and combine outpatient licensable services with recovery residential living. Residents are required to follow a treatment plan and attend group and individual sessions, in addition to developing a recovery plan within the social model of living in a sober lifestyle. No clinical services are provided at the residence and all licensable services are provided offsite.

*Certified recovery residence administrator* means a recovery residence administrator who holds a valid certificate of compliance.

*Credentialing entity* means a nonprofit organization that develops and administers professional, facility, or organization certification programs according to applicable nationally recognized certification or psychometric standards.

#### **Sec. 110-949 - Review and approval of certified recovery residences.**

- (1) *Purpose.* The purpose of this section is to implement a procedure for processing, reviewing, and approving certified recovery residences and requests for reasonable accommodations from any City land use regulation that may prohibit the establishment of a certified recovery residence in the City.

(2) Application.

- (a) *Submittal.* A request by an applicant for the approval of a certified recovery residence, or for reasonable accommodation from any of the City's land use regulations that may prohibit the establishment of a certified recovery residence, shall be submitted by the applicant, in writing, to the City's Community Development Department on a form prescribed by the City's Community Development Department. Upon receipt of the application, the City shall date-stamp the application and, if additional information is required, notify the applicant in writing within thirty (30) days after receipt of the application and allow the applicant at least thirty (30) days to respond.
- (b) *Final Determination.* If the establishment of a certified recovery residence complies with the Land Development Regulations and is consistent with the City's Comprehensive Plan and other applicable law, approval of the application shall be rendered administratively by the Community Development Director. In the event the applicant requests reasonable accommodation from any of the City's land use regulations, a final determination on the application shall be issued by the Board of Commissioners in accordance with the terms set forth in this section. In either event, a final determination on the application shall be issued within sixty (60) days after receipt of the completed application. If a final determination is not issued within sixty (60) days after receipt of the completed application, the request is deemed approved, unless the applicant and the City agree, in writing, to a reasonable extension of time. The final determination must:
- (1) Approve the request in whole or in part, with or without conditions; or
  - (2) Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.
- (c) *Application Contents.* An application submitted pursuant to this section must include, at a minimum, the following information:
- (1) The name and contact information of the applicant or the applicant's authorized representative;
  - (2) The property address and parcel identification number;

- (3) A description of the accommodation requested and the specific regulation or policy from which relief is sought; and
  - (4) Any other information requested on the application form provided by the City's Community Development Department.
- (d) Findings for Reasonable Accommodations. In determining whether the reasonable accommodation request shall be granted or denied, the applicant shall be required to:
- (1) Establish that the property that is the subject of the request for reasonable accommodation will be used as a certified recovery residence pursuant to Chapter 397, Florida Statutes;
  - (2) Establish that the requested accommodation is necessary to establish the property as a certified recovery residence;
  - (3) Agree to adhere to the requirements set forth in Chapter 397, Florida Statutes, throughout the use of the property as a certified recovery residence;
  - (4) Provide a copy of an existing conditions survey of the property, certified by a Registered Surveyor licensed in the State of Florida, clearly indicating the exact dimensions, setbacks, and location of existing structures, easements, and other site improvements; and
  - (5) Provide a scaled drawing showing all proposed site development, if applicable, including structures, landscaping, fencing, and any other proposed site improvements.

#### **Sec. 110-950 - Revocation of Reasonable Accommodations.**

Any reasonable accommodation approved by the Board of Commissioners shall be deemed revoked if the applicant or the property upon which the reasonable accommodation is granted is found, by a court of law or by the special magistrate, to have violated a condition of approval or if the certification or licensure required under Chapter 397, Florida Statutes, for the certified recovery residence lapses, is revoked, or otherwise fails to be maintained, and the certification or licensure is not reinstated within 180 days of the date of lapse, revocation, or other means of expiration.

**Section 2.** For purposes of codification of any existing section the Land Development Regulations of the City of Madeira Beach 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 this 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 Regulations of the City of Madeira Beach contained in Section 1 of this Ordinance as provided for herein and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 6.** This Ordinance shall become effective immediately upon its final passage and adoption.

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

\_\_\_\_\_  
Anne-Marie Brooks, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

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

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

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

# **Business Impact Estimate**

Proposed ordinance's title/reference:

## **ORDINANCE 2025-20**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING ARTICLE VI (SUPPLEMENTAL DISTRICT REGULATIONS) OF CHAPTER 110 (ZONING) THE LAND DEVELOPMENT REGULATIONS BY CREATING DIVISION 16, "CERTIFIED RECOVERY RESIDENCES"; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROCEDURES FOR THE REVIEW AND APPROVAL OF CERTIFIED RECOVERY RESIDENCES; PROVIDING FOR REQUESTS FOR REASONABLE ACCOMMODATIONS; PROVIDING FOR REVOCATION OF REASONABLE ACCOMMODATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.**

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☒ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
  - a. Development orders and development permits as those terms are defined in Section 163.3164, Florida Statutes, and development agreements as authorized by the Florida Local Government Development Agreement Act under Sections 163.3220-163.3243, Florida Statutes;
  - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party;

<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

- c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

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

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

The adoption of the Ordinance 2025-20 would make sure that the Madeira Beach Land Development Regulations are in compliance with Senate Bill 954. Senate Bill 954 requires municipalities to establish procedures for the review and approval of certified recovery residences. Ordinance 2025-20 would add procedures for the review and approval of certified recovery residences in the Madeira Beach Land Development Regulations.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Madeira Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

Existing City Staff would be able to review the certified recovery residences requests. It is not foreseen that there would be a significant additional cost on the city with the adoption of Ordinance 2025-20. Pending the circumstances, there is a possible increase in staff time for review of a permit application associated with this type of project. The proposed ordinance does not have a direct economic impact on private businesses.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

It is not foreseen that Ordinance 2025-20 would have an impact on private businesses.

4. Additional information the governing body deems useful (if any):

Ordinance 2025-20 gives the option for the Community Development Director to administratively approve a certified recovery residences request. If the applicant requests reasonable accommodation from any of the City's land use regulations, the Board of Commissioners would need to make the final determination on the request.





November 13, 2025

Andrew Morris, AICP  
Long Range Planner  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, FL 33708

**RE: Review of ordinances from the City of Madeira Beach (ORDINANCE 2025-20)**

Dear Andrew,

Thank you for submitting the proposed amendments to the Madeira Beach Code of Ordinances. Forward Pinellas staff has reviewed the proposed ordinance for consistency with the Countywide Plan and Countywide Rules. The amendments are procedural in nature and implement a state-mandated process for accommodating certified recovery residences, aligning with Fair Housing Act and ADA protections and promoting equitable access to housing opportunities. Accordingly, Ordinance No. 2025-20 is consistent with the Countywide Rules.

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

If you have any questions, please feel free to call me at 727-464-5679 or email me at [ewennick@forwardpinellas.org](mailto:ewennick@forwardpinellas.org).

Sincerely,

*Emma Wennick*

Emma Wennick  
Program Planner

## Planning Commission Regular Meetings 2026

Hearing Date	Zoning/Site Plan Application Deadline	Mail/Post Agenda	Distribute Agenda Packets
<i>First Monday of the month at 6:00 p.m.</i>	<i>Min. of 30 days prior to meeting</i>	<i>Min. 10 days prior to meeting</i>	<i>Min. 1 week before meeting</i>
1/5/2026	12/5/2025	12/26/2025	12/29/2025
2/2/2026	1/2/2026	1/23/2026	1/26/2026
3/2/2026	1/31/2026	2/20/2026	2/23/2026
4/6/2026	3/6/2026	3/27/2026	3/30/2026
5/4/2026	4/3/2026	4/24/2026	4/27/2026
6/1/2026	5/1/2026	5/22/2026	5/25/2026
7/6/2026	6/5/2026	6/26/2026	6/29/2026
8/3/2026	7/3/2026	7/24/2026	7/27/2026
9/14/2026	8/15/2026	9/4/2026	9/7/2026
10/5/2026	9/4/2026	9/25/2026	9/28/2026
11/2/2026	10/2/2026	10/23/2026	10/26/2026
12/7/2026	11/6/2026	11/27/2026	11/30/2026



# Memorandum

**Meeting Details:** December 1, 2025 – Planning Commission  
**Prepared For:** Honorable Mayor Brooks, the Board of Commissioners  
**Staff Contact:** Community Development Department – Joseph Petraglia, Planner I  
**Subject:** Nonconforming Time Restrictions

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## **Background/ Discussion:**

Under section 110-93(3) c. of the city's land development regulations, any structure damaged by Hurricane Helene and Hurricane Milton would need to be repaired by March 26, 2026, or made fully compliant with current codes. So far, roughly half of all pre-FIRM houses in Madeira Beach have not yet taken any action to repair, rebuild, or demolish their properties. Many of these properties that have not applied for permits have done unpermitted work or are sitting abandoned. City staff are planning to raise awareness of this time restriction through additional mailings and website updates to encourage the remaining properties who have not yet submitted interior remodel or full structure demolition permits to do so before the March 26, 2026 deadline provided the proper permit has been obtained by such date. City staff is recommending that a text change amendment to allow property owners additional time to complete the repairs once the permit has been obtained. This would also align with the deadline given to property owners who filed a permit fee waiver extension form through Ordinance 2025-18.

Additionally, there is a conflict between two different sections of the code when it pertains to legally nonconforming uses such as short-term vacation rentals in the R-1 and R-2 zoning districts. The more restrictive part of the code related to time limitation for nonconforming uses has already passed for properties damaged by Hurricane Helene and Hurricane Milton. While the less restrictive part of the code does not have a time limit to restore a nonconforming use after an involuntary loss.

Some other nearby municipalities also have timeframe limitations when it comes to nonconformities. See Treasure Island [sec. 68-512](#), Gulfport [sec. 22-9-06](#), and Indian Rocks Beach [sec. 110-104](#). City staff plan to propose a more comprehensive amendment and evaluation of the entire nonconforming article in the coming months but would like to expedite these two time sensitive text change amendments before discussion on the rest of the article commences.

## **Fiscal Impact:**

Minor direct cost (mailings, documentation) and moderate staff time. Could require more field presence from code enforcement to document conditions and progress.

**Recommendation(s):**

City Staff recommends the Planning Commission to discuss and then give direction on amending the time restrictions for nonconformances.

**Attachments/Corresponding Documents:**

- Chapter 110, Article III - Madeira Beach, FL Code of Ordinances

PART II - CODE OF ORDINANCES  
 Chapter 110 - ZONING  
 ARTICLE III. NONCONFORMANCES

### **ARTICLE III. NONCONFORMANCES**

#### **Sec. 110-91. Purpose and intent.**

- (a) It is the intent of this article to provide for the continuance of lawful nonconformities, without unduly restricting the owners ability to maintain or improve their property, but to restrict further investment which would make the nonconformity more permanent. This article is intended to permit lawful nonconforming uses and structures created by the adoption of this Code to continue, until removed by economic or other forces. This article is intended to discourage the continuation of nonconformities as they are incompatible with the provisions of the city comprehensive plan and this Code.
- (b) All rights and obligations associated with a nonconforming status run with the property, are not personal to the present ownership or tenant, and are not effected by a change of ownership or tenancy, unless abandoned.

(Code 1983, § 20-611(A))

#### **Sec. 110-92. Classification.**

- (a) Nonconformities are classified as follows:
  - (1) Lots.
  - (2) Uses of land and structures.
  - (3) Structures.
  - (4) Characteristics of use.
- (b) A nonconformity may also be created where lawful public taking or actions pursuant to a court order create violations of the land development regulations.

(Code 1983, § 20-611(B))

#### **Sec. 110-93. Intent concerning nonconforming property, structures and uses.**

It is the intent of the land development regulations that these nonconformities shall be considered to be incompatible with the permitted uses within the city districts. Such nonconformities shall not be enlarged or extended in any respect.

- (1) *Nonconforming lots.*
  - a. *Use of single, nonconforming lots for residential districts.* Notwithstanding the maximum density requirements of the comprehensive plan, in residential districts, the single-family and customary accessory structures may be erected, reconstructed, occupied and used on separate nonconforming lots of record which are not in continuous frontage with other lots in the same ownership in accord with other requirements applying in the separate districts.

- b. *Use of single, nonconforming lots for nonresidential uses.* In other than residential districts, a nonconforming lot of record which is not in continuous frontage with other lots in the same ownership, may accommodate uses permitted within that district in accordance with other requirements applying in that district.
- c. *Rules concerning combination of contiguous nonconforming lots in same ownership and with continuous frontage.*
1. *Where nonconforming status was created at enactment or amendment of this Code or of the comprehensive plan.* Where more than one nonconforming lot of record in single ownership and with continuous frontage exists, they shall be combined and considered a single zoning lot. The zoning administrator shall authorize their use only when the lot area and lot width requirements for the district in which the lots are located are satisfied. Full setback requirements shall apply to all of the newly created lots.
  2. *Combination not required where nonconformity created by public taking or court order.* Where the nonconforming lots were created by public taking action or as a result of a court order, a combining of the individual lots shall not be required.
- (2) *Nonconforming uses.* Nonconforming uses of land shall be brought into conformance as soon as reasonably possible, but may continue provided they meet the criteria listed below or the involuntary loss provisions referenced in Sec. 110-95.
- a. There shall be no replacement, enlargement, increase in activity or alterations to any nonconforming use, permanent structure or both.
  - b. No such nonconforming use shall be relocated or moved to any portion of the lot other than that occupied at the time that the nonconforming status was created.
  - c. When a nonconforming use is changed, modified or diversified to meet requirements of a conforming use, the building or structure in which the use is located shall conform to the development standards and regulations as set forth in this Code.
  - d. If any nonconforming use, or any portion thereof, ceases for any reason for more than one year (365 days), the grandfather status of the nonconforming use shall terminate and all subsequent uses shall conform to the regulations of the district in which such use is located.
- (3) *Nonconforming structures.* Where a lawful structure exists at the time of the passage or amendment of the land development regulations which could no longer be built under the terms of the land development regulations by reason of restrictions on area, lot coverage, height, or other characteristics of the structure or location on lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- a. That any addition, alteration or renovation to the structure shall not increase the degree of nonconformity or result in the conversion of a nonconforming carport, garage, screen enclosure, patio roof, storage area or other non-habitable area into a habitable area unless specifically approved by the special magistrate. Structural changes which decrease the degree of nonconformity shall be permitted. Structures that are nonconforming due solely to their flood elevation may be altered in accordance with the provisions of chapter 94.
  - b. A nonconforming structure or portion thereof, if damaged by fire, natural elements or force to an amount equal to or greater than 50 percent of its current fair market value as of the day immediately preceding such damage, may only be reconstructed in accordance with the provisions of article V of this chapter regarding district regulations for the district in which it is located and the floodplain management regulations established in chapter 94 of this Code or as otherwise provided in section 110-95.

Commented [TT1]: Delete these words. It is duplicative.

- c. Should the damage be less than 50 percent of its current fair market value, then repairs may be made under the "grandfathered" zoning district regulations, provided that they shall be ~~made permitted~~ and notice of commencement recorded in the Official Records of Pinellas County, Florida within 18 months after such damage. All repairs must be made to comply with current building codes and not be in violation of the provisions of the floodplain management regulations and other applicable codes of the city. In the event that the repairs have not been ~~completed permitted~~ and completed 36 months from when the damage occurred, the structure shall not be further repaired or rebuilt, except in conformity with the entire requirements of this Code.
- d. Routine repairs and maintenance of nonconforming structures, fixtures, wiring and plumbing, or the repair or replacement of non-load bearing walls shall be permitted.
- e. Owners of nonconforming residential structures in an R-1, R-2 or R-3 zoning district that wish to elevate their existing structure with the lowest habitable floor at or above base flood elevation shall be exempt from the setback provisions of article V of this chapter regarding district regulations, so long as the structure remains within the existing footprint.
- f. In recognition of the narrow lot dimensions and the preexisting development patterns in some older neighborhoods, the following exceptions can be considered by the planning commission for approval for lots of 50 feet in width or less:
1. Legal nonconforming residential structures in an R-2 or R-3 zoning district with side yard encroachments may extend along the line of the existing encroachment without increasing the depth of the encroachment into the setback as long as a minimum of three feet of setback from the structural wall is retained on one side of the house and a minimum of five feet of clearance remains on the other side of the house (no permanent improvement of any kind, including mechanical equipment or storage units may exist or be placed or installed in the five feet clearance along the entire side of the structure nor can the area be obstructed by landscaping that prevents access across/through the clear area, although the area may be fenced as long as it is accessible by way of a gate). Additionally, the property that is the subject of reduced setbacks must be improved with drainage systems including but not limited to roof gutter systems adequate to carry all runoff and direct it away from the neighboring property in a manner that ensures no impact upon the neighboring property. The required clearance area is not a reduction of setback but a minimum clear path of access between the front and rear yard. Furthermore, extensions along an existing encroachment line can be approved only if the neighbor on the extending encroached side indicates support for the extension by notarized statement. Nothing in this provision can be used to approve the creation of a new nonconformity.
  2. Legal nonconforming uses and structures in an R-1, R-2 or R-3 zoning districts with a front or rear yard setback encroachment may extend the encroachment to an average of that encroachment on lots adjoining and facing it.
  3. Additions of a second floor to legal nonconforming structures in the R-1, R-2 and R-3 districts is permitted as long as the extension/addition does not create any new encroachment, does not violate the height restrictions, provides a minimum of 18" clearance between any building element and the property line, and does not increase the depth into any existing encroachment. Approval of such additions require the neighbor on the side or facing property where the encroachment is proposed to be heightened to indicate by notarized statement their support for the addition.

**Commented [TT2]:** Is the reference to the Notice of commencement needed here? Isn't the permit being issued conditioned upon the recording of the Notice of Commencement? If not, you should replace "filed" with "recorded in the Official Records of Pinellas County, Florida"

4. Approval of such additions require pre-hearing notice to adjoining property owners who may indicate their support for the addition by notarized statement or submittal of written or oral objections prior to or during the planning commission hearing.
  5. Appeals of planning commission approvals may be brought to the city commission by filing a notice of appeal within 30 days of the signed planning commission decision.
- (4) *Nonconforming characteristics of use.* Nonconforming characteristics of use which may include, but not limited to inadequate parking and loading facilities, inappropriate landscaping, lighting, emissions, etc., may continue to operate but shall not be expanded, altered, changed or relocated in such a manner as to increase the degree of nonconformity.

(Code 1983, § 20-611(C); Ord. No. 918, § 6, 12-7-99; Ord. No. 1051, § 1, 8-9-05; Ord. No. 1071, § 3, 2-28-06; Ord. No. 1143, § 1, 1-27-09; Ord. No. 1166, § 1, 8-10-10; Ord. No. 2018-04, § 1, 6-12-18; Ord. No. 2022-20, § 1, 9-14-22)

#### **Sec. 110-94. Nonconforming structures unsafe for reasons other than lack of maintenance.**

Nonconforming structures or portions thereof which are declared unsafe by the building and zoning official or other competent authority, but not because of lack of maintenance, may be repaired and restored except as provided in subsection 110-94(3).

(Code 1983, § 20-611(D))

#### **Sec. 110-95. Reestablishment of uses after an involuntary loss.**

- (a) In the event that any residential or hotel/motel structure is damaged greater than 50 percent or destroyed by a hurricane, tornado, fire, flood, wind, storm, natural disaster, or other unintended, involuntary action; it can be repaired or reconstructed in a manner which guarantees that each dwelling unit, tourist unit and all permitted accessory uses can be restored to the same square footage which existed the day immediately preceding such damage.
- (b) Nothing contained herein shall be construed to permit more dwelling units or an increase in square footage of the structure than existed prior to the day immediately preceding such damage. The burden of proof as to what existed prior to the disaster shall rest with the property owner. Each property owner shall provide the city with a site plan, as-built surveys, or architecturally-sealed floor plans. The plans or surveys shall provide enough information to determine the existing legally permitted development on the site prior to the day immediately preceding such damage.
- (c) Local business tax receipt required. Failure to have a current required local business tax receipt, where applicable, in force at the time of declared disaster will prevent this section from applying to that property.

(Ord. No. 1051, § 2, 8-9-05; Ord. No. 1111, § 7, 5-8-07)

Editor's note(s)—Ord. No. 1051, §§ 2, 3, adopted August 9, 2005, added a new § 110-95 and subsequently renumbered the former § 110-95 as § 110-96. The historical notation has been preserved for reference purposes.

#### **Sec. 110-96. Rebuilding after a catastrophic loss.**

- (a) *Declaration of disaster area.* A disaster area is any area of major multiple property loss in which the board of commissioners, county board of county commissioners, the governor of the state or the federal government declares the loss a disaster area.



(b) *Rebuilding regulations.* Rebuilding regulations shall be as follows:

- (1) *Single-family.* May be rebuilt within the same footprint if it complies with all other existing regulatory codes and provisions of the land development regulations.
- (2) *Duplexes and triplexes on a nonconforming lot.* Duplexes [and triplexes] on a nonconforming lot may be rebuilt to existing nonconformity if the new structure complies with required front setback, height, parking requirements and floodplain regulations effective at the time of building permit application.
- (3) *Multifamily in R-1 and R-2 on a nonconforming lot.* Multifamily in R-1 and R-2 on a nonconforming lot shall be the same as duplexes and triplexes, except they must comply with the parking regulations as contained in their pre-damage certificate of occupancy.
- (4) *Multifamily, hotel, motel, motor lodges.* Multifamily, hotel, motel and motor lodges may be rebuilt to same density, height and side setbacks, but must comply with the front setback, the county coastal construction control line, floodplain regulations, fire codes, and parking regulations as contained in their certificate of occupancy and any other requirements effective at the time of building permit application.
- (5) *Commercial.* Commercial may be rebuilt within the same footprint and having the same parking spaces available at the time of disaster, but would have to meet minimum FEMA regulations for elevated structures and/or floodproofing to the required height per the National Flood Rate Insurance Map for its commercial location.
- (6) *Occupational license required.* Failure to have a current required occupational license in force at the time of declared disaster will prevent this section from applying to that property.

(Code 1983, § 20-612; Ord. No. 918, § 7, 12-7-99; Ord. No. 1051, § 3, 8-9-05)

Editor's note(s)—See note at § 110-95.

#### **Sec. 110-97. Redevelopment planning process.**

- (a) *Purpose and intent.* It is the intent of this section to provide for the reconstruction of nonconforming residential and transient properties, except for those in an R-1 zoning district, for the purposes of redevelopment provided that the following steps shall be taken prior to the demolition of any units or buildings:
- (1) *Existing dwelling unit verification.* The verification of the number of existing legal dwelling units and their type shall be through the city manager or designee.
  - (2) *Preliminary site plan review of redevelopment plan.* Preparation by the applicant of a redevelopment site plan for preliminary redevelopment site plan review by the city manager or designee. It must be demonstrated that the site can adequately accommodate the requested number of units by meeting the rebuilding regulations outlined in the process of this section of the Code. The applicant will meet the existing code to the maximum extent possible. This redevelopment site plan shall comply with the site plan requirements of chapter 110, article II, Site plans, of this Code. In addition to the standard site plan review requirements, all redevelopment site plans shall include the dimensions and floor area in square feet of all rooms and units.
  - (3) *Fee.* The application fee shall be the same as the regular site plan review fee found in article III, Community development, section D, Site plan, numbers 2 and 3, as adopted in the most recent edition of the city's fees and collection procedure manual.
  - (4) *Plan review.* The review of the redevelopment Plan shall be through the quasi-judicial public hearing process outlined in chapter 2, Administration, article I, In general, division 2, Quasi-judicial proceedings

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before the board of commissioners. The notification procedure shall follow subsection 2-503(c), Notification, found in chapter 2, article VIII, Special magistrate, of this Code.

- (5) *Changes in the redevelopment plan.* The redevelopment plan may be amended by mutual consent of the city and applicant, provided the notification and public hearing process of this article are followed.
- (b) *Rebuilding regulations for the redevelopment of existing dwelling units.* The rebuilding regulations for the redevelopment of existing dwelling units except for those in an R-1 zoning district, through the redevelopment planning process shall be as follows:
  - (1) *Single-family.* May be rebuilt within the same footprint if it complies with all other existing regulatory codes and provisions of the land development regulations.
  - (2) *Duplexes and triplexes on a nonconforming lot.* Duplexes (and triplexes) on a nonconforming lot may be rebuilt to existing nonconformity if the new structure complies with required front setback, height, parking requirements and floodplain regulations effective at the time of building permit application.
  - (3) *Multifamily on a nonconforming lot.* Multifamily, except for those in an R-1 zoning district, on a nonconforming lot shall be the same as duplexes and triplexes, except they must comply with the parking regulations as contained in their pre-demolition certificate of occupancy.
  - (4) *Multifamily, hotel, motel, motor lodges.* Multifamily, hotel, motel and motor lodges may be rebuilt to same density, height and side setbacks, but must comply with the front setback, the county coastal construction control line, floodplain regulations, fire codes, and parking regulations as contained in their certificate of occupancy and any other requirements effective at the time of building permit application.
  - (5) *Commercial.* Commercial may be rebuilt within the same footprint and having the same parking spaces available at the time a redevelopment plan is sought, but would have to meet minimum FEMA regulations for elevated structures and/or flood proofing to the required height per the National Flood Rate Insurance Map for its commercial location.
  - (6) *Business tax receipt required.* Failure to be current with respect to full payment of the required annual business tax at the time a redevelopment plan is sought will prevent this section from applying to that property.
- (c) *Planning commission and board of commissioners review.* The planning commission shall conduct one public hearing to consider any application to review or change a redevelopment plan. The board of commissioners shall conduct a second public hearing to consider any application to review or change a redevelopment plan. Upon conclusion of the second public hearing, the board of commissioners shall review the proposed redevelopment plan, the recommendations of the city manager or his/her designee, the recommendations of the planning commission and the testimony at the public hearings. The board of commissioners shall thereafter approve, approve with conditions, or deny the application approve or change a redevelopment plan.

(Ord. No. 2012-14, § 1, 12-11-12)

**Secs. 110-98—110-120. Reserved.**

**Memorandum**

**Meeting Details:** Planning Commission Meeting December 1, 2025

**Prepared For:** Planning Commission

**From:** Community Development Department

**Subject:** Proposed C-3, Zoning District and C-4, Zoning District Amendments Discussion

**Discussion:**

The Planning Commission will be discussing proposed changes to amend the C-3, Zoning District and C-4, Zoning District. Kimley-Horn reviewed the C-3, Zoning District and C-4, Zoning District and proposed changes based on the Madeira Beach Master Plan. Some of the proposed changes will require amending the Madeira Beach Comprehensive Plan and Madeira Beach Town Center Special Area Plan.

**Recommendation(s):**

Please review and discuss the proposed changes to amend the C-3, Zoning District and C-4, Zoning District.

**Fiscal Impact or Other:**

N/A

**Attachments:**

Proposed C-3 and C-4 Zoning Amendments

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## DIVISION 7. C-3, RETAIL COMMERCIAL

### *Additional Recommendations for the LDC:*

- *Sec. 58-31 Sidewalk Specifications: Increase sidewalk width along Gulf Boulevard to 6 feet.*
- *Sec. 58-32 Driveway Specifications:*
  - *Upon redevelopment, curbs must be restored.*
- *Add a definition for multiplexes to encourage missing middle housing. Multiplexes typically consist of 3-8 units which are contained in the same structure, or separate structures on the same lot. Permit in R-2.*
- *Since these zoning districts overlap with the Town Center Special Area Plan, the Special Area Plan should be amended to allow for stacking density and intensity. This would likely require a Tier 1/administrative review since it affects an established Activity Center, per Sec. 6.2.2.1 of the Countywide Rules.*

### *Additional Recommendations for the Comprehensive Plan:*

- *For the Table under Policy 4.1.1.1, Add a footnote with the following language: A mix of uses is encouraged upon redevelopment, where at least 10% of the floor area of the building(s) are utilized for a second use. Vertical mixed-use development is encouraged.*
- *Although not required, it is strongly recommended to add a policy supportive of stacking density and intensity in accordance with Sec. 4.2.4.6 of the Countywide Rules.*

## **Sec. 1-2. - Definitions and rules of construction.**

*Planting and furnishing zone.* The planting and furnishing zone is the area between the curb and the pedestrian walkway (or sidewalk) that serves multiple purposes. It typically includes street trees, landscaping, benches, trash receptacles, bike racks, lighting, and signage. This zone acts as a buffer between pedestrians and vehicular traffic, enhancing both safety and comfort, while also contributing to the aesthetic and environmental quality of the street. When a waiver is sought to locate the planting and furnishing zone within the first 5 feet of the front setback, the zone may include café seating, signage, planters, or outdoor displays.

*Transit supportive mixed-use development.* A mixed-use development that improves access to essential goods and services, encourages walking, cycling, and the use of public transit, and promotes efficient and environmentally sustainable land use.

## **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), residential/office/retail (R/O/R), and planned redevelopment-mixed use (PR-MU) future land use categories of the City of Madeira Beach Comprehensive Plan and the retail and services (R&S) and activity center (AC) plan categories in the countywide plan.

(Code 1983, § 20-404; Ord. No. 1138, § 7, 12-9-08; Ord. No. 2022-10, § 1, 5-11-22; Ord. No. 2023-29, § 1, 12-13-23; Ord. No. 2024-13, § 1, 9-11-24)

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

### **Sec. 110-317. Permitted uses.**

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

- (1) Retail commercial, and personal service/office support.
- (2) Office and business service.
- (3) Multifamily residential and vacation rental.
- (4) Temporary lodging.
- (5) Restaurants.
- (6) Adult entertainment establishments (article VI, division 13 of this chapter).
- (7) Townhouses (see chapter 110, Zoning, article VI, Supplementary District Regulations, division 10, Specific Development Standards, subdivision III, Townhouses, for additional standards).
- (8) Multiplexes
- (9) Mixed Use
- (10) Live/Work Units

(Code 1983, § 20-404; Ord. No. 2023-29, § 1, 12-13-23; Ord. No. 2024-13, § 1, 9-11-24)

### **Sec. 110-318. Accessory uses.**

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

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

(Code 1983, § 20-404)

### **Sec. 110-319. Special exception uses.**

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

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

- (6) Private fraternal, social and recreational clubs.
- (7) Outdoor storage areas, provided that the outdoor storage use is an accessory, is limited to areas in the CG land use category, and does not exceed 20 percent of the area of the building which is the principal use on the site.
- (8) Single-family or duplex.
- (9) Private schools.
- (10) Exhibition of reptiles by permit.
- (11) Open rooftop, balcony and elevated terrace use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit.

(Code 1983, § 20-404; Ord. No. 1138, § 7, 12-9-08; Ord. No. 2015-03, § 1, 2-24-15; Ord. No. 2023-29, § 1, 12-13-23; Ord. No. 2024-13, § 1, 9-11-24)

### **Sec. 110-320. Building site area requirements.**

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

- (1) Lot size:
  - a. For all uses except multifamily, vacation rental and temporary lodging units: 4,000 square feet.
  - b. Duplex and triplex units: 3,000 square feet per dwelling unit.
  - c. Multiplex or 4+ multifamily and vacation rental units and above: 2,420 square feet per dwelling unit.
  - d. Public service facilities: Shall not exceed a maximum area of five acres. Like uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the P-SP zoning district and the appropriate land use category.
- (2) Lot width:
  - a. All permitted uses except multifamily, vacation rental and temporary lodging units: 40 feet.
  - b. ~~Multifamily, vacation rental~~ and temporary lodging units: 60 feet.
- (3) Lot depth: All permitted uses: 80 feet.
- (4) For properties located in the commercial general (CG) future land use category in the comprehensive plan, the density is a maximum of 15 residential dwelling units 15 vacation rental units, or 40 temporary lodging units per acre. Alternative temporary lodging use standards are allowed as detailed in subsection 110-326(f).
- (5) For properties located in the residential/office/retail (R/O/R) future land use category in the comprehensive plan, the maximum density is 18 residential dwelling units, 18 vacation rental units, or 40 temporary lodging units per acre. Alternative temporary lodging use standards are allowed as detailed in subsection 110-326(g).
- (6) For properties located in the commercial core district of the planned redevelopment-mixed use (PR-MU) future land use category of the comprehensive plan, the maximum density is 15 residential dwelling units, 15 vacation rental units, and 60 temporary lodging units per acre.
- (7) For properties located in the transition district of the planned redevelopment-mixed use (PR-MU) future land use category of the comprehensive plan, the maximum density is 15 residential dwelling units, 15 vacation rental units, and 60 temporary lodging units per acre.

(Code 1983, § 20-404; Ord. No. 1043, § 2, 6-14-05; Ord. No. 1138, § 7, 12-9-08; Ord. No. 2022-10, § 2, 5-11-22; Ord. No. 2023-29, § 1, 12-13-23; Ord. No. 2024-13, § 1, 9-11-24)

### Sec. 110-321. Setback requirements.

The following ~~minimum~~ setbacks shall apply in the C-3, retail commercial district, and shall be measured from the right of way to the structure:

- (1) Front yard: ~~25 feet, measured from right of way to structure.~~
  - a. Gulf Boulevard: Minimum 10 feet
  - b. All other roadways: Minimum 10 feet
- (2) Rear yard: ~~ten 10~~ feet, except waterfront lots which will have a rear setback of 18 feet.
- (3) Side yard: Minimum 5 feet
- (4) Street-side yard: Minimum 10 feet
  - a. ~~All permitted uses except multifamily/tourist dwelling units will have a side setback of ten feet.~~
  - b. ~~Multifamily/tourist dwelling units:~~
    1. ~~For proposed uses located on properties between 60 and 80 feet in width, the minimum side yard setback shall be ten feet.~~
    2. ~~For lots greater than 80 feet in width, the minimum side yard setback is as follows:~~
    3. ~~A total of 33 percent of the lot width shall be reserved for side yard setbacks. In no event shall one side be less than the following:~~
      - i. ~~Lots less than 120 feet: ten feet.~~
      - ii. ~~Lots less than 240 feet: 15 feet.~~
      - iii. ~~Lots 240 feet or greater: 20 feet.~~

(Code 1983, § 20-404)

### Sec. 110-322. Maximum building height.

- (1) Properties in the commercial general (CG) or residential/office/retail (R/O/R) future land use category of the comprehensive plan other than multifamily or temporary lodging uses shall have a maximum building height of three stories or 34 feet from design flood elevation (DFE) to the roof eave line. An extra story is permitted, for a maximum of four stories or 44 feet, if one of the following is provided:
  - a. Active ground floor commercial use.
  - b. Ground floor parking.
- (2) Properties in the commercial general (CG) or residential/office/retail (R/O/R) future land use category of the comprehensive plan with a multifamily or temporary lodging use shall have a maximum building height of four stories or 44 feet from design flood elevation (DFE) to the roof eave line. An extra story is permitted, for a maximum of five stories or 55 feet, if one of the following is provided:
  - a. Active ground floor commercial use.
  - b. Ground floor parking.

- (3) Properties located in the planned redevelopment-mixed use (PR-MU) future land use category of the comprehensive plan shall have a maximum building height of:
  - a. Commercial Core: three stories from base flood elevation (BFE).
  - b. Transition District: two stories from base flood elevation (BFE).

(Code 1983, § 20-404; Ord. No. 2021-23, § 1, 11-10-21; Ord. No. 2022-10, § 3, 5-11-22; Ord. No. 2024-13, § 1, 9-11-24)

### **Sec. 110-323. Maximum lot coverage.**

The maximum lot coverage in the C-3, retail commercial district is based on the use and future land use categories in the comprehensive plan as follows:

- (1) Commercial general (CG) commercial use: the floor area ratio (FAR) is 0.55.
- (2) Residential/office/retail (R/O/R) commercial use: the floor area ratio (FAR) is 0.55.
- (3) Planned redevelopment-mixed use (PR-MU) commercial core district: the floor area ratio (FAR) is 1.2.
- (4) Planned redevelopment-mixed use (PR-MU) transition district: the floor area ratio (FAR) is 1.2.

(Code 1983, § 20-404; Ord. No. 1138, § 7, 12-9-08; Ord. No. 2022-10, § 4, 5-11-22; Ord. No. 2023-29, § 1, 12-13-23; Ord. No. 2024-13, § 1, 9-11-24)

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

- (a) For properties located in the commercial general (CG) or residential/office/retail (R/O/R) future land use categories of the comprehensive plan the impervious surface ratios (ISR) are:
  - (1) The impervious surface ratio (ISR) for all uses, other than temporary lodging units, is 0.70.
  - (2) The impervious surface ratio (ISR) for temporary lodging units is 0.85.
- (b) For properties located in the planned redevelopment-mixed use (PR-MU) future land use category the impervious surface ratios (ISR) are:
  - (1) Commercial core district: the impervious surface ratio (ISR) is 0.85.
  - (2) Transition district: the impervious surface ratio (ISR) is 0.70.

(Code 1983, § 20-404; Ord. No. 1138, § 7, 12-9-08; Ord. No. 2024-13, § 1, 9-11-24)

### **Sec. 110-325. Buffering requirements.**

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

(Code 1983, § 20-404; Ord. No. 2023-29, § 1, 12-13-23)



### **Sec. 110-326. Special requirements.**

- (a) In the C-3, retail commercial district residential dwelling units, vacation rental units, and temporary lodging units are permitted above first-floor commercial or office units.
- (b) No structure in the C-3, retail commercial district may be wider than 150 feet parallel to the front yard right-of-way. If two structures are proposed on the same lot or parcel, the buildings shall be separated by a minimum of ten feet.
- (c) When a proposed nonresidential use in the C-3, retail commercial district abuts a residential use an additional five-foot setback is required along the length of the entire shared lot line. This additional setback will be utilized to provide additional landscaped screening.
- (d) Mixed uses in a single development shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.

For properties designated Activity Center (AC) or Retail and Services (R&S) on the Countywide Plan Map, a bonus is available. For vertically integrated, transit supportive mixed-use, a waiver may be sought pursuant to Section 86-29 to maximize both density and intensity on the development site. For development sites of 5 acres or more, vertically integrated mixed-use is required, per the Forward Pinellas Countywide Rules.

- (e) Institutional, other than public educational facilities shall not exceed a maximum area of five acres. Transportation and/or utility uses shall not exceed a maximum area of three acres.
- (f) In the commercial general (CG) future land use category of the comprehensive plan, alternative temporary lodging use standards allows 60 temporary lodging units per acre and a FAR of 1.2. A development agreement is required by the city's land development regulations and Forward Pinellas' Countywide Rules to use the alternative temporary lodging use standard. The development agreement must follow all required standards in Forward Pinellas Countywide Rules to use the alternative temporary lodging use standards.
- (g) In the residential/office/retail (R/O/R) future land use category of the comprehensive plan, alternative temporary lodging use standards allows 60 temporary lodging units per acre and a FAR of 1.2. A development agreement is required by the city's land development regulations and Forward Pinellas' Countywide Rules to use the alternative temporary lodging use standard. The development agreement must follow all required standards in Forward Pinellas Countywide Rules to use the alternative temporary lodging use standards.

(Code 1983, § 20-404; Ord. No. 1138, § 7, 12-9-08; Ord. No. 2022-10, § 5, 5-11-22; Ord. No. 2023-29, § 1, 12-13-23; Ord. No. 2024-13, § 1, 9-11-24)

### **Sec. 110-327. Site Design Standards**

For new developments on properties designated Activity Center (AC) or Retail and Services (R&S) on the Countywide Plan Map and seeking the bonus in Sec. 110-326(d), the following site design standards apply:

- (a) Parking lots shall be located to the side or rear of the building and are prohibited from being located between the primary frontage and the street.
  - 1. Parking lot screening and landscaping shall be in accordance with Sec. 106-35.
- (b) Sidewalks shall be constructed in accordance with Sec. 58-31.
- (c) Along Gulf Boulevard, a planting and furnishing zone shall be required between the sidewalk and roadway with a minimum width of 5 feet. Where right-of-way widths are limited, the planting and furnishing zone may

be located between the sidewalk and the property line, or within the first 5 feet of the front setback, pursuant to an administrative waiver in Section 86-29.

(d) Gas stations along Gulf Boulevard are subject to the following requirements:

1. The fuel pump canopy does not count as part of the building for the purposes of determining FAR.
2. Gas pumps must be located to the side or rear of the building.
3. A maximum of 4 fuel positions (may be dual sided for a total of 8 fueling pumps) per gas station is allowed.
4. Only one curb cut per street frontage is allowed.
5. The fuel canopy must have similar architecture to the building. The fuel canopy must meet the minimum building setbacks and is exempt from the maximum setbacks.
6. No more than one gas station is allowed per block face.

### **Sec. 110-328. Building Design Standards**

For new developments on properties designated Activity Center (AC) or Retail and Services (R&S) on the Countywide Plan Map and seeking the bonus in Sec. 110-326(d), the following building design standards apply:

- (a) Facades facing streets. Buildings facing a public street shall have windows comprising a minimum of 30% of the street facing façade. Windows shall not feel false or applied.
- (b) Facade rhythms. The building facades should incorporate multiple rhythms or cadences (rather than a single repetitive rhythm). This is accomplished with a rich variety of surface treatments such as architectural features, large storefront windows and door frames, projecting bay window displays, canopies above the door, awnings, etc. Individual storefront facades should be narrow and change often to add richness to the sidewalk, street, and neighborhood. The preferred width of the storefront is approximately 40 feet and should have a maximum width of 100 feet.
  - a. Blank walls are prohibited on street facing facades.
- (c) Corner treatment. In cases where buildings are on a corner, special treatment is encouraged for the buildings at these locations. This includes such things as rounded or cut corners, articulated corner entrances, accented display windows, special corner roof features, projected covered public entry, etc.
- (d) Stepbacks. Building height stepbacks - Buildings exceeding 2-stories adjacent to property with existing single family home uses or property with a Residential Medium (RM) FLUM designation shall have a building stepback to minimize impacts on adjacent properties. The building stepback shall measure a minimum of ten (10) feet deep from the lower story building facade commencing above the second story to increase light and air movement and mitigate the effect of the increased height on the adjacent properties. At the discretion of the Community Development Director or designee, if setbacks are proposed beyond the minimum required, stepbacks may be waived.
- (e) Mechanical screening. Any new mechanical units, including heating, ventilation and air conditioning equipment (HVAC) and exhaust and supply fans, shall be located in a visually inconspicuous area of a building, such as shielded on the roof, and not visible or shielded from public right-of-way.
- (f) Structured parking facades must blend into the built environment with a visual appearance from the public right-of-way as an occupied building.
- (g) Electric, gas service, public utility meters, satellite antennas, and associated services that are visible from the public right-of-way shall be located in the most inconspicuous location on a building, if the services must be located in a prominent visual location, screening with an enclosure may be required or painted to match the predominant facade color.

- (h) Window and door shutters must be appropriate for the size of window or door.
- (i) Awnings shall be below 14 feet in height, not less than 8 feet above the sidewalk. Internally lit or plastic awnings are not permitted. All awnings must comply with city codes.
- (j) All solid waste and recycling containers are required to be screened from the right-of-way and adjacent properties.
- (k) No single structure may be wider than 120 feet, paralleling to the right-of-way without providing a visual appearance of multiple buildings in increments of 40 to 100 feet.

**Secs. 110-3297—110-345. Reserved.**

## *DIVISION 8. C-4, MARINE COMMERCIAL*

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

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

(Code 1983, § 20-404; Ord. No. 1138, § 8, 12-9-08; Ord. No. 2022-11, § 1, 5-11-22; Ord. No. 2023-30, § 1, 12-13-23; Ord. No. 2024-14, § 1, 9-11-24)

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

### **Sec. 110-347. Permitted uses.**

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

- (1) Marina and commercial docks.
- (2) Boat repair and sales.
- (3) Retail commercial.
- (4) Temporary lodging units.
- (5) Commercial/business service use, offices and personal service.
- (6) Commercial fishing activities and working waterfront.
- (7) Charter and party boat operations.
- (8) Adult entertainment establishments (article VI, division 13 of this chapter).
- (9) Mixed Use: Residential dwelling units and vacation rental dwelling units located above first floor commercial or office units within this district.
- (10) Townhouses (see chapter 110, Zoning, article VI, Supplementary District Regulations, division 10, Specific Development Standards, subdivision III, Townhouses, for additional standards).

(Code 1983, § 20-404; Ord. No. 1138, § 8, 12-9-08; Ord. No. 2023-30, § 1, 12-13-23; Ord. No. 2024-14, § 1, 9-11-24)

### **Sec. 110-348. Accessory uses.**

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

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

(Code 1983, § 20-404)

### **Sec. 110-349. Special exception uses.**

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

- (1) Service stations.
- (2) Commercial recreation.
- (3) Public administration and service facilities.
- (4) Drive-in or drive-through retail commercial, personal service, and business service.
- (5) Institutional as religious use such as churches, synagogues and other houses of worship.
- (6) Outdoor storage areas provided that the outdoor storage use is an accessory, is limited to areas in the CG land use category, and does not exceed 20 percent of the area of the building which is the principal use on the site.
- (7) Open rooftop, balcony and elevated terrace use, if commercial use or accessible to more than one temporary lodging, vacation rental. or residential unit.

(Code 1983, § 20-404; Ord. No. 1138, § 8, 12-9-08; Ord. No. 2023-30, § 1, 12-13-23; Ord. No. 2024-14, § 1, 9-11-24)

### **Sec. 110-350. Building site area requirements.**

The minimum building site area requirements in the C-4, marine commercial district are as follows:

- (1) Lot size:
  - a. All permitted uses except temporary lodging units: 4,000 square feet.

- b. Residential dwellings and vacation rental units above first floor commercial: 3,000 square feet per unit.
  - c. Public service facilities: Shall not exceed a maximum area of five acres. Like uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the P-SP zoning district and the appropriate land use category.
- (2) Lot width:
- a. All permitted uses except temporary lodging: 40 feet.
  - b. Temporary lodging: 60 feet.
- (3) Lot depth: All permitted uses 80 feet.
- (4) For properties located in the commercial general (CG) future land use category, the density is a maximum of 15 residential dwelling units, 15 vacation rental units, or 40 temporary lodging units. Alternative temporary lodging use standards are allowed as detailed in subsection 110-356(e).
- (5) For properties located in the residential/office/retail (R/O/R) future land use category, the density is a maximum of 18 residential dwelling units, 18 vacation rental units, or 40 temporary lodging units. Alternative temporary lodging use standards are allowed as detailed in subsection 110-356(f).
- (6) For properties located in the planned redevelopment-mixed use (PR-MU) future land use category, the density is a maximum of 15 residential dwelling units, 15 vacation rental units, or 60 temporary lodging units.

(Code 1983, § 20-404; Ord. No. 1043, § 3, 6-14-05; Ord. No. 1138, § 8, 12-9-08; Ord. No. 2023-30, § 1, 12-13-23; Ord. No. 2024-14, § 1, 9-11-24)

## Sec. 110-351. Building setback requirements.

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

- (1) Front yard: ~~25~~ 20 feet.
- (2) Rear yard: 18 feet.
- (3) Side yard: Minimum of ~~ten 5 feet, except as provided in the land development regulations.~~
- (4) Street Side Yard: Minimum 10 feet.
  - b. ~~Temporary lodging units:~~
    - 1. ~~For lots between 60 and 80 feet in width, the minimum side yard setback shall be ten feet.~~
    - 2. ~~For lot widths greater than 80 feet, the minimum side yard setback shall be as follows: A total of 33 percent of the lot width shall be reserved for side yard setbacks. In no event shall one side be less than the following:~~
      - i. ~~Lots less than 120 feet: ten feet.~~
      - ii. ~~Lots less than 240 feet: 15 feet.~~
      - iii. ~~Lots 240 feet or greater: 20 feet.~~

(Code 1983, § 20-404; Ord. No. 2023-30, § 1, 12-13-23)

### Sec. 110-352. Maximum building height.

- (1) Properties in the commercial general (CG) or residential office retail (R/O/R) future land use of the comprehensive plan with commercial uses shall have a maximum building height of three stories or 34 feet from design flood elevation (DFE) to the roof eave line. An extra story is permitted, for a maximum of four stories or 44 feet, if one of the following is provided:
    - a. Active ground floor commercial use.
    - b. Ground floor parking.
  - (2) Properties in the commercial general (CG) or residential office retail (R/O/R) future land use of the comprehensive plan with residential, vacation rental, or temporary lodging use in the C-4, marine commercial district shall have a maximum building height of four stories or 44 feet from design flood elevation (DFE) to the roof eave line. An extra story is permitted, for a maximum of five stories or 55 feet, if one of the following is provided:
    - a. Active ground floor commercial use.
    - b. Ground floor parking.
  - (3) Properties in the planned redevelopment-mixed use (PR-MU) future land use category of the comprehensive plan maximum building height shall be three stories above base flood elevation (BFE).
- (Code 1983, § 20-404; Ord. No. 2021-23, § 1, 11-10-21; Ord. No. 2022-11, § 2, 5-11-22; Ord. No. 2024-14, § 1, 9-11-24)

### Sec. 110-353. Maximum lot coverage.

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

- (1) Commercial uses:
  - a. Commercial general (CG) future land use category: the floor area ratio (FAR) is 0.55.
  - b. Residential/office/retail (R/O/R) future land use category: the floor area ratio (FAR) is 0.55.
  - c. Planned redevelopment-mixed use (PR-MU) future land use category: the floor area ratio (FAR) is 0.55.
- (2) Public service facilities:
  - a. Institutional: the floor area ratio (FAR) is 0.55.
  - b. Transportation/utility: the floor area ratio (FAR) is 0.55.

(Code 1983, § 20-404; Ord. No. 1138, § 8, 12-9-08; Ord. No. 2022-11, § 3, 5-11-22; Ord. No. 2023-30, § 1, 12-13-23; Ord. No. 2024-14, § 1, 9-11-24)

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

- (a) For properties located in the commercial general (CG) or residential office retail (R/O/R) future land use category of the comprehensive plan, the impervious surface ratio (ISR) is 0.85.
- (b) For properties located in the planned redevelopment-mixed use (PR-MU) Future Land Use Category, the impervious surface ratio is 0.70.

(Ord. No. 2022-11, § 4, 5-11-22; Ord. No. 2024-14, § 1, 9-11-24)

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

### **Sec. 110-355. Buffering requirements.**

- (a) Parking lots/garages for 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. Properties along Gulf Boulevard are limited to one curb cut and must be accessed from a side street or alley, if available.
- (c) All development within the C-4, marine commercial district in this category will meet or exceed the buffering/landscape requirements as outlined in chapter 106, article II.

(Code 1983, § 20-404; Ord. No. 2022-11, § 5, 5-11-22; Ord. No. 2023-30, § 1, 12-13-23)

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

### **Sec. 110-356. Special requirements.**

- (a) In the C-4, marine commercial district residential dwelling units, 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.  
For properties designated Activity Center (AC) or Retail and Services (R&S) on the Countywide Plan Map, a bonus is available. For vertically integrated, transit supportive mixed-use, a waiver may be sought pursuant to Section 86-29 to maximize both density and intensity on the development site. For development sites of 5 acres or more, vertically integrated mixed-use is required, per the Forward Pinellas Countywide Rules.
- (d) Institutional, other than public educational facilities shall not exceed a maximum area of five acres. Transportation and/or utility uses shall not exceed a maximum area of three acres.
- (e) In the commercial general (CG) future land use category, alternative temporary lodging use standards allows 60 temporary lodging units per acre and a FAR of 1.2. A development agreement is required by the city's land development regulations and Forward Pinellas' Countywide Rules to use the alternative temporary lodging use standard. The development agreement must follow all required standards in Forward Pinellas Countywide Rules to use the alternative temporary lodging use standards.
- (f) In the Residential/Office/Retail (R/O/R) future land use category, alternative temporary lodging use standards allows 60 temporary lodging units per acre and a FAR of 1.2. A development agreement is required by the city's land development regulations and Forward Pinellas' Countywide Rules to use the alternative

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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.

(Code 1983, § 20-404; Ord. No. 1138, § 8, 12-9-08; Ord. No. 1173, § 1, 9-28-10; Ord. No. 2022-11, § 6, 5-11-22; Ord. No. 2023-30, § 1, 12-13-23; Ord. No. 2024-14, § 1, 9-11-24)

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

### **Sec. 110-357. Site Design Standards**

- (a) Parking lots shall be located on the side or rear of the building and are prohibited from being located between the primary frontage and the street.
  - 1. Parking lot screening and landscaping shall be in accordance with Sec. 106-35.
- (b) Sidewalks shall be constructed in accordance with Sec. 58-31.
- (c) Along Gulf Boulevard, a planting and furnishing zone shall be required between the sidewalk and roadway with a minimum width of 5 feet. Where right-of-way widths are limited, the planting and furnishing zone may be located between the sidewalk and the property line, or within the first 5 feet of the front setback, pursuant to an administrative waiver in Section 86-29.
- (d) Gas stations along Gulf Boulevard are subject to the following requirements:
  - 1. The fuel pump canopy does not count as part of the building for the purposes of determining FAR.
  - 2. Gas pumps must be located to the side or rear of the building.
  - 3. A maximum of 4 fuel positions (may be dual sided for a total of 8 fueling pumps) per gas station is allowed.
  - 4. Only one curb cut per street frontage is allowed.
  - 5. The fuel canopy must have similar architecture to the building. The fuel canopy must meet the minimum building setbacks and is exempt from the maximum setbacks
  - 6. No more than one gas station is allowed per block face.

### **Sec. 110-358. Building Design Standards**

The following design standards are applicable to all new development in the C-4 District:

- (a) Facades facing streets. Buildings facing a public street shall have windows comprising a minimum of 30% of the street facing façade. Windows shall not feel false or applied.
- (b) Facade rhythms. The building facades should incorporate multiple rhythms or cadences (rather than a single repetitive rhythm). This is accomplished with a rich variety of surface treatments such as architectural features, large storefront windows and door frames, projecting bay window displays, canopies above the door, awnings, etc. Individual storefront facades should be narrow and change often to add richness to the sidewalk, street, and neighborhood. The preferred width of the storefront is approximately 40 feet and should have a maximum width of 100 feet.
  - a. Blank walls are prohibited on street facing facades.
- (c) Corner treatment. In cases where buildings are on a corner special treatment is encouraged for the buildings at these locations. This includes such things as rounded or cut corners, articulated corner entrances, accented display windows, special corner roof features, etc.



- (d) Stepbacks. Building height stepbacks - Buildings exceeding 2-stories adjacent to property with existing single family home uses or property with a Residential Medium (RM) FLUM designation shall have a building stepback to minimize impacts on adjacent properties. The building stepback shall measure a minimum of ten (10) feet deep from the lower story building facade commencing above the second story to increase light and air movement and mitigate the effect of the increased height on the adjacent properties. At the discretion of the Community Development Director or designee, if setbacks are proposed beyond the minimum required, stepbacks may be waived.
- (e) Mechanical Screening. Any new mechanical units, including heating, ventilation and air conditioning equipment (HVAC) and exhaust and supply fans, shall be located in a visually inconspicuous area of a building, such as shielded on the roof, and not visible or shielded from public right-of-way.
- (f) Structured parking facades must blend into the built environment with a visual appearance from the public right-of-way as an occupied building.
- (g) Electric, gas service, public utility meters, satellite antennas, and associated services that are visible from the public right-of-way shall be located in the most inconspicuous location on a building, if the services must be located in a prominent visual location, screening with an enclosure may be required or painted to match the predominant facade color.
- (h) Window and door shutters must be appropriate for the size of window or door.
- (i) Awnings shall be below 14 feet in height, not less than 8 feet above the sidewalk. Internally lit or plastic awnings are not permitted. All awnings must comply with city codes.
- (j) All solid waste and recycling containers are required to be screened from the right-of-way and adjacent properties.
- (k) No single structure may be wider than 120 feet, parallelling to the right-of-way without providing a visual appearance of multiple buildings in increments of 40 to 100 feet.

**Secs. 110-3597—110-375. Reserved.**