

ORDINANCE 2023-26

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

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

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

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

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

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

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

Section 1. That Division 4 (R-3, Medium Density Multifamily Residential) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach, Florida, is hereby amended to read as follows:

DIVISION 4. R-3, MEDIUM DENSITY MULTIFAMILY RESIDENTIAL

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

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

Sec. 110-227. Permitted uses.

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

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

Sec. 110-228. Accessory uses.

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

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

(7) Retail commercial and personal service/office support uses.

Sec. 110-229. Special exception uses.

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

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

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

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

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

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

Sec. 110-231. Setback requirements.

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

- (1) Front yard:
 - a. Single-family, duplex and triplex: 20 feet, measured from right-of-way to structure.
 - b. Multifamily, ~~hotel~~ temporary lodging, and retail commercial restaurants: 25 feet.
- (2) Rear yard: 25 feet, unless otherwise provided in the land development regulations, and then the more restrictive requirement shall apply.
- (3) Waterfront yard: For lots with a waterfront yard on the Gulf of Mexico, the setback shall be landward of to the county coastal construction control line.
- (4) Side yard setbacks:
 - a. Single-family, duplex and triplex dwellings:
 1. For lots less than 50 feet in width, the minimum side yard setback shall be five feet.
 2. For lots 50 feet or greater in width, the minimum total side yard setback shall be 15 feet with a minimum of seven feet on either side.
 - b. Multifamily, ~~hotels~~ temporary lodging, and retail commercial restaurants: The minimum side yard setback shall be ten feet provided that the provisions of section 110-236 are met.

Sec. 110-232. Maximum building height.

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

Sec. 110-233. Maximum lot coverage.

The maximum lot coverage in the R-3, medium density multifamily residential district is as follows:

- ~~(1) Residential use: Floor area ratio (FAR) 1.0. The maximum area of a lot or parcel to be covered by structures shall be 40 percent.~~
- ~~(2) Multifamily, hotel, and related uses: The density shall be a maximum of 18 residential dwelling units or temporary lodging units as shown in the table below. A combination of both residential and tourist dwelling units may be permissible provided that the provisions of subsection 110-236(b) are met.~~

Land Area of the Development Site	Units/Acre	FAR	ISR
Less than one acre	45	1.0	0.85
One to three acres	60	1.5	0.85
Greater than three acres	75	2.0	0.85

~~(3)~~ (1) Other c Commercial uses/nonresidential: Floor area ratio (FAR) 0.55.

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

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

Sec. 110-234. Impervious surface ratio (ISR).

The impervious surface ratio (ISR) in the R-3, medium density multifamily residential district for all uses is 0.85.

Sec. 110-235. Buffering requirements.

Buffering requirements in the R-3, medium density multifamily residential district are as follows:

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

Sec. 110-236. Special requirements.

- (a) No structure in the R-3, medium density multifamily residential district shall be constructed that is greater than 250 feet in width. If two structures are proposed on the same lot or parcel, the buildings shall be separated by a minimum of ten feet.
- (b) Mixed uses in a single development shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.
- (c) Institutional, other than public educational facilities shall not exceed a maximum area of five acres. Transportation and/or utility uses shall not exceed a maximum area of three acres.
- (d) When a proposed multifamily, temporary lodging or ~~non-residential commercial~~ use in the R-3, medium density multifamily residential district abuts a single-family, duplex, or triplex, an additional five-foot setback is required along the length of the entire shared lot line. This additional setback will be utilized to provide additional landscaped screening.

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

Secs. 110-237—110-255. Reserved.

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

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

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

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

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

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

James "Jim" Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING:

PUBLISHED:

PASSED ON SECOND READING:
