

ORDINANCE 2023-30

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 8 (C-4, MARINE 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-4 DISTRICT; DELETE RESTAURANTS, TOURIST DWELLING UNITS AND RETAIL AS PERMITTED USES; ADD RETAIL COMMERCIAL, TEMPORARY LODGING UNITS, COMMERCIAL/BUSINESS SERVICE USE AND RESIDENTIAL AND VACATION RENTAL UNITS AS PERMITTED USES; DELETE ENTERTAINMENT FACILITIES AND FINANCIAL SERVICES AND ADD COMMERCIAL, BUSINESS SERVICE AND INSTITUTIONAL AS RELIGIOUS USE AS SPECIAL EXCEPTION USES; DELETE TOURIST DWELLING AND ADD TEMPORARY LODGING AND VACATION RENTAL UNITS TO BUILDING SITE REQUIREMENTS AND MAXIMUM DENSITY IN SECTION 110-350; ADD REFERENCE TO ALTERNATIVE TEMPORARY LODGING USE STANDARDS IN CG AND R/O/R FUTURE LAND USE CATEGORIES; DELETE TOURIST DWELLING UNITS AND ADD TEMPORARY LODGING UNITS IN BUILDING SETBACK REQUIREMENTS; AMEND MAXIMUM LOT COVERAGE PROVISIONS TO DELETE REFERENCE TO TEMPORARY LODGING USES; AMEND BUFFERING REQUIREMENTS FOR TEMPORARY LODGING; ADD SPECIAL REQUIREMENTS FOR VACATION RENTALS AND TEMPORARY LODGING UNITS; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Staff has reviewed the current provisions of Division 8 (C-4, Marine 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 8 (C-4, Marine 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 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 and the residential office retail (R/O/R) future land use of the City of Madeira Beach Comprehensive Plan and Retail and Services (R&S) plan category in the Countywide Plan.

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) ~~Restaurants.~~ Retail Commercial.
- (4) ~~Tourist dwelling units.~~ Temporary lodging units.
- (5) ~~Retail-Commercial/Business Service Use,~~ offices and personal service ~~uses.~~
- (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) Residential dwelling units and vacation rental ~~D~~dwelling units located ~~on the second floor~~ above first floor commercial or office units within this district.

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.

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~~ and entertainment facilities.
- (3) Public administration and service facilities.
- (4) Drive-in or drive-through retail commercial, personal service, and business service. and financial services.
- (5) Institutional as religious use such as cChurches, 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.

Sec. 110-350. ~~Minimum b~~ 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 ~~tourist dwelling~~ temporary lodging units: 4,000 square feet.
 - b. Residential dwellings and vacation rental unitss 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 ~~tourist dwellings~~ temporary lodging: 40 feet.
 - b. ~~Tourist dwellings~~ Temporary lodging: 60 feet.
- (3) Lot depth: All permitted uses 80 feet.
- (4) Within the CG future land use category, the density ~~shall be~~ is a maximum of 15 residential dwelling units, ~~or 15 vacation rental units~~, or ~~60~~ 40 temporary lodging units. ~~A combination of both residential and tourist dwelling units may be permissible provided that the provisions of subsections 110-355(c) and (e) are met. Alternative Temporary Lodging Use Standards are allowed as detailed in subsection 110-356(e).~~
- (5) Within the R/O/R future land use category, the density is a maximum of 18 residential dwelling units, or 18 vacation rental units, or 40 temporary lodging units. Alternative Temporary Lodging Use Standards are allowed as detailed in subsection 110-356(f).

Sec. 110-351. Building setback requirements.

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

- (1) Front yard: 25 feet.
- (2) Rear yard: 18 feet.
- (3) Side yard:
 - a. Minimum of ten feet except as provided in the land development regulations.
 - b. ~~Tourist dwelling~~ 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.

Sec. 110-352. Maximum building height.

For all uses in the C-4, marine commercial district the maximum building height shall be 34 feet.

Sec. 110-353. Maximum lot coverage.

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

- (1) Commercial ~~general~~ uses: Floor area ratio (FAR) 0.55; ~~temporary lodging uses in the CG land use category FAR is 1.2, provided that the requirements of subsection 110-356(c) are met.~~
- (2) Public service facilities:
 - a. Institutional: Floor area ratio (FAR) 0.55.
 - b. Transportation/utility: Floor area ratio (FAR) 0.55.

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

The impervious surface ratio (ISR) in the C-4, marine commercial district for all uses is 0.85.

Sec. 110-355. Buffering requirements.

- (a) Parking lots/garages for ~~tourist dwellings~~ 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.
- (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.

Sec. 110-356. Special requirements.

- (a) In the C-4, marine commercial district residential dwelling ~~units, and 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.

- (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 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 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.

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: _____