

ORDINANCE 2025-19

AN ORDINANCE OF THE CITY OF MADEIRA BEACH FLORIDA, AMENDING CHAPTER 110 (ZONING) ARTICLE V. – DISTRICTS, DIVISION 7. - C-3, RETAIL COMMERCIAL, SECTION 110-321. - SETBACK REQUIREMENTS, OF THE CITY’S LAND DEVELOPMENT REGULATIONS TO REDUCE THE FRONT AND SIDE SETBACKS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the city received an application for a text amendment to the Land Development Regulations to modify the front yard and side yard setback requirements in the C-3, Retail Commercial Zoning District; and

WHEREAS, City staff has reviewed the proposed amendments and found the changes to be acceptable; and

WHEREAS, many existing lots within the C-3, Retail Commercial Zoning District are smaller and face constraints in redevelopment due to current setback requirements; and

WHEREAS, reducing front yard and side yard setbacks can promote a more pedestrian-friendly and compact urban form consistent with the purpose and intent of the C-3, Retail Commercial Zoning District purpose; and

WHEREAS, the proposed amendments were reviewed by the Planning Commission at a public hearing; and

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

WHEREAS, the Board of Commissioners conducted two public hearings, received public input, and considered the proposed changes prior to the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS

OF THE CITY OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:

Section 1. That Chapter 110 (Zoning) Article V. – Districts, Division 7. - C-3, Retail Commercial, Section 110-321 - Setback Requirements, of the Land Development Regulations of the City of Madeira Beach is hereby amended to read as follows:

Sec. 110-321. Setback requirements.

The following minimum setbacks shall apply in the C-3, retail commercial district:

- (1) Front yard: ~~25 feet~~ 10 feet, measured from right-of-way to structure.
 - (2) Rear yard: ~~ten~~ 10 feet, except waterfront lots which will have a rear setback of 18 feet.
 - (3) Side yard:
 - a. All permitted uses except multifamily/~~tourist dwelling temporary lodging~~ units/mixed use will have a side yard setback of ~~ten~~10 feet.
 - b. Multifamily/~~tourist dwelling temporary lodging~~ units/mixed use:
 1. For proposed uses located on ~~properties lots between 60 and equal to or less than~~ 80 feet in width, the minimum side yard setback shall be ~~ten feet~~ 5 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 greater than 80 feet in width but equal to or less than 120 feet in width: ~~40 feet~~ 5 feet.
 - ii. Lots greater than 120 feet in width but equal to or less than 240 feet in width: 15 feet.
 - iii. Lots greater than 240 feet in width or greater: 20 feet.
3. Corner lots shall have a street side yard setback that is a minimum of 10 feet and an interior side yard setback that meets the minimum required by lot width.

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

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

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

Anne-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____