



THE CITY OF MADEIRA BEACH, FLORIDA PUBLIC NOTICE

LOCAL PLANNING AGENCY/ PLANNING COMMISSION

The Planning Commission, serving as the Local Planning Agency of the City of Madeira Beach, Florida will meet at the Madeira Beach Patricia Shontz Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708, to conduct Public Hearings on the following City business.

6:00 PM

MONDAY, MAY 14, 2018

COMMISSION CHAMBERS

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF THE MINUTES – April 9, 2018**
- IV. NEW BUSINESS**
 - A. TCH 2018-03: PROPOSED AMENDMENT TO PART II - CODE OF ORDINANCES CHAPTER 110-ZONING, ARTICLE II – SITE PLANS, DIVISION 2 REVIEW PROCEDURES, CREATING SECTION 110-50, DESIGNATING SITE PLAN REVIEW CATEGORIES AND SEPARATE REVIEW PROCESSES AND ADDING HEARING REQUIREMENTS. AMENDING SEC. 110-51 SCOPE OF REVIEW AND; DIVISION 3 - PLAN REQUIREMENTS, SECTION 110-71, SUBMISSION; CONTENTS FOR CONSISTENCY.**
 - B. TCH 2018-04: PROPOSED AMENDMENT TO PART II – CODE OF ORDINANCES, CHAPTER 110 – ZONING, ARTICLE III. – STOPPING, STANDING, PARKING (3), DIVISION 1. – GENERALLY.ADDING A SECTION FOR PROHIBITED ON – STREET PARKING, PROVIDING FOR DEFINITIONS, PROVIDING SIGNAGE REQUIREMENTS AND PROVIDING FOR PENALTY AND ENFORCEMENT.**
 - C. TCH 2018-05: PROPOSED AMENDMENT TO PART II – CODE OF ORDINANCES CHAPTER 110 – ZONING ARTICLE V. – DISTRICTS DIVISION 3. – R-2, LOW DENSITY MULTIFAMILY RESIDENTIAL, SEC. 110- 206. – SETBACK REQUIREMENTS. AMENDMENT TO REDUCE SETBACK REQUIREMENTS FOR TOWNHOUSES TO REFELCT CLOSER CONSISTENCY WITH OTHER USES IN THE PERMITTED DISTRICT.**
- V. OLD BUSINESS – N/A**
- VI. PLANNING COMMISSION DISCUSSION – N/A**
- VII. NEXT MEETING : JUNE 11, 2018 6:00PM**
- VIII. ADJOURNMENT**

One or More Elected or Appointed Officials May Be In Attendance

Any person who decides to appeal any decision of Planning Commission serving as the Local Planning Agency with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon with the appeal is to be based. The law does not requires the City Clerk to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation in order to participate in this meeting should call (727) 391-9951 or fax a written request to (727) 399-1131.

POSTED MAY 4, 2018



**LOCAL PLANNING AGENCY/
PLANNING COMMISSION MEETING**
May 14, 2018

I. CALL TO ORDER



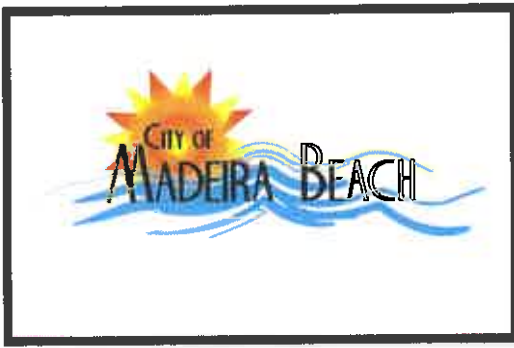
**LOCAL PLANNING AGENCY/
PLANNING COMMISSION MEETING**
May 14, 2018

II. ROLL CALL



**LOCAL PLANNING AGENCY/
PLANNING COMMISSION MEETING**
May 14, 2018

III. APPROVAL OF THE MINUTES – April 9, 2018
Workshop
Regular Meeting



THE CITY OF MADEIRA BEACH, FLORIDA
PUBLIC NOTICE

LOCAL PLANNING AGENCY
PLANNING COMMISSION WORKSHOP
MINUTES

The Planning Commission, serving as the Local Planning Agency of the City of Madeira Beach, Florida will meet at the City of Madeira Beach Patricia Shontz Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708, to conduct Public Hearings on the following City business.

5:00 P.M.

MONDAY, APRIL 9, 2018

COMMISSION CHAMBERS

I. **CALL TO ORDER** The meeting was called to order at 5:00pm by Chairman Mike Noble

II. **ROLL CALL**

1st Vice-Chair Biloski (Present)
Commissioner Michael Wyckoff (Present)
Commissioner Marilyn Rappa (Present)

Commissioner Mary Ann Hearn (Present)
Commissioner Gerri Clyatt (Present)
Commissioner Ruth Cabella (Present)
Chairman Mike Noble (Present)

Staff Representatives:

Linda Portal, Planning & Zoning Director
Ralf Brookes, City Attorney
Gwen Sinkfield, Acting Clerk

III. **ELECTION OF OFFICER – 2nd VICE CHAIRMAN**

Commissioner Biloski provided a motion to move to the 6:00pm regular meeting

Commissioner Clyatt provided the second to the motion. The vote was 7-0 with all members voting “aye”.

IV. **APPROVAL OF MINUTES – March 12, 2018**

Commissioner Biloski provided a motion to move to the 6:00pm regular meeting

Commissioner Clyatt provided the second to the motion. The vote was 7-0 with all members voting “aye”.

V. **NEW BUSINESS**

A. **BOARD OF COMMISSIONER REFERRAL CONTINUANCE –**

Linda Portal, Planning & Zoning Director presented to the board Ordinance 2014-07, Ordinance 2014-08, Ordinance 2014-09, Development Agreement dated March 6, 2017

Public Comments:

Steve Kochick 15301- 2nd Street East, Madeira Beach, FL 33708 commented on the Madeira Beach Town Center
The beauty of having the new development and the opportunity to expand the city.

Bill Gay 420 150th Ave, Madeira Beach, FL 33708 commented on the Madeira Beach Town Center and not being in favor of the development height, traffic on Madeira Way and that the agreement was passed without involving the community.

VI. PLANNING COMMISSION DISCUSSION – None

VII. OLD BUSINESS – None

VIII. NEXT MEETING - APRIL 9, 2018 6:00pm (Regular Meeting)

IX. ADJOURNMENT – 6:31pm

Date Approved: May 14, 2018

Respectfully submitted:

Mike Noble, Chairman

Gwen Sinkfield, Assistant to Planning/Zoning

Date

Date



**THE CITY OF MADEIRA BEACH, FLORIDA
PUBLIC NOTICE**

**LOCAL PLANNING AGENCY
PLANNING COMMISSION
MINUTES**

The Planning Commission, serving as the Local Planning Agency of the City of Madeira Beach, Florida will meet at the City of Madeira Beach Patricia Shontz Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708, to conduct Public Hearings on the following City business.

6:00 P.M.

MONDAY, APRIL 9, 2018

COMMISSION CHAMBERS

- I. CALL TO ORDER** The meeting was called to order at 6:40pm by Chairman Mike Noble

NEW AGENDA – Mike Noble called a motion to approve the changes to the following Agenda items: Election of Officer 2nd Vice Chairman and March 12th Approval of Minutes.

Commissioner Biloski provided a motion to approve Agenda item changes

Commissioner Wyckoff provided the second to the motion. The vote was 7-0 with all members voting “aye”.

II. ROLL CALL

Commissioner Ruth Cabella (Present)
Commissioner Marilyn Rappa (Present)
Commissioner Michael Wyckoff (Present)
Commissioner Mary Ann Hearn (Present)

Commissioner Gerri Clyatt (Present)
2nd Vice Chair Robin Biloski (Present)
Chairman Mike Noble (Present)

Staff Representatives:

Linda Portal, Planning & Zoning Director
Ralf Brookes, City Attorney
Jonathan Evans, City Manager
Gwen Sinkfield, Acting Clerk

III. ELECTION OF OFFICER – 2ND VICE CHAIRMAN

Chairman Noble provided a motion to nominate Michael Wyckoff as 1st Vice- Chairman.

2nd Vice Chair Biloski provided the second to the motion. The vote was 7-0 with all members voting “aye”.

IV. APPROVAL OF THE MINUTES – March 12, 2018

1st Vice Chairman Wyckoff provided a motion to approve minutes for March 12, 2018.

Commissioner Rappa provided the second to the motion. The vote was 7-0 with all members voting “aye”.

V. NEW BUSINESS

- A. To Request A Text Change
To Code of Ordinances
Chapter 102-Signs**

Commissioner Wyckoff provided a motion to recommend approval to accept the staff's recommendations to the

Ordinance presented.

Commissioner Cabella provided the second to the motion. The vote was 7-0 with all members voting "aye".

VI. PLANNING COMMISSION DISCUSSION – None

VII. OLD BUSINESS - None

VIII. NEXT MEETING – May 14, 2018

IX. ADJOURNMENT - Meeting adjourned at 7:21pm

Date Approved: May 14, 2018

Respectfully submitted:

Mike Noble, Chairman

Date

Gwen Sinkfield, Assistant to Planning/Zoning

Date



**LOCAL PLANNING AGENCY/
PLANNING COMMISSION MEETING**
May 14, 2018

IV. NEW BUSINESS

- A. TCH 2018-03: PROPOSED AMENDMENT TO PART II - CODE OF ORDINANCES CHAPTER 110-ZONING, ARTICLE II – SITE PLANS, DIVISION 2 REVIEW PROCEDURES, CREATING SECTION 110-50, DESIGNATING SITE PLAN REVIEW CATEGORIES AND SEPARATE REVIEW PROCESSES AND ADDING HEARING REQUIREMENTS. AMENDING SEC. 110-51 SCOPE OF REVIEW AND; DIVISION 3 - PLAN REQUIREMENTS, SECTION 110-71, SUBMISSION; CONTENTS FOR CONSISTENCY.**
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TCH 2018-03

TCH 2018-03
Amendment to Land Development Regulations
Staff Report and Recommendation
May 14, 2018

Petitioner/Property Owner: Planning Commission

Area of Impact: City wide

Category of Regulations: Site Plans

Nature of Request:

TCH 2018-03: PROPOSED AMENDMENT TO PART II - CODE OF ORDINANCES CHAPTER 110- ZONING, ARTICLE II – SITE PLANS, DIVISION 2 REVIEW PROCEDURES, CREATING SECTION 110-50, DESIGNATING SITE PLAN REVIEW CATEGORIES AND SEPARATE REVIEW PROCESSES AND ADDING HEARING REQUIREMENTS. AMENDING SEC. 110-51 SCOPE OF REVIEW AND; DIVISION 3 - PLAN REQUIREMENTS, SECTION 110-71, SUBMISSION; CONTENTS FOR CONSISTENCY.

Staff Recommendation:

Staff recommends approval of TCH 2018-03 as proposed.

Explanation:

The current land development code contains no scaled system for review of development plans based on the level of their impact. Additionally, there is no provision requiring a public hearing for any development plan except those associated with Planned Developments. This is highly unusual and does not provide for adequate public input to the process of review for project of known high impact. The City is small with a mix of types and scales of development. To ensure compatibility between uses while continuing to allow a mix of use in close proximity to each other, it is important to involve the effected parties in crafting specific design elements and approaches as provided for by code in the review of projects of major impact.

The current code also does not distinguish between large and small projects and the public cost associated with the review and approval of these different types. The proposed amendment provides a scale for review and public input and provides a basis for charging for public services commensurate with the demands created.

Proposed Amendment:

DIVISION 2. - REVIEW PROCEDURE

DEVELOPMENT PLAN REVIEW

Sec. 110-45. - Purpose.

The purpose of this division is to promote harmonious, functional relationships among the various elements within any development such as the location of activities, vehicular and pedestrian circulation systems, and visual form, to ensure compatibility with surrounding uses and proper integration into the urban pattern. Development plan review is intended to permit maximum flexibility in reviewing each plan on its merits and encourage variety and innovation within the intent and purpose specified for each zoning district and the minimum requirements specified in the Code of Ordinances.

Sec. 110-46. - Generally.

- A. This division sets forth the application and review procedures required for obtaining development orders and certain types of permits. Development activity may be undertaken only when the activity is authorized by a final development order and any required development permits are issued by the city. A final development order shall be issued only when all applicable procedures, inspections, and reviews have been completed as provided in this chapter.
- B. Development orders are transferable. However, so long as the land or structure or any portion thereof covered under the site development order continues to be used for the purposes for which it was issued, then no person (including successors and assigns of the person who obtained the site development order) may make use of the land except in accordance with the conditions and requirements of the site development order. The provisions of the site development order run with and burden the real property to which it relates until release or amended in accordance with formal action of the city.

Sec. 110-47. - Levels of development review.

All development shall require minor, intermediate, or major development review in accordance with the thresholds set forth in the table below. Any development activity below the thresholds identified for rapid review shall be reviewed in conjunction with a building permit application. Below threshold development will still be subject to site and floodplain ordinance review and will be charged in accordance with the fee schedule. Development that includes components within different thresholds shall be reviewed as one submittal in accordance with the highest threshold that is triggered by the development.

Table III-2. Levels of development review.

	<u>MINOR</u>	<u>INTERMEDIATE</u>	<u>MAJOR</u>
<u>Residential</u>	<u>Developments of 1 to 4 single or multiple-family dwelling units.</u>	<u>Developments of 5 to 20 multiple-family dwelling units.</u>	<u>Developments of 21 or more multiple-family dwelling units.</u> <u>Planned Developments</u>
<u>Non-residential</u>	<u>New construction or expansions of up to 200 square feet of building area.</u>	<u>New construction or expansions of 201 to 2,000 square feet of building area.</u>	<u>New construction or expansions over 2,001 square feet of building area. Previously undeveloped or rezoned Non-residential developments of over 1,000 square feet of building area adjacent to residential development.</u>

			<u>Planned Developments</u>
<u>Parking; other impervious areas; construction activity</u>	<u>Parking areas that include up to 6 new parking spaces. Impervious areas up to 3,000 square feet. Excavation, filling, or removal of no more than 100 cubic yards of material for the purpose of development.</u>	<u>Parking areas that include 7—40 new parking spaces. Impervious areas: 3,001—15,000 square feet.</u>	<u>Parking areas that include more than 40 new parking spaces. Impervious areas: More than 15,000 square feet.</u>

Notes to Table:

Development plan review by the appropriate board shall be required when the development includes one or more requests for a variance per this article.

Table III-3. Summary of development review process.

	<u>MINOR</u>	<u>INTERMEDIATE</u>	<u>MAJOR</u>
<u>Pre Application Technical Review Committee (TRC) Meeting</u>	<u>Recommended.</u>	<u>Required.</u>	<u>Required.</u>
<u>Neighborhood workshop</u>	<u>Not required.</u>	<u>Not Required.</u>	<u>Required.</u>
<u>TRC Review</u>	<u>Required.</u>	<u>Required.</u>	<u>Required.</u>
<u>Public Hearing Approval</u>	<u>Required if requesting a variance.</u>	<u>Required if requesting a variance.</u>	<u>Planning Commission Required.</u>
<u>Final TRC review</u>	<u>Required if either TRC or board, as applicable, issued applicant a conditional approval or partial or preliminary development order.</u>	<u>Required if either TRC or board, as applicable, issued applicant a conditional approval or a partial or preliminary development order.</u>	<u>Required if either TRC or board, as applicable, issued applicant a conditional approval or preliminary development order.</u>

Sec. 110-48. - Review criteria.

An application for a development plan or amendment to any previously approved development plan may be approved only if the application meets both of the following criteria:

- A. The plan meets submittal requirements of the Land Development Code, including payment of fees, and complies with submittal schedules to provide adequate notice and review; and
- B. The proposed development is consistent with the Comprehensive Plan and complies with the Comprehensive Plan, the Land Development Code, and other applicable regulations.

Sec. 110-49. - Review procedures.

- A. *Pre-application Technical Review Committee Meeting.* Prior to filing an application for development plan review, the applicant shall attend a TRC meeting to discuss the development review process, code requirements, and to confer with staff about the development process. Comments made by staff at this stage are made solely for preliminary informational purposes and shall not be construed as an approval or denial or agreement to approve or deny any development order.
- B. *Application.* A completed application, on the form provided by the city, shall be signed and notarized by all owners of the property and by any agents of the owners. Applicable fees, attachments, and other information as deemed necessary by the city shall be submitted as part of the application. The city manager or designee shall determine completeness based on level of review required, the nature of the proposed development and other requirements as set forth in this chapter, the Comprehensive Plan, and other city requirements deemed necessary to provide a professional and complete review and evaluation of the application.
- C. *Review.* If the application is determined to be complete, the application and associated materials shall be reviewed according to this section.
 - 1. *Board review not required.* The technical review committee shall review the application in accordance with the review criteria provided in this division and provide comments, findings, and conclusions supporting the committee's final decision, which may include one of the following:
 - a. Find that all requirements of the review criteria provided in this division have been met and issue a final development order;
 - b. Find that all requirements of the review criteria provided in this division can be met with conditions specified in writing and issue a preliminary development order, which requires final technical review committee review as provided in this section; or
 - c. Deny the application based upon a determination that the proposed development, even with reasonable modifications and conditions, does not meet the review criteria set forth in this division.
 - 2. *Planning Commission or Magistrate (for variances) review required.* If board review is required, the Technical Review Committee shall prepare a recommendation to the Commission and/or Magistrate to: 1) approve; 2) approve with specified conditions; or 3) deny based upon a determination that the proposed development, even with reasonable modifications and conditions, does not meet the review criteria set forth in this division. The reviewing entity shall consider the recommendation of the technical review committee and other relevant information pertaining to the application and, using the review criteria provided in this division, shall decide one of the following:
 - a. Find that all requirements of the review criteria provided in this division have been met and issue a final development order;
 - b. Find that all requirements of the review criteria provided in this division can be met with conditions specified in writing and issue a preliminary development order, which requires final technical review committee review as provided in this section; or

c. Deny the application based upon a determination that the proposed development, even with reasonable modifications and conditions, does not meet the review criteria set forth in this division.

3. Final review by technical review committee. If the applicant was issued a conditional or preliminary development order, as opposed to a final development order, the applicant shall timely submit all materials and information as deemed necessary by the city for final review. Upon receipt of a complete application, as determined by the city manager or designee, the technical review committee shall review the application in accordance with the review criteria provided in this division and:

a. Find that all requirements of the review criteria and the preliminary development order have been met and issue a final development order;

b. Inform the applicant in writing of the changes necessary for the development to comply with the requirements of the review criteria and the preliminary development order; or

c. Find that the plan as submitted fails to meet the requirements of the review criteria or the preliminary development order and not issue a final development order.

D. Preliminary or Conditional development orders.

1. A preliminary development order shall contain the following:

a. An approved development plan, with a listing of conditions and modifications, if required, in order for a final development order to be issued. The modifications shall be described in sufficient detail and exactness to inform the applicant to amend the plan accordingly. However, the failure to list all requirements of this chapter and other regulations of the city shall not relieve the applicant from complying with such requirements and regulations at the time of issuance of a final development order.

b. Notice that the preliminary development order does not constitute a final development order and that subsequently adopted ordinances, regulations, and laws may require additional amendments to the proposal.

c. An initial determination of concurrency.

2. A preliminary or conditional development order shall be effective for six months from the date of approval. During this six-month period, the applicant shall seek final development approval. At the request of the applicant and for good cause shown, the reviewing authority may extend the period for obtaining final development order approval for a period of up to 12 months from the date of approval of the preliminary development order.

E. Final development orders.

1. A final development order shall contain the following:

a. An approved development plan.

b. A certificate of final concurrency.

c. The expiration date for the final development order. A final development order shall remain valid only if development commences and continues pursuant to an active building permit to completion with due diligence and in good faith according to the terms and conditions of approval.

2. A final development order shall be effective for a period of one year from the date of approval unless otherwise specified in the order.

Sec. 110-50. - Amendments to approved development plans.

After a final development order has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the order without first obtaining an amendment to the approved

development order. Amendment of the development plan shall be made in accordance with the process
for development review.

Sec. 110-51. - Scope of review.

- (a) The city manager or his designee will conduct a detailed review of proposed ~~large-scale~~ intermediate and major development (which shall consist of a complete new development on the site) to insure compliance with the current land development regulations. This review will include, but not be limited to, the following areas:
- (1) Proposed use:
 - a. Primary use.
 - b. Accessory uses.
 - c. Special exception use: Approval by special magistrate obtained.
 - (2) Lot restrictions:
 - a. Lot size: width, depth, area.
 - b. Setbacks.
 - c. Lot coverage.
 - d. Impervious surface.
 - e. Green area.
 - f. Building heights (section 110-4110).
 - g. Density.
 - (3) Arrangement of structures:
 - a. Distance between structures.
 - b. Provisions for light, air, privacy and access.
 - c. Location of accessory structures (article VI, division 4 of this chapter).
 - d. Use of open space.
 - e. Transition yard requirements (section 110-429).
 - (4) Impact on surrounding property.
 - (5) Floodplain regulations (chapter 94):
 - a. Elevation requirements.
 - b. Use below base flood elevation (BFE).
 - (6) Parking (article VII of this chapter):
 - a. Minimum requirements for off-street parking.
 - b. Location of spaces.
 - c. Circulation.
 - d. Loading and unloading areas.
 - e. Handicap facilities.
 - f. Compact spaces.
 - g. Remote lots.
 - (7) Traffic access:

- a. Available and allowable street cuts.
 - b. Use of abutting roadways.
 - c. Intersection visibility (section 110-423).
 - d. Emergency vehicle access.
- (8) Protection of soil and water resources (chapter 98, article II):
- a. Development requirements.
 - b. Land alteration plan.
 - c. Drainage plan:
 - 1. Treatment of stormwater runoff.
 - 2. Protection during construction.
 - d. Environmentally sensitive area protection plan.
- (9) Landscaping (chapter 106, article II):
- a. Minimum requirements.
 - b. Perimeter landscaping.
 - c. Buffer landscaping.
 - d. Use of existing landscaping.
 - e. Xeriscape requirements.
 - f. Irrigation system.
 - g. Intersection restrictions.
 - h. Screening of backflow preventer.
 - i. Protected species (mangroves, sea oats, etc.).
- (10) Tree protection (chapter 106, article III):
- a. Minimum requirements.
 - b. Types of trees.
 - c. Use of existing trees.
 - d. Removal of exotic species.
 - e. Protection during construction.
 - f. Irrigation for the trees.
- (11) Lighting (article VI, division 5 of this chapter):
- a. Impact of indoor and outdoor lighting.
 - b. Decorative and accent lighting.
 - c. Temporary lighting.
 - d. Lighting in beach area.
- (12) Sidewalks (chapter 58):
- a. Minimum requirements.
 - b. Location and size.
 - c. Pedestrian access.

- (13) Signs (chapter 102):
 - a. Type.
 - b. Location.
 - c. Size.
- (14) Recreation areas:
 - a. Type.
 - b. Location.
- (15) Fences and walls (article VI, division 3 of this chapter):
 - a. Location.
 - b. Height.
 - c. Types.
- (16) Easements (article VI, division 10, subdivision II of this chapter):
 - a. Utility.
 - b. Pedestrian/beach access.
 - c. Access easements.
- (17) Docks and seawalls (section 110-426 and chapter 14, article V):
 - a. Requirements.
 - b. Exemptions.
- (18) Miscellaneous:
 - a. Laundry facilities.
 - b. Satellite dish antennas (article VI, division 12, subdivision III of this chapter).
 - c. Outdoor storage (article VI, division 9, subdivision I of this chapter).
 - d. Swimming pools (article VI, division 11 of this chapter).
 - e. Solid waste disposal containers and enclosures (section 54-61).
- (19) Concurrency determination (chapter 90):
 - a. Transportation.
 - b. Water.
 - c. Wastewater.
 - d. Stormwater.
 - e. Solid waste.
 - f. Recreation and open space.
- (b) The city manager or his designee will conduct a detailed review of proposed ~~small-scale~~ minor development (such as building additions, alterations, or renovations to the existing structure, site alterations, addition of an accessory structure on the site) to insure compliance with the current land development regulations. This review of a small-scale development may not require review of all items listed in subsections 110-51 (a)(1)—(19). The relevant information necessary for review shall be determined by the city manager or his designee through consultation with the city manager or his designee.

(Code 1983, § 20-604(E); Ord. No. 974, § 4, 9-24-02; Ord. No. 1050, § 7, 8-9-05; Ord. No. 1071, § 3, 2-28-06)

Secs. 110-52—110-70. - Reserved.

TCH 2018-04

TCH 2018-04
Amendment to Land Development Regulations
Staff Report and Recommendation
May 14, 2018

Petitioner/Property Owner: Planning Commission

Area of Impact: City wide

Category of Regulations: Parking

Nature of Request:

TCH 2018-04: PROPOSED AMENDMENT TO PART II – CODE OF ORDINANCES, CHAPTER 110 – ZONING, ARTICLE III. – STOPPING, STANDING, PARKING (3), DIVISION 1. – GENERALLY. ADDING A SECTION FOR PROHIBITED ON – STREET PARKING, PROVIDING FOR DEFINITIONS, PROVIDING SIGNAGE REQUIREMENTS AND PROVIDING FOR PENALTY AND ENFORCEMENT.

Staff Recommendation: Approve Petition TCH 2018-04 and recommend the BOCC amend – CODE OF ORDINANCES, CHAPTER 110 – ZONING, ARTICLE III. – STOPPING, STANDING, PARKING as proposed.

Explanation:

The Code of Ordinances does not currently include language authorizing the enforcement of posted parking areas on public rights-of-way. The proposed additional language would give the policing authorities the right to ticket for illegal parking. This is critical to the provision of safe access to and from the roadways by emergency services, delivery vehicles, public transit, public and private maintenance activities and private vehicles, and to the safe and orderly flow of traffic.

Proposed Amendment:

ARTICLE III. - STOPPING, STANDING, PARKING ^[3]

~~Cross reference— Off-street parking and loading, § 110-951 et seq.~~

DIVISION 1. - GENERALLY

Sec. 66-51. - Taxicab, etc., stands, bus stops and other reserved space: establishment; prohibited parking; penalty.

- (a) *Establishment of taxicab, etc., stands.* The designated law enforcement agency of the city may establish by proper designation, taxicab and car-for-hire stands in the city, subject to approval by the city manager.
- (b) *Establishment of other reserved spaces.* The designated law enforcement agency of the city may establish by proper designations other reserved spaces that may be necessary for public convenience, necessity and safety, such reserved spaces to be approved by the city manager.

- (c) *Parking, etc., in taxicab stand.* No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab or car-for-hire in a taxicab or car-for-hire stand when any such stop or stand has been officially designated and appropriately signed.
- (d) *Parking, etc., in reserved space.* No person not authorized to do so shall stop, stand or park a vehicle in any reserved space when such space has been officially designated and appropriately signed.

(Code 1983, § 12-202)

Cross reference— Vehicles for hire, Ch. 74.

Sec. 66-52. - Public and private parking spaces for disabled persons.

- (a) *Parking spaces for disabled persons.* Parking spaces for the exclusive use of those severely physically disabled individuals who have permanent mobility problems which substantially impair their ability to ambulate shall be specially designed and marked in accordance with the provisions of Florida Statutes § 316.1955.
- (b) *Violation.* It is a violation of this section to stop, stand, or park a vehicle within any such specially designated and marked parking space pursuant to subsection (a) of this section unless such vehicle displays a parking permit issued pursuant to Florida Statutes § 320.0848 (exemption entitlement parking permit issued to handicapped persons by the state department of highway safety and motor vehicles) or Florida Statutes § 316.1958 (special license plate or parking permit issued to a handicapped person by any other state provided such state grants reciprocal recognition for handicapped residents of Florida), and such vehicle is transporting a person eligible for the parking permit, except that momentary parking in such a space for the purpose of unloading a disabled person is permitted.
- (c) *Penalty.* The civil penalty for noncriminal traffic infraction pursuant to a violation of Florida Statutes § 316.1955 or for parking in violation of subsection (b) of this section shall be \$250.00.

(Code 1983, § 12-213; Ord. No. 916, § 1, 12-7-99)

Sec. 66-53. - Parking on unpaved lots or unpaved portion of lots in commercial districts prohibited.

- (a) *Prohibited parking.* It shall be unlawful for any person to park a motor vehicle, trailer, boat, recreational vehicle, motor home or motorized equipment on that portion of any lot in a commercially zoned district which does not have parking spaces which meet or exceed the parking requirements of chapter 110, article VII of this Code.
- (b) *Exceptions.* This section shall not apply to:
 - (1) Motor vehicles owned or leased by the owner or lessor of the lot; and
 - (2) Motor vehicles, trailers and motorized equipment necessarily placed upon the lot during construction.
- (c) *Vacant lots in commercially zoned districts.* Property owners of vacant lots in commercially zoned districts will be responsible for posting of signs which will notify the public of the provision of this section. These signs will be required to be posted within 60 days of the enactment of the ordinance from which this section is derived.
- (d) *Penalty.* Any person violating this section shall be cited for improper parking and upon conviction shall be punished as provided in section 1-16 of this Code.

(Code 1983, § 12-214)

Sec. 66-54. - Parking prohibited at all times at certain specified places.

No person shall park a vehicle at any time on any of the following parts of streets, sidewalks or sidewalk areas, where signs are erected giving notice thereof:

- (1) In front of a theater entrance.
- (2) In front of the entrance or exit of a hotel.
- (3) In front of the entrance to any building where parking should be prohibited for public safety.

Sec. 66-55. - Parking so as not to obstruct traffic.

- (a) No person shall park any vehicle upon a street or alley in such a manner or under such conditions as to leave less than ten feet of the width of the roadway for free movement of vehicular traffic.
- (b) Where streets are not completely paved or curbs provided, the parking of a vehicle shall not encroach upon more than 12 inches of the paved portion of the street.

Sec. 66-56. - Stopping, standing or parking in alleys.

- (a) No person shall stop, stand or park any vehicle within an alley except a commercial vehicle and then only for the expeditious loading or unloading of materials; however, nothing in this subsection shall prevent the temporary stopping of a passenger vehicle for the purpose of and while actually engaged in picking up and discharging passengers.
- (b) No person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway or entrance to any abutting property.

Sec. 66-57. - Parking for certain purposes prohibited.

No person shall park a vehicle upon any street for the principal purpose of:

- (1) Washing, greasing or repairing the vehicle, except repairs necessitated by an emergency.
- (2) Displaying advertising.
- (3) Selling merchandise from the vehicle, except in a duly established marketplace or when so authorized or licensed under the Code.
- (4) Storage for more than 72 hours.
- (5) Soliciting orders for or from which goods, wares, merchandise, fruits, vegetables, or plants are to be sold directly to the customers purpose of soliciting orders from, or sale to, the occupants of the immediate premises only.

Sec. 66-58. - Parking on narrow streets and avenues.

No person shall park any vehicle on the west side of streets nor on the north side of avenues where the paving is 28 feet in width or less, where signs are erected giving notice thereof.

Sec. 66-59. - Standing or parking on one-way streets or roadways.

No person shall stand or park a vehicle upon the left-hand side of any one-way street where signs are erected giving notice thereof.

State Law reference— Regulation of parking on one-way roadways, F.S. § 316.195.

Sec. 66-60. - Stopping, standing or parking near hazardous or congested places.

No person shall stop, stand or park a vehicle at a hazardous or congested place, where signs are erected giving notice thereof.

Sec. 66-61. - Use of restricted parking zones and loading zones.

- (a) *Restricted parking zones.* No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in the zone is restricted, except that a driver of a passenger vehicle may stop temporarily in such a zone for the purpose of, and while actually engaged in, loading or unloading of passengers when the stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purpose to which parking is restricted.
- (b) *Loading zones generally.* No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a loading zone during hours when the provisions applicable to the loading zone are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.
- (c) *Temporary use of loading zones.* The driver of a vehicle may stop temporarily at a place marked as a loading zone for the purpose of, and while actually engaged in, loading or unloading passengers, when the stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter the loading zone.

Sec. 66-62. - Designation of streets where parking is prohibited at any time.

No person shall park a vehicle at any time upon any street where signs are erected giving notice thereof.

Sec. 66-63. - Designation of streets where stopping, standing or parking is prohibited during certain hours.

No person shall stop, stand or park a vehicle on the street between the hours as designated by City of Madeira Beach signs giving notice thereof.

Sec. 66-64. - Establishment of limitations on parking generally.

When necessary for the public convenience, necessity and safety, the Public Works Department (PWD) is authorized to prohibit, restrict or limit the parking time on any street, way, highway, road, parkway or other property under the control of the City where signs are erected giving notice thereof. It shall be unlawful for any person to park any vehicle or to permit, allow or suffer any vehicle registered in his name to stand or park in violation of any provision of this article or any ordinance or resolution of the City Council or in violation of the restrictions or parking time limits posted under the authority of the PWD.

Sec. 66-65. - Limitations on parking where signs are officially posted.

- (a) When necessary for the public convenience, necessity or safety, the PWD is authorized to prohibit, restrict or limit the parking time on any street where signs are posted giving notice of such prohibition, restriction or limitation. Except as otherwise provided in this Code, it shall be unlawful and a violation of this section for a person to park any vehicle or to permit or allow any vehicle registered in his name to park upon any street for a continuous period of longer than the legal period of time as posted on official signs.
- (b) Moving a vehicle from one parking space to another parking space on the same block face without traveling through an intersection (not including an alley intersection) shall be deemed one continuous parking period.

Sec. 66-66. - Each one-hour parking violation period deemed a separate offense.

Each consecutive one-hour period that a vehicle remains parked in violation of any parking restriction contained in this article, subsequent to the time that the initial citation was issued by virtue of such vehicle being in violation of such restriction, shall constitute a separate and distinct offense.

Sec. 66-67. - Observance of more restrictive requirements.

Any provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Sec. 66-68. - Enforcement.

Citations in a form approved by the designated law enforcement agency for violations of this division may be issued by both law enforcement officers and properly qualified parking enforcement officers of the city.

Sec. 66-69. - Penalties.

Penalties for violations of this division are provided in the fees and collection procedures manual.

Secs. 66-~~54~~—66-70. - Reserved.

(Code 1983, § 12-206(D))

Sec. 66-100. - Penalties.

Penalties for violations of this division are provided in the fees and collection procedures manual.

(Code 1983, § 12-206(E); Ord. No. 1152, § 4, 4-14-09)

Secs. 66-101—66-120. - Reserved.

Staff Recommendation: Approve Petition TCH 2018-04 and recommend the BOCC amend – CODE OF ORDINANCES, CHAPTER 110 – ZONING, ARTICLE III. – STOPPING, STANDING, PARKING as proposed.

TCH 2018-05

TCH 2018-05
Amendment to land Development Regulations
Staff Report and Recommendation
May 14, 2018

Petitioner/Property Owner: Planning Commission

Area of Impact: City wide

Category of Regulations: R-2 Low Density Residential

Nature of Request:

TCH 2018-05: PROPOSED AMENDMENT TO PART II – CODE OF ORDINANCES CHAPTER 110 – ZONING ARTICLE V. – DISTRICTS DIVISION 3. – R-2, LOW DENSITY MULTIFAMILY RESIDENTIAL, SEC. 110- 206. – SETBACK REQUIREMENTS. AMENDMENT TO REDUCE SETBACK REQUIREMENTS FOR TOWNHOUSES TO REFLECT CLOSER CONSISTENCY WITH OTHER USES IN THE PERMITTED DISTRICT.

Staff Recommendation:

Staff recommends approval of TCH 2018-05 as proposed.

Explanation:

The land development code currently requires a substantially greater side setback for townhouses than it does for other housing in the R-2 district. There is no nexus between the relative impact of 4 units upon a neighboring property and the additional 32 feet of setback required over that in place for a 3 unit structure. In addition, the lots in this district are typically only 40 or 50 feet wide and the total of 50 feet in side setbacks precludes even combinations of these lots from being developed profitably for townhouses. Over the course of the last 9 months several property owners have approached staff with proposals for townhouses but have been unable to meet the dimensional requirements once setbacks were applied. As construction prices rise, the opportunity for affordable housing in Madeira Beach diminishes. It is important that the city offer opportunities for different types and tenures of housing to provide diversity in the market and maintain affordability.

Staff recommends the following minor amendment to the R-2 district. Please see Sec. 110-206 (3)f.:

Proposed Amendment:

DIVISION 3. - R-2, LOW DENSITY MULTIFAMILY RESIDENTIAL

Sec. 110-201. - Definition; purpose and intent.

The R-2, low density multifamily residential district provides for low density multifamily residential correlates with the residential medium (RM) category of the Countywide Plan and, which does allow for a variety of dwelling types.

Any use which is not specifically identified as a permitted use, accessory use or special exception use is a prohibited use. Prohibited uses shall include, but are not limited to, short term rentals of a housing unit. As used in this division, the term "short term rental" shall mean any rental of a dwelling unit, or portion thereof, for less than a three-month period.

(Code 1983, § 20-404; Ord. No. 1069, § 2, 2-28-06; Ord. No. 1138, § 3, 12-9-08)

Cross reference— Definitions generally, § 1-2.

Sec. 110-202. - Permitted uses.

The permitted uses in the R-2, low density multifamily residential district are as follows:

- (1) Single-family.
- (2) Duplex.
- (3) Triplex.
- (4) Townhouse type construction.
- (5) Public education facilities of the school board.

(Code 1983, § 20-404; Ord. No. 1138, § 3, 12-9-08)

Sec. 110-203. - Accessory uses.

The accessory uses in the R-2, low density multifamily residential district are as follows:

- (1) Home occupations.
- (2) Private garages and carports.
- (3) Private swimming pools.
- (4) Residential signs.
- (5) Residential docks.
- (6) Essential services.
- (7) Other accessory uses customarily incident to permitted or approved special exception uses.

(Code 1983, § 20-404)

Sec. 110-204. - Special exception uses.

Upon application for a special exception to the board of adjustment and favorable action thereon, the following uses may be permitted in the R-2, low density multifamily residential district:

- (1) Churches, synagogues or other houses of worship.
- (2) Publicly owned or operated parks or recreation areas.
- (3) Private schools.
- (4) Public service facilities.

- (5) Cabanas used as bathhouses.

(Code 1983, § 20-404)

Sec. 110-205. - Minimum building site area requirements.

The minimum building site area requirements in the R-2, low density multifamily residential district are as follows:

- (1) Lot size:
 - a. Single-family: 4,000 square feet.
 - b. Duplex and triplex: Minimum land area of 3,000 square feet per dwelling unit.
 - c. Townhouses: Minimum land area of 12,000 square feet (3,000 square feet per dwelling unit). (See article VI, division 10, subdivisions II and III of this chapter.)
 - d. Public service facilities: Shall not exceed a maximum area of three 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. Single-family: 40 feet.
 - b. Duplex: 60 feet.
 - c. Triplex: 80 feet.
 - d. Townhouses: 100 feet.
- (3) Lot depth: 80 feet.
- (4) The maximum density is 15 dwelling units per acre.

(Code 1983, § 20-404; Ord. No. 1138, § 3, 12-9-08)

Sec. 110-206. - Setback requirements.

The following minimum setbacks shall apply in the R-2, low density multifamily residential district:

- (1) Front yard: 20 feet.
- (2) Rear yard: 25 feet.
- (3) Side yard:
 - a. Single-family lots less than 50 feet wide may reduce the total side setback to 12 feet with a minimum of five feet on either side.
 - b. Single-family and duplex lots, the total side setback shall be 15 feet with a minimum of seven feet on either side for lots equal to 50 feet and less than 80 feet wide.
 - c. Single-family and duplex lots, the total side setback shall be 18 feet with a minimum of eight feet on either side for lots equal to 80 feet and less than 120 feet wide.
 - d. Single-family and duplex lots 120 feet in width or greater, the total side setback shall be 25 feet with a minimum of 12 feet on either side.
 - e. Triplex lots, the total side setback shall be 20 feet with a minimum of nine feet on either side.

- f. Townhouses: A minimum of 15 feet between each row of townhouses and minimum of ~~25~~⁹ feet on each side property line.

- (4) For only those dwelling units with the lowest habitable space elevated at or above the elevation designated on the flood insurance rate map (FIRM); exterior stairs, platforms for mechanical equipment, and chimneys shall be allowed to extend into the side-yard setback, but only to a depth of no more than one-half of the required setback. Such equipment shall be located in the middle one-third of the structure. All mechanical equipment must be appropriately shielded from public view with materials including, but not limited to louvers, lattice and the like.

(Code 1983, § 20-404; Ord. No. 1023, § 3, 11-30-04)

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) 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.

(Code 1983, § 20-404; Ord. No. 1023, § 4, 11-30-04)

Sec. 110-208. - Maximum lot coverage.

The maximum lot coverage in the R-2, low density multifamily residential district is as follows:

- (1) Residential use: Floor area ratio (FAR) 0.80. The maximum area of a lot or parcel to be covered by structures shall be 40 percent of the total area except for townhouse dwelling units which shall be 50 percent of the total lot area.
- (2) Public owned parks and recreation facilities: Floor area ratio (FAR) 0.25.
- (3) Public service facilities:
 - a. Institutional: Floor area ratio (FAR) 0.50.
 - b. Transportation/utility: Floor area ratio (FAR) 0.50.

(Code 1983, § 20-404; Ord. No. 1138, § 3, 12-9-08)

Sec. 110-209. - Impervious surface ratio (ISR).

The impervious surface ratio (ISR) in the R-2, low density multifamily residential district for all uses is 0.70.

(Code 1983, § 20-404)

Sec. 110-210. - Special requirement.

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.

(Ord. No. 1138, § 3, 12-9-08)

Secs. 110-211—110-225. - Reserved.



**LOCAL PLANNING AGENCY/
PLANNING COMMISSION MEETING**
May 14, 2018

v. OLD BUSINESS – N/A



**LOCAL PLANNING AGENCY/
PLANNING COMMISSION MEETING**
May 14, 2018

vi. PLANNING COMMISSION DISCUSSION – N/A



**LOCAL PLANNING AGENCY/
PLANNING COMMISSION MEETING**
May 14, 2018

vii. NEXT MEETING: June 11, 2016 6:00pm



**LOCAL PLANNING AGENCY/
PLANNING COMMISSION MEETING**
May 14, 2018

VIII. ADJOURNMENT