



CITY OF MADEIRA BEACH
PLANNING & ZONING DEPARTMENT
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TEXT/LAND DEVELOPMENT REGULATIONS AMENDMENT APPLICATION

☒ Text/Land Development Regulations Amendment \$1,500.00

Applicant: Dave Wonsick

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Telephone: 727-686-6229 Email: dwonsick@yahoo.com

Proposed Text/Land Development Regulations Amendment

Chapter: Chapter 110

Article: Division 7. C-3 Retail Commercial

Section: Section 110-321. Setback Requirements

Requested Change: Reduce the front setback from 25'-0" to 10'-0".

Reduce the side setback from 10'-0" to 5'-0'

On a separate page, include a draft of the proposed land development regulation text amendment with deletions shown as ~~striketrough~~, and additions underlined using red text):

***REQUIRED:** Please attach required supporting materials (draft of the proposed land development regulation text amendment) and any other materials the applicant wishes to present. *

Please review the below section on Amendments

Madeira Beach Code of Ordinances**ARTICLE III. AMENDMENTS¹****Sec. 86-101. Initiation.**

The board of commissioners may, from time to time, on its own motion, or on petition, or on recommendation of the local planning agency, amend, supplement or repeal the regulations and provisions of the land development regulations after public notice and hearings as provided by law.

(Code 1983, § 20-1301; Ord. No. 1050, § 5, 8-9-05)

Sec. 86-102. Review by local planning agency.

- (a) Every such proposed amendment or change whether initiated by the board of commissioners or by petition, shall be referred to the local planning agency for report thereon. Referral to the local planning agency shall be made 30 days before the public hearing provided for in this article. If the local planning agency shall fail to submit such report, it shall be deemed that the local planning agency has approved the proposed amendment or change.
- (b) When a petitioned amendment or change has been denied by the local planning agency, the applicant may appeal such denial to the board of commissioners provided, however, such appeal is filed within 30 days of the local planning agency's actions.

(Code 1983, § 20-1302; Ord. No. 1050, § 5, 8-9-05)

Editor's note(s)—Ord. No. 1050, § 5, adopted August 9, 2005, changed the title of § 86-102 from "Review by planning commission" to "Review by local planning agency."

Charter reference(s)—Planning commission, § 12.2.

Sec. 86-103. Public notice and hearing.

The board of commissioners by motion adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendments, and shall cause public notice to be given.

(Code 1983, § 20-1303)

Sec. 86-104. Procedure.

All changes, amendments or supplements to the land development regulations and to the zoning map, which forms a part thereof, shall be adopted in accordance with the procedures set forth in this article. A protest against such change, signed by the owners of 20 percent or more of the area within 500 feet of the property lines included in such proposed change, will require a favorable vote of four members of the board of commissioners. All changes except as stated above will require a favorable rate of a majority of the board of commissioners.

¹Charter reference(s)—Amendments, § 12.8.

State law reference(s)—Ordinance adoption procedures, F.S. § 166.041.

DISCLAIMER: According to Florida Statutes, Chapter 119, it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All documents and information not specified in F.S. 119.071 and 119.0713 are subject to public record requests.

(Code 1983, § 20-1304)

Charter reference(s)—Amendment procedure, § 12.8.

Sec. 86-105. Appeals.

Any person or persons aggrieved by the land development regulations or any of its terms and provisions, before presenting their grievance to any circuit court or other court of competent jurisdiction attacking the land development regulations, or any of its terms and provisions, shall first apply to the local planning agency of the city for relief, including taking an appeal to the board of commissioners of the city, or petitioning the special magistrate for relief as in such cases made and provided.

(Code 1983, § 20-1305; Ord. No. 1050, § 5, 8-9-05; Ord. No. 1071, § 3, 2-28-06)

Charter reference(s)—Appeals, § 12.8.

Secs. 86-106—86-140. Reserved.

Continue to next page...

OWNER CERTIFICATION

I hereby certify that I have read and understand the contents of this application, the answers to the questionnaire and that this application, together with all supplemental data and information I submitted, is a true representation of the facts concerning this request; that this application is made with my approval, as owner and applicant, as evidenced by my signature below.

I acknowledged that the filing of this application does not constitute automatic approval of the request; and further, if the request is approved, I will obtain all the necessary permits and comply with all applicable orders, codes, conditions, rules, regulations, and statutes pertaining to this application and the subject property.

Property Owner's Signature: Dave Wonsak Date: 9/26/25

STATE OF Florida

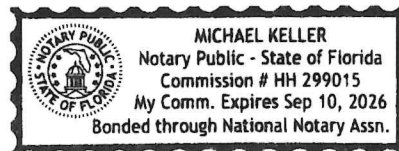
COUNTY OF Pinellas

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online authorization, by _____, who ☒ is personally known to me or ☐ has produced _____ as identification, this 26 day of SEPTEMBER, 20 25.

[Signature]

(notary signature)

Commission Expires: 9/10/26
Stamp



NOTICE: Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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), residential/office/retail (R/O/R), and planned redevelopment-mixed use (PR-MU) future land use categories of the City of Madeira Beach Comprehensive Plan and the retail and services (R&S) and activity center (AC) plan categories in the countywide plan.

(Code 1983, § 20-404; Ord. No. 1138, § 7, 12-9-08; Ord. No. 2022-10, § 1, 5-11-22; Ord. No. 2023-29, § 1, 12-13-23; Ord. No. 2024-13, § 1, 9-11-24)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 110-317. Permitted uses.

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

- (1) Retail commercial, and personal service/office support.
- (2) Office and business service.
- (3) Multifamily residential and vacation rental.
- (4) Temporary lodging.
- (5) Restaurants.
- (6) Adult entertainment establishments (article VI, division 13 of this chapter).
- (7) Townhouses (see chapter 110, Zoning, article VI, Supplementary District Regulations, division 10, Specific Development Standards, subdivision III, Townhouses, for additional standards).

(Code 1983, § 20-404; Ord. No. 2023-29, § 1, 12-13-23; Ord. No. 2024-13, § 1, 9-11-24)

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.

(Code 1983, § 20-404)

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 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 churches, synagogues or other houses of worship.
- (4) Public service facilities.
- (5) Drive-in or drive-through retail commercial, and personal service
- (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) Open rooftop, balcony and elevated terrace use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit.

(Code 1983, § 20-404; Ord. No. 1138, § 7, 12-9-08; Ord. No. 2015-03, § 1, 2-24-15; Ord. No. 2023-29, § 1, 12-13-23; Ord. No. 2024-13, § 1, 9-11-24)

Sec. 110-320. 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 units: 4,000 square feet.
 - b. Duplex and triplex units: 3,000 square feet per dwelling unit.
 - c. 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 units: 40 feet.
 - b. Multifamily, vacation rental and temporary lodging units: 60 feet.
- (3) Lot depth: All permitted uses: 80 feet.
- (4) For properties located in the commercial general (CG) future land use category in the comprehensive plan, the density is a maximum of 15 residential dwelling units 15 vacation rental units, or 40

temporary lodging units per acre. Alternative temporary lodging use standards are allowed as detailed in subsection 110-326(f).

- (5) For properties located in the residential/office/retail (R/O/R) future land use category in the comprehensive plan, the maximum density is 18 residential dwelling units, 18 vacation rental units, or 40 temporary lodging units per acre. Alternative temporary lodging use standards are allowed as detailed in subsection 110-326(g).
- (6) For properties located in the commercial core district of the planned redevelopment-mixed use (PR-MU) future land use category of the comprehensive plan, the maximum density is 15 residential dwelling units, 15 vacation rental units, and 60 temporary lodging units per acre.
- (7) For properties located in the transition district of the planned redevelopment-mixed use (PR-MU) future land use category of the comprehensive plan, the maximum density is 15 residential dwelling units, 15 vacation rental units, and 60 temporary lodging units per acre.

(Code 1983, § 20-404; Ord. No. 1043, § 2, 6-14-05; Ord. No. 1138, § 7, 12-9-08; Ord. No. 2022-10, § 2, 5-11-22; Ord. No. 2023-29, § 1, 12-13-23; Ord. No. 2024-13, § 1, 9-11-24)

Sec. 110-321. Setback requirements.

The following minimum setbacks shall apply in the C-3, retail commercial district:

- (1) Front yard: ~~25 feet~~ **10 feet**, measured from right-of-way to structure.
- (2) Rear yard: ten feet, except waterfront lots which will have a rear setback of 18 feet.
- (3) Side yard:
 - a. All permitted uses except multifamily/tourist dwelling units will have a side setback of ten feet.
 - b. Multifamily/tourist dwelling units:
 1. For proposed uses located on properties between 60 and 80 feet in width, the minimum side yard setback shall be ten feet.
 2. For lots greater than 80 feet in width, the minimum side yard setback is as follows:
 3. ~~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: ~~10 feet~~ **5 feet**.
 - ii. Lots less than 240 feet: 15 feet.
 - iii. Lots 240 feet or greater: 20 feet.

(Code 1983, § 20-404)

Sec. 110-322. Maximum building height.

- (1) Properties in the commercial general (CG) or residential/office/retail (R/O/R) future land use category of the comprehensive plan other than multifamily or temporary lodging uses shall have a maximum building height of 34 feet from design flood elevation (DFE).
- (2) Properties in the commercial general (CG) or residential/office/retail (R/O/R) future land use category of the comprehensive plan with a multifamily or temporary lodging use shall have a maximum building height of 44 feet from design flood elevation (DFE).

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- (3) Properties located in the planned redevelopment-mixed use (PR-MU) future land use category of the comprehensive plan shall have a maximum building height of:
 - a. Commercial Core: three stories from base flood elevation (BFE).
 - b. Transition District: two stories from base flood elevation (BFE).

(Code 1983, § 20-404; Ord. No. 2021-23, § 1, 11-10-21; Ord. No. 2022-10, § 3, 5-11-22; Ord. No. 2024-13, § 1, 9-11-24)

Sec. 110-323. Maximum lot coverage.

The maximum lot coverage in the C-3, retail commercial district is based on the use and future land use categories in the comprehensive plan as follows:

- (1) Commercial general (CG) commercial use: the floor area ratio (FAR) is 0.55.
- (2) Residential/office/retail (R/O/R) commercial use: the floor area ratio (FAR) is 0.55.
- (3) Planned redevelopment-mixed use (PR-MU) commercial core district: the floor area ratio (FAR) is 1.2.
- (4) Planned redevelopment-mixed use (PR-MU) transition district: the floor area ratio (FAR) is 1.2.

(Code 1983, § 20-404; Ord. No. 1138, § 7, 12-9-08; Ord. No. 2022-10, § 4, 5-11-22; Ord. No. 2023-29, § 1, 12-13-23; Ord. No. 2024-13, § 1, 9-11-24)

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

- (a) For properties located in the commercial general (CG) or residential/office/retail (R/O/R) future land use categories of the comprehensive plan the impervious surface ratios (ISR) are:
 - (1) The impervious surface ratio (ISR) for all uses, other than temporary lodging units, is 0.70.
 - (2) The impervious surface ratio (ISR) for temporary lodging units is 0.85.
- (b) For properties located in the planned redevelopment-mixed use (PR-MU) future land use category the impervious surface ratios (ISR) are:
 - (1) Commercial core district: the impervious surface ratio (ISR) is 0.85.
 - (2) Transition district: the impervious surface ratio (ISR) is 0.70.

(Code 1983, § 20-404; Ord. No. 1138, § 7, 12-9-08; Ord. No. 2024-13, § 1, 9-11-24)

Sec. 110-325. Buffering requirements.

- (a) Parking lots/garages for 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.

(Code 1983, § 20-404; Ord. No. 2023-29, § 1, 12-13-23)

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 above first-floor commercial or office units.
- (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 by a minimum of ten feet.
- (c) When a proposed 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 commercial general (CG) future land use category of the comprehensive plan, 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 residential/office/retail (R/O/R) future land use category of the comprehensive plan, 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.

(Code 1983, § 20-404; Ord. No. 1138, § 7, 12-9-08; Ord. No. 2022-10, § 5, 5-11-22; Ord. No. 2023-29, § 1, 12-13-23; Ord. No. 2024-13, § 1, 9-11-24)

Secs. 110-327—110-345. Reserved.