

ORDINANCE 2022-11

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, DIVISION 8. - C-4, MARINE COMMERCIAL, SECTION 110-346 DEFINITION; PURPOSE AND INTENT, SECTION 110-352 MAXIMUM BUILDING HEIGHT, SECTION 110-353 MAXIMUM LOT COVERAGE, CREATING A NEW SECTION 110-354 IMPERVIOUS SURFACE RATIO (ISR), RENUMBERING OLD SECTIONS 110-354 AND 110-355 TO BE NEW SECTIONS 110-355 AND 110-356, OF CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Madeira Beach Code of Ordinances states the land use of Commercial General is in the Countywide Plan, but this land use is in the Madeira Beach Comprehensive Plan and should reference the Madeira Beach Comprehensive Plan; and

WHEREAS, the definition of height is measured from the Design Flood Elevation and having multiple height determinations based on Design Flood Elevation and story counting is unclear; and

WHEREAS, the impervious surface ratio is not referenced in the city of Madeira Beach Code of Ordinances, and the City of Madeira Beach Comprehensive Plan allows for an impervious surface ratio of 0.85; and

WHEREAS, the City of Madeira Beach does not allow or qualify for higher densities and intensities described in the Countywide Plan Rules; 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 110-346 of Division 8. – C-4, Marine Commercial, of Chapter 110 of the Code of Ordinances of the City of Madeira Beach is hereby amended and shall read as follows:

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) category of the Countywide Plan City of Madeira Beach Comprehensive Plan.

Section 2. That Section 110-352 of Division 8. – C-4, Marine Commercial, of Chapter 110 of the Code of Ordinances of the City of Madeira Beach is hereby amended and shall read as follows:

Sec. 110-352. Maximum building height.

For all uses in the C-4, marine commercial district the maximum building height shall be 34 feet. ~~or two stories, whichever is more restrictive, unless otherwise provided in the land development regulations.~~

Section 3. That Section 110-353 of Division 8. – C-4, Marine Commercial, of Chapter 110 of the Code of Ordinances of the City of Madeira Beach is hereby amended and shall read as follows:

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 ~~and (e)~~ 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.

Section 4. That Section 110-354 of Division 8. – C-4, Marine Commercial, of Chapter 110 of the Code of Ordinances of the City of Madeira Beach is hereby created and shall read as follows:

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.

Section 5. That Section 110-355 of Division 8. – C-4, Marine Commercial, of Chapter 110 of the Code of Ordinances of the City of Madeira Beach is hereby amended and shall read as follows:

Sec. 110-354 355. Buffering requirements.

(a) Parking lots/garages for tourist dwellings 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.

Section 6. That Section 110-356 of Division 8. – C-4, Marine Commercial, of Chapter 110 of the Code of Ordinances of the City of Madeira Beach is hereby amended and shall read as follows:

Sec. 110-355-356. Special requirements.

(a) In the C-4, marine commercial district residential dwelling units are permitted ~~on the second floor~~ 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) Higher densities for temporary lodging shall be allowable only when a development agreement is adopted pursuant to the requirements of Section 4.2.7.6 of the Countywide Plan Rules.~~

Section 7 All ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. 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 9. This Ordinance shall be in full force and effect from and after its adoption and approval in the manner approved by law.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF
MADEIRA BEACH, FLORIDA, THIS 11th day of May, 2022.



ATTEST:

Clara VanBlargan
Clara VanBlargan, MMC, MSM, City Clerk

John B. Hendricks
John B. Hendricks, Mayor

APPROVED AS TO FORM:

Thomas J. Trask
Thomas J. Trask, City Attorney

PASSED ON FIRST READING:

April 13, 2022

PUBLISHED:

April 29, 2022

PASSED ON SECOND READING:

May 11, 2022

Tampa Bay Times
Published Daily

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

Before the undersigned authority personally appeared Courtney Freeh 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: Ordinance 2022-08, 09, 10, 11, 12, 13, 14 was published in said newspaper by print in the issues of: 4/27/22 or by publication on the newspaper's website, if authorized, on

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 not 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 Affiant

Sworn to and subscribed before me this 04/27/2022

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 §186.041(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 2022-08, Ordinance 2022-09, Ordinance 2022-10, Ordinance 2022-11, Ordinance 2022-12, Ordinance 2022-13, and Ordinance 2022-14 on Wednesday, May 11, 2022, at 2:00 p.m. The meeting will be held in the Patricia Shortz Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708. The title of said Ordinances is as follows:

ORDINANCE 2022-08

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, DIVISION 6 - C-1, TOURIST COMMERCIAL, SECTION 110-256 DEFINITION; PURPOSE AND INTENT, SECTION 110-257 PERMITTED USES, SECTION 110-282 MAXIMUM BUILDING HEIGHT, SECTION 110-283 MAXIMUM LOT COVERAGE, SECTION 110-285 SPECIAL REQUIREMENTS, OF CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2022-09

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, DIVISION 6 - C-2, JOHN'S PASS MARINE COMMERCIAL, SECTION 110-286 DEFINITION; PURPOSE AND INTENT, SECTION 110-291 SETBACK REQUIREMENTS, SECTION 110-292 MAXIMUM BUILDING HEIGHT, SECTION 110-294 IMPERVIOUS SURFACE RATIO (ISR), SECTION 110-295 SPECIAL REQUIREMENTS, OF CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2022-10

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, DIVISION 7 - C-3, RETAIL COMMERCIAL, SECTION 110-316 DEFINITION; PURPOSE AND INTENT, SECTION 110-320 MINIMUM BUILDING SITE AREA REQUIREMENTS, SECTION 110-322 MAXIMUM BUILDING HEIGHT, SECTION 110-323 MAXIMUM LOT COVERAGE, SECTION 110-328 SPECIAL REQUIREMENTS, OF CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2022-11

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, DIVISION 8 - C-4, MARINE COMMERCIAL, SECTION 110-346 DEFINITION; PURPOSE AND INTENT, SECTION 110-352 MAXIMUM BUILDING HEIGHT, SECTION 110-353 MAXIMUM LOT COVERAGE, CREATING A NEW SECTION 110-354 IMPERVIOUS SURFACE RATIO (ISR), RENUMBERING OLD SECTIONS 110-354 AND 110-355 TO BE NEW SECTIONS 110-355 AND 110-356, OF CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2022-12

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, ARTICLE VI - SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 4, ACCESSORY STRUCTURES, SECTION 110-474R-3, MEDIUM DENSITY MULTIFAMILY RESIDENTIAL ZONES, SECTION 110-480 MAXIMUM SIZE IN R-1, R-2 AND R-3 ZONES, OF CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2022-13

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, ARTICLE VI - SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2, LOT, YARD, HEIGHT AND OTHER SITE AREA REGULATIONS, SECTION 110-427, YARD REGULATIONS - OPEN SKY REQUIREMENTS, OF CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2022-14

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, DIVISION 4 - R-3, MEDIUM DENSITY MULTIFAMILY RESIDENTIAL, SECTION 110-228 DEFINITION; PURPOSE AND INTENT, SECTION 110-230 MINIMUM BUILDING SITE AREA REQUIREMENTS, SECTION 110-231 SETBACK REQUIREMENTS, SECTION 110-232 MAXIMUM BUILDING HEIGHT, SECTION 110-233 MAXIMUM LOT COVERAGE, SECTION 110-234 IMPERVIOUS SURFACE RATIO (ISR), SECTION 110-236 SPECIAL REQUIREMENTS, OF CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinances. Copies 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 Ordinances, please contact Linda Portal, Community Development Director, at 727-391-9951, ext. 255 or Jenny Rowan at 727-391-9951, ext. 263.

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 Statutes, persons with disabilities needing special accommodation 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 VanBlargen, MMC, MSM, City Clerk