

ORDINANCE 2023-29

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

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

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

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

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

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

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

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

DIVISION 7. C-3, RETAIL COMMERCIAL

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

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

Sec. 110-317. Permitted uses.

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

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

Sec. 110-318. Accessory uses.

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

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

Sec. 110-319. Special exception uses.

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

- (1) Service stations.
- (2) Commercial recreation ~~and entertainment facilities~~ provided that such facilities shall not be permissible when the underlying future land use category is R/O/R.
- (3) Institutional as religious use such as cChurches, synagogues or other houses of worship.
- (4) Public service facilities.
- (5) Drive-in or drive-through retail commercial, and personal service, ~~business and financial business services.~~
- (6) Private fraternal, social and recreational clubs.
- (7) Outdoor storage areas, provided that the outdoor storage use is an accessory, is limited to areas in the CG land use category, and does not exceed 20 percent of the area of the building which is the principal use on the site.
- (8) Single-family or duplex.
- (9) Private schools.
- (10) Exhibition of reptiles by permit.
- ~~(11) Medical marijuana dispensaries.~~

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

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

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

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

Sec. 110-323. Maximum lot coverage.

The maximum lot coverage in the C-3, retail commercial district is as follows:

- ~~(1) Residential use: Floor area ratio (FAR) 0.80. The maximum area of a lot or parcel to be covered by structures shall be is 40 percent.~~
- ~~(2) Temporary lodging units: Floor area ratio (FAR) as set forth in the following table, provided that the requirements of subsection 110-326(d) are met:~~

Land use category	FAR
Commercial general	1.2
Residential/office/retail	1.0

- ~~(3)(1) Commercial general and public service facilities: Floor area ratio (FAR) 0.55; Residential/office/retail: Floor area ratio (FAR) 0.55. Nonresidential/Commercial use: Floor area ratio (FAR) 0.55.~~

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

- (a) The impervious surface ratio (ISR) in the C-3, retail commercial district for all uses, other than temporary lodging units, is 0.70.
- (b) The impervious surface ratio (ISR) for temporary lodging units is 0.85.

Sec. 110-325. Buffering requirements.

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

Sec. 110-326. Special requirements.

- (a) In the C-3, retail commercial district residential dwelling units, vacation rental units, and temporary lodging units are permitted ~~on the second floor~~ above first-floor commercial or office units ~~within this district~~.
- (b) No structure in the C-3, retail commercial district may be wider than 150 feet parallel to the front yard right-of-way. If two structures are proposed on the same lot or parcel, the buildings shall be separated. ~~There shall be~~ by a minimum of a ten-foot feet. Separation between structures.
- (c) When a proposed ~~non-residential~~ nonresidential use in the C-3, retail commercial district abuts a residential use an additional five-foot setback is required along the length of the entire shared lot line. This additional setback will be utilized to provide additional landscaped screening.
- (d) Mixed uses in a single development shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.
- (e) Institutional, other than public educational facilities shall not exceed a maximum area of five acres. Transportation and/or utility uses shall not exceed a maximum area of three acres.
- (f) In the CG future land use category, Alternative Temporary Lodging Use Standards allows 60 temporary lodging units per acre and a FAR of 1.2. A Development Agreement is required by the City's land development regulations and Forward Pinellas' Countywide Rules to use the Alternative Temporary Lodging Use Standard. The Development Agreement must follow all required standards in Forward Pinellas Countywide Rules to use the Alternative Temporary Lodging Use Standards.

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

Secs. 110-327—110-345. Reserved.

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

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

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

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

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

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

James "Jim" Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____