

ORDINANCE 2024-13

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, ARTICLE V. DISTRICTS, DIVISION 7. C-3, RETAIL COMMERCIAL, OF THE CITY'S LAND DEVELOPMENT CODE PROVIDING FURTHER INFORMATION ON DEFINITION; PURPOSE AND INTENT; ALLOWING TOWNHOUSES AS AN ALLOWED USE; INCLUDING OPEN ROOFTOP USES AS A SPECIAL EXCEPTION USE; INCLUDING DEVELOPMENT STANDARDS THAT REFERENCES DENSITY AND INTENSITY, HEIGHT, FLOOR AREA RATIO, AND IMPERVIOUS SURFACE RATIO REGULATIONS IN THE COMMERCIAL CORE AND TRANSITIONAL CHARACTER DISTRICTS FROM THE MADEIRA BEACH TOWN CENTER SPECIAL AREA PLAN; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Madeira Beach Town Center Special Area Plan requires updates to the Madeira Beach Land Development Code to have consistent development standards; and

WHEREAS, certain properties zoned C-3, Retail Commercial have a future land use category of Planned Redevelopment Mixed Use in the Madeira Beach Comprehensive Plan and a plan category of Activity Center with the Countywide Plan; and

WHEREAS, townhouses are compatible with the future land use categories Commercial General, Residential/Office/Retail, and Planned Redevelopment-Mixed Use; and

WHEREAS, open rooftop uses are appropriate in certain areas within the zoning district and in other cases may disturb residential neighborhoods, therefore are appropriate to require a public hearing process; and

WHEREAS, the Planning Commission has considered the recommended changes referenced above at a public hearing and has recommended approval to the Board of Commissioners; and

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

WHEREAS, the Board of Commissioners held two public hearings to consider the approval of the recommended changes and the adoption of this ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY

OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:

Section 1. That Chapter 110 Article V. Division 7 of the Land Development Code of the City of Madeira Beach 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 ~~C~~ommercial ~~G~~eneral (CG), ~~future land use category and the R~~esidential/~~O~~ffice/~~R~~etail (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.

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)

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 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.

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) Within 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 ~~density is a maximum of~~ 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.

Sec. 110-321. Setback requirements.

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

- (1) Front yard: 25 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: ten feet.
 - ii. Lots less than 240 feet: 15 feet.
 - iii. Lots 240 feet or greater: 20 feet.

Sec. 110-322. Maximum building height.

- (1a) 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 shall be of 34 feet from design flood elevation (DFE).
- (2b) 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). Multifamily/tourist dwelling units in the C-3, retail commercial district shall not exceed 44 feet in height
- (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 (3) stories from base flood elevation (BFE)
 - b. Transition District: two (2) stories from base flood elevation (BFE)

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.

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) in the C-3, retail commercial district for 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.

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.

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.

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 _____, 2024.**

Anne-Marie Brooks, 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: _____