

## **ORDINANCE NO. 2021-23**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, SECTION 110-182 MAXIMUM BUILDING HEIGHT, SECTION 110-207 MAXIMUM BUILDING HEIGHT, SECTION 110-232 MAXIMUM BUILDING HEIGHT, SECTION 110-262 MAXIMUM BUILDING HEIGHT, SECTION 110-292 MAXIMUM BUILDING HEIGHT, SECTION 110-322 MAXIMUM BUILDING HEIGHT, SECTION 110-352 MAXIMUM BUILDING HEIGHT, OF CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO PROVIDE CONSISTENCY WITH AND SUPPORT OF THE ADOPTED PROVISIONS OF CHAPTER 94 - FLOODPLAIN MANAGEMENT OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, on September 13, 2021, the City of Madeira Beach Planning Commission conducted a public hearing and accepted public input regarding the impacts of amending the height measurements in all zoning districts in the Code of Ordinances and provided its recommendation to the Board of Commissioners; and

**WHEREAS**, the City of Madeira Beach Board of Commissioners amended Chapter 94, Floodplain Management, of the Code of Ordinances of the City of Madeira Beach to require four feet of freeboard; and

**WHEREAS**, the City of Madeira Beach Board of Commissioners has considered the Planning Commission's recommendations and 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 that;

SECTION 1 . That Section 110-182, Section 110-207, Section 110-232, Section 110-292, Section 110-322, Section 110-352 of Chapter 110 of the Code of Ordinances of the City of Madeira Beach are hereby amended and shall read as follows:

### **Sec. 110-182. Maximum building height.**

No structure in the R-1, district shall exceed 30 feet in height measured from the designated base flood elevation on the flood insurance rate map (FIRM) plus required freeboard, to the eave line of the building, unless otherwise provided in the land development regulations.

In any case, the overall height of the building measured from the base flood elevation to the highest point shall not exceed 40 feet and the maximum roof pitch shall not exceed 6:12 pitch or 45 degrees.

**Sec. 110-207. Maximum building height.**

No structure in the R-2, district shall exceed 30 feet in height measured from the designated base flood elevation on the flood insurance rate map (FIRM) plus required freeboard, to the eave line of the building; except as provided in the land development regulations.

In any case, the overall height of the building measured from the base flood elevation to the highest point shall not exceed 40 feet and the maximum roof pitch shall not exceed 6:12 pitch or 45 degrees.

**Sec. 110-232. Maximum building height.**

No building in the R-3, medium density multifamily residential district shall exceed 40 44 feet in height or three stories, whichever is more restrictive.

**Sec. 110-262. Maximum building height.**

For all uses in the C-1, tourist commercial district the maximum building height shall be ~~30~~ 34 feet or two stories, whichever is more restrictive.

**Sec. 110-292. Maximum building height.**

No structure in the C-2, John's Pass marine commercial district shall exceed ~~one story~~ two stories or ~~30~~ 34 feet, whichever is more restrictive, except as provided in the land development regulations. ~~A second story for loft storage only is permitted but the total height shall not exceed 30 feet.~~

**Sec. 110-322. Maximum building height.**

- (a) No structure in the C-3, retail commercial district shall exceed ~~30~~ 34 feet in height or two stories, whichever is more restrictive, unless otherwise provided in the land development regulations.
- (b) Multifamily/tourist dwelling units in the C-3, retail commercial district shall not exceed 40 44 feet in height or three stories, whichever is more restrictive.

**Sec. 110-352. Maximum building height.**

No structure in the C-4, marine commercial district shall exceed ~~30~~ 34 feet in height or two stories, whichever is more restrictive, unless otherwise provided in the land development regulations.

SECTION 2. All ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. 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 4. This Ordinance shall be in full force and effect from and after its adoption and approval in the manner approved by law.

INTRODUCED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH,

THIS 10<sup>th</sup> day of November, 2021.

  
JOHN HENDRICKS, Mayor

ATTEST:

  
CLARA VANBLARGAN, MMC, MSM, City Clerk

PASSED ON FIRST  
READING:

10/13/2021

PUBLISHED:

10/27/2021

PASSED ON SECOND  
READING:

11/10/2021

APPROVED AS TO FORM:

  
THOMAS J. TRASK, City Attorney



**Tampa Bay Times**  
Published Daily

STATE OF FLORIDA  
COUNTY OF Pinellas, Hillsborough, Pasco,  
Hernando Citrus

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Before the undersigned authority personally appeared Jessica Attard who on oath says that he/she is Legal Advertising Representative of the Tampa Bay Times a daily newspaper printed in St. Petersburg, in Pinellas County, Florida, that the attached copy of advertisement, being a Legal Notice in the matter RE: Ordinances 2021-22, 2021-23, 2021-24 was published in Tampa Bay Times: 10/27/21 in said newspaper in the issues of Tampa Bay Times\Local B\Full Run

Affiant further says the said Tampa Bay Times is a newspaper published in Pinellas, Hillsborough, Pasco, Hernando Citrus County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas, Hillsborough, Pasco, Hernando Citrus County, Florida each day and has been entered as a second class mail matter at the post office in said Pinellas, Hillsborough, Pasco, Hernando Citrus County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

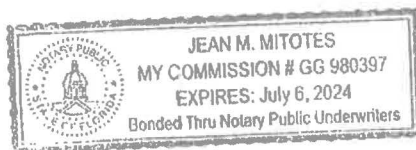
  
Signature of Affiant

Sworn to and subscribed before me this 10/27/2021

  
Signature of Notary Public

Personally known       X       or produced identification

Type of identification produced \_\_\_\_\_



## NOTICE OF PUBLIC HEARING CITY OF MADEIRA BEACH

In accordance with the City of Madeira Beach Code of Ordinances, the City of Madeira Beach City Charter, and Florida Statute §166.041(3)(a):

NOTICE IS HEREBY GIVEN, the Board of Commissioners of the City of Madeira Beach will conduct a Second Reading and Public Hearing for the adoption of proposed Ordinance No. 2021-22, Ordinance No. 2021-23, and Ordinance No. 2021-24 on Wednesday, November 10, 2021, at 6:00 p.m. The meeting will be held in the Patricia Shontz Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708. The title of said Ordinances is as follows:

### ORDINANCE NO. 2021-22

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE DEFINITION OF BUILDING, CONTIGUOUS, TOURIST AS DEFINED UNDER THE DEFINITION OF DWELLING UNIT, EMPLOYEE, HEIGHT, AND NONCONFORMING STRUCTURE OR USE IN SECTION 82-2 - DEFINITIONS OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH; AND PROVIDING FOR AN EFFECTIVE DATE.

### ORDINANCE NO. 2021-23

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, SECTION 110-182 MAXIMUM BUILDING HEIGHT, SECTION 110-207 MAXIMUM BUILDING HEIGHT, SECTION 110-232 MAXIMUM BUILDING HEIGHT, SECTION 110-262 MAXIMUM BUILDING HEIGHT, SECTION 110-292 MAXIMUM BUILDING HEIGHT, SECTION 110-322 MAXIMUM BUILDING HEIGHT, SECTION 110-352 MAXIMUM BUILDING HEIGHT, OF CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO PROVIDE CONSISTENCY WITH AND SUPPORT OF THE ADOPTED PROVISIONS OF CHAPTER 94 - FLOODPLAIN MANAGEMENT OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

### ORDINANCE NO. 2021-24

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, CALLING FOR A MUNICIPAL ELECTION ON MARCH 15, 2022, FOR THE PURPOSE OF ELECTING A COMMISSIONER FOR DISTRICT ONE (1) AND A COMMISSIONER FOR DISTRICT TWO (2); PROVIDING FOR A REFERENDUM FOR THE SALE OF REAL PROPERTY OWNED BY THE CITY; PROVIDING FOR PUBLICATION; AUTHORIZING ELECTION EXPENDITURES; IDENTIFYING THE PINELLAS COUNTY CANVASSING BOARD AS THE CANVASSING BOARD FOR THE MARCH 15, 2021 MUNICIPAL ELECTION; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Copy of the proposed Ordinances are available for inspection in the City Clerk's Office between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. If you would like more information regarding proposed Ordinance No. 2021-22 and Ordinance No. 2021-23, please contact Linda Portal, Community Development Director, at 727-391-9951, ext. 255 or Andrew Morris at 727-391-9951, ext. 296. If you would like more information on Ordinance No. 2021-24, please contact Clara VanBlargan, City Clerk, at 727-391-9951, ext. 231.

The meeting will be aired on Public Access TV Spectrum Channel 640 and through the City's website.

Persons who wish to appeal any decision made by the Board of Commissioners with respect to any matter considered during a public hearing at this meeting will need a record of the proceedings, and for such purpose may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. It is the responsibility of the person making the appeal to bear the cost of hiring a private court reporter or private court recording firm to make the verbatim record.

In accordance with Section 286.26, Florida Statute, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office no later than 48 hours prior to the meeting: (727) 391-9951, Ext. 231 or 223 or fax a written request to (727) 399-1131.

Clara VanBlargan, MMC, MSM,  
City Clerk

