

ORDINANCE 2023-19

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTION 82-2 (DEFINITIONS) OF CHAPTER 82 (GENERAL PROVISIONS) OF THE CITY'S LAND DEVELOPMENT CODE TO ADD DEFINITIONS FOR COMMERCIAL/BUSINESS SERVICE USE, COMMERCIAL RECREATION USE, INSTITUTIONAL USES, MIXED USE, NET LAND AREA, NONRESIDENTIAL USE, OFFICE USE, PERSONAL SERVICE/OFFICE SUPPORT USE, PUBLIC EDUCATIONAL FACILITY, RECREATION/OPEN SPACE USES, RESIDENTIAL EQUIVALENT USE, RESIDENTIAL USE, RETAIL COMMERCIAL USE, STORAGE/WAREHOUSE/DISTRIBUTION – LIGHT, TRANSPORTATION/UTILITY USES, VACATION RENTAL USE AND WORKING WATERFRONT; TO REVISE THE DEFINITION OF MULTIFAMILY UNDER THE DEFINITION OF DWELLING UNIT; TO REVISE THE DEFINITIONS OF FLOODWAY, FLOOR AREA RATIO (FAR) AND IMPERVIOUS SURFACE RATIO (ISR); PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

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

Section 1. The following definitions are hereby added to Section 82-2 of the Land Development Code of the City of Madeira Beach and shall read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

James "Jim" Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____