

ORDINANCE 2023-27

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 5 (C-1, TOURIST 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-1 DISTRICT; REVISE PERMITTED USES TO INCLUDE RESIDENTIAL, VACATION RENTAL, PERSONAL SERVICE, OFFICE, OFFICE SUPPORT, RETAIL COMMERCIAL, BUSINESS SERVICE, COMMERCIAL AND TEMPORARY LODGING; DELETE COMMERCIAL, RECREATION AND ENTERTAINMENT FACILITIES AS SPECIAL EXCEPTION USES; ADD INSTITUTIONAL AND COMMERCIAL RECREATION AS SPECIAL EXCEPTION USES; ADD RETAIL COMMERCIAL AND RESIDENTIAL DWELLING UNITS TO BUILDING SITE REQUIREMENTS AND MAXIMUM DENSITY FOR VACATION RENTAL UNITS AND TEMPORARY LODGING UNITS IN SECTION 110-260; REVISE REFERENCE FOR PERMITTED USES OF SIDE YARDS IN SETBACK REQUIREMENTS; AMEND MAXIMUM LOT COVERAGE PROVISIONS; ADD SPECIAL REQUIREMENTS FOR ALTERNATIVE TEMPORARY LODGING USE STANDARDS AND INSTITUTIONAL USES OTHER THAN PUBLIC EDUCATIONAL FACILITIES; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Staff has reviewed the current provisions of Division 5 (C-1, Tourist 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 5 (C-1, Tourist 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 5. C-1, TOURIST COMMERCIAL

Sec. 110-256. Definition; purpose and intent.

The C-1, tourist commercial district provides for various tourist and commercial facilities of medium intensity which conveniently supply the needs of the neighborhood as well as the city. The C-1, tourist commercial district correlates with the commercial general (CG) future land use category of the City of Madeira Beach Comprehensive Plan and Retail and Services (R&S) plan category in the Countywide Plan. Services are rendered and commodities are sold which are needed daily and purchased at frequent intervals. The purpose of this district is to recognize the unique commercial, marine, tourist and historic value of this area. It is the intent of the comprehensive land use plan to retain the nautical theme and important character of the waterfront area and of John's Pass Village.

Sec. 110-257. Permitted uses.

The permitted uses in the C-1, tourist commercial district are as follows:

- (1) ~~Dwelling units~~ Residential and vacation rental located ~~on the second floor~~ above first floor ~~commercial or office units~~ nonresidential-commercial use within this district.
- (2) ~~Business offices and financial uses~~ Personal service, office, and office support, ~~not including~~ excluding drive-through windows.
- (3) ~~Retail and personal services.~~ Retail commercial, business service, and commercial, excluding drive-through windows,
- (4) Restaurants, excluding drive-through windows.
- (5) ~~Tourist dwelling units.~~ Temporary lodging located above first floor commercial use.

Sec. 110-258. Accessory uses.

The accessory uses in the C-1, tourist commercial district are as follows:

- (1) Swimming pools or cabanas used as bath houses.
- (2) Essential services.
- (3) Nonresidential signs.

- (4) Off-street parking and loading.

Sec. 110-259. 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-1, tourist commercial district:

- (1) ~~Institutional as a religious use such as c~~Churches, synagogues or other houses of worship.
- (2) Private social, recreational or fraternal clubs and organizations.
- (3) Publicly owned or operated parks or recreation areas.
- (4) ~~Commercial, recreation or entertainment facilities.~~ Commercial recreation.
- (5) Auditoriums.
- (6) Stand-alone parking lots and parking garages as a principal use.

Sec. 110-260. ~~Minimum b~~ Building site area requirements.

The minimum building site area requirements in the C-1, tourist commercial district are as follows:

- (1) Lot size:
 - a. ~~Retail commercial and other c~~Commercial uses: 4,000 square feet.
 - b. ~~Residential d~~Dwelling units and vacation rental units above first floor commercial: 3,000 square feet per ~~dwelling~~ unit.
- (2) Lot width: All permitted uses 40 feet.
- (3) Lot depth: All permitted uses 80 feet.
- (4) Maximum: The density ~~shall be~~ is a maximum of 15 residential dwelling units, ~~or 15 vacation rental units, per acre or a maximum of 60 or 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 110-265(e) and (f) are met.~~ Alternative Temporary Lodging Use Standards are allowed as detailed in subsection 110-265(g).

Sec. 110-261. Setback requirements.

The following minimum setbacks shall apply in the C-1, tourist commercial district:

- (1) Front yard: None. (See the special requirement in subsection 110-265(b).)
- (2) Rear yard: 25 feet.
- (3) Side yard: All permitted uses ten feet—one side only. (See the special requirements s in ~~sub~~section 110-265~~(e)~~.)

Sec. 110-262. Maximum building height.

For all uses in the C-1, tourist commercial district the maximum building height shall be 34 feet.

Sec. 110-263. Maximum lot coverage.

The maximum lot coverage in the C-1, tourist commercial district is as follows:

- (1) ~~Nonresidential/e~~ Commercial uses: Floor area ratio (FAR) 0.55.
- (2) Public owned parks and recreation facilities: Floor area ratio (FAR) 0.25.
- ~~(3) Temporary lodging uses: Floor area ratio (FAR) 1.2, provided that the provision of subsections 110-265(d) are met.~~

Sec. 110-264. Impervious surface ratio (ISR).

The impervious surface ratio (ISR) in the C-1, tourist commercial district for all uses is 0.85.

Sec. 110-265. Special requirements.

- (a) The C-1, tourist commercial district does not permit the storage of commercial vehicles.
- (b) All properties located within the C-1, tourist commercial district abutting Gulf Boulevard will be required to provide a setback on Gulf Boulevard of 25 feet.
- (c) No single commercial structure in the C-1, tourist commercial district may be wider than 120 feet, paralleling to the right-of-way without providing a visual appearance of multiple buildings in increments of 40 feet.
- (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) Mechanical units shall be on the roof and not visible or shielded from public right-of-way.
- (f) Walls constructed or renovated on the property lines must comply with the current Florida Building Codes including occupancy ratings and current fire codes.
- ~~(g) 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.~~
- ~~(h) Institutional, other than public educational facilities shall not exceed a maximum area of five acres.~~

Secs. 110-266—110-285. 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: _____