

## ORDINANCE 2023-22

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING POLICY 4.1.1.1 TO INCORPORATE THE PROVISIONS OF POLICIES 4.1.1.2 AND 4.1.1.3 OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO REFORMAT EACH LAND USE CATEGORY INTO A MATRIX, INCLUDE THE COUNTYWIDE PLAN LAND USE CATEGORIES, AND INCLUDE ALLOWED USES CONSISTENT WITH THE COUNTYWIDE PLAN; RENUMBERING POLICY 4.1.1.4 TO POLICY 4.1.1.2; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, the Comprehensive Plan of the City of Madeira Beach must be consistent with Forward Pinellas' Countywide Plan; and

**WHEREAS**, including allowed uses within each Future Land Use is standard and consistent with the Countywide Plan; and

**WHEREAS**, the density and intensity in the Comprehensive Plan of Madeira Beach may not be more dense or intense than the Countywide Plan; and

**WHEREAS**, the alternative temporary lodging use standard is only allowed through an approved Development Agreement, as detailed in the Countywide Plan; and

**WHEREAS**, City staff has recommended changes to the Future Land Use element of the Comprehensive Plan to make it consistent with the Countywide Plan; and

**WHEREAS**, those recommended changes include reformatting each land use category into a matrix that includes the Countywide Plan land use categories and allowed uses consistent with the Countywide Plan; and

**WHEREAS**, the recommended changes were presented and reviewed by the Planning Commission at a public meeting; and

**WHEREAS**, the Planning Commission has recommended approval of the changes to the Future Land Use element proposed by city staff; and

**WHEREAS**, the Board of Commissioners has 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, AS FOLLOWS:**

**Section 1.** That Policies 4.1.1.2 and 4.1.1.3 of Section 4.0, Future Land Use Element, of the City of Madeira Beach Comprehensive Plan, are hereby deleted and the provisions thereof combined in a chart (including footnotes thereto) to be inserted under Policy 4.1.1.1 which shall read as follows:

**Policy 4.1.1.1:**

The future land use plan categories identified and defined in this policy govern residential development within the City. These future land use plan categories are consistent with primary and secondary uses and maximum intensity standards listed in the Forward Pinellas Countywide Rules, except as specifically modified herein.

<u>Madeira Beach Future Land Use Category</u>	<u>Permitted Uses</u>	<u>Density/Intensity Standards</u>	<u>Countywide Plan Map Categories</u>
<u>Residential Urban (RU)</u>	<ul style="list-style-type: none"> <li>▪ <u>Residential</u></li> <li>▪ <u>Public Education Facilities</u></li> <li>▪ <u>Recreation/ Open Space</u></li> </ul>	<ul style="list-style-type: none"> <li>▪ <u>Residential 7.5 UPA</u></li> <li>▪ <u>Nonresidential FAR 0.5</u></li> <li>▪ <u>ISR 0.65</u></li> </ul>	<u>Residential Low Medium (RLM)</u>
<u>Residential Medium (RM)</u>	<ul style="list-style-type: none"> <li>▪ <u>Residential</u></li> <li>▪ <u>Public Education Facilities</u></li> <li>▪ <u>Institutional****</u></li> <li>▪ <u>Vacation Rental</u></li> </ul>	<ul style="list-style-type: none"> <li>▪ <u>Residential 15 UPA</u></li> <li>▪ <u>Nonresidential FAR 0.5</u></li> <li>▪ <u>ISR 0.70</u></li> </ul>	<u>Residential Medium (RM)</u>

	<ul style="list-style-type: none"> <li>▪ <u>Recreation/ Open Space</u></li> </ul>		
<u>Resort Facilities Medium (RFM)</u>	<ul style="list-style-type: none"> <li>▪ <u>Residential</u></li> <li>▪ <u>Temporary Lodging</u></li> <li>▪ <u>Vacation Rental</u></li> <li>▪ <u>Personal Service/ Office Support</u></li> <li>▪ <u>Retail Commercial</u></li> <li>▪ <u>Commercial Recreation</u></li> <li>▪ <u>Recreation/Open Space</u></li> </ul>	<ul style="list-style-type: none"> <li>▪ <u>Residential and Vacation Rental 18 UPA</u></li> <li>▪ <u>Temporary Lodging 50 UPA</u></li> <li>▪ <u>Other Uses FAR 0.55</u></li> <li>▪ <u>ISR 0.85</u></li> </ul> <hr/> <p style="text-align: center;"><i><u>Alternative Temporary Lodging Use Standard*</u></i></p> <ul style="list-style-type: none"> <li>▪ <u>Temporary Lodging 60 UPA</u></li> <li>▪ <u>Total FAR 2.0</u></li> <li>▪ <u>ISR 0.85</u></li> </ul>	<u>Resort (R)</u>
<u>Residential/Office e/ Retail (R/O/R)</u>	<ul style="list-style-type: none"> <li>▪ <u>Office</u></li> <li>▪ <u>Personal Service/ Office Support</u></li> <li>▪ <u>Retail Commercial</u></li> <li>▪ <u>Commercial/ Business Service</u></li> <li>▪ <u>Commercial Recreation</u></li> <li>▪ <u>Residential</u></li> <li>▪ <u>Vacation Rental</u></li> <li>▪ <u>Temporary Lodging</u></li> <li>▪ <u>Recreation/ Open Space</u></li> </ul>	<ul style="list-style-type: none"> <li>▪ <u>Residential and Vacation Rental 18 UPA</u></li> <li>▪ <u>Temporary Lodging 40 UPA</u></li> <li>▪ <u>Other Uses FAR 0.55</u></li> <li>▪ <u>ISR 0.85</u></li> </ul> <hr/> <p style="text-align: center;"><i><u>Alternative Temporary Lodging Use Standard*</u></i></p> <ul style="list-style-type: none"> <li>▪ <u>Temporary Lodging 60 UPA</u></li> <li>▪ <u>Total FAR 1.2</u></li> <li>▪ <u>ISR 0.85</u></li> </ul>	<u>Retail &amp; Services (R&amp;S)</u>
<u>Commercial General (CG)</u>	<ul style="list-style-type: none"> <li>▪ <u>Office</u></li> <li>▪ <u>Personal Service/ Office Support</u></li> <li>▪ <u>Retail Commercial</u></li> <li>▪ <u>Commercial/ Business Service</u></li> <li>▪ <u>Commercial Recreation</u></li> <li>▪ <u>Residential</u></li> <li>▪ <u>Vacation Rental</u></li> <li>▪ <u>Temporary Lodging</u></li> <li>▪ <u>Recreation/ Open Space</u></li> <li>▪ <u>Storage/ Warehouse/ Distribution - Light</u></li> <li>▪ <u>Institutional***</u></li> </ul>	<ul style="list-style-type: none"> <li>▪ <u>Residential and Vacation Rental 15 UPA</u></li> <li>▪ <u>Temporary Lodging 40 UPA</u></li> <li>▪ <u>Other Uses FAR 0.55</u></li> <li>▪ <u>ISR 0.85</u></li> </ul> <hr/> <p style="text-align: center;"><i><u>Alternative Temporary Lodging Use Standard*</u></i></p> <ul style="list-style-type: none"> <li>▪ <u>Temporary Lodging 60 UPA</u></li> <li>▪ <u>Total FAR 1.2</u></li> <li>▪ <u>ISR 0.85</u></li> </ul>	

	<ul style="list-style-type: none"> <li>▪ <u>Transportation/Utility ***</u></li> <li>▪ <u>Ancillary Nonresidential ***</u></li> </ul>		
<u>Institutional (I)</u>	<ul style="list-style-type: none"> <li>▪ <u>Institutional</u></li> <li>▪ <u>Residential</u></li> </ul>	<ul style="list-style-type: none"> <li>▪ <u>Residential 10 UPA</u></li> <li>▪ <u>FAR 0.65</u></li> <li>▪ <u>ISR 0.70</u></li> </ul>	<u>Public/Semi-Public (P/SP)</u>
<u>Transportation/Utility (T/U)</u>	<ul style="list-style-type: none"> <li>▪ <u>Transportation/Utility</u></li> </ul>	<ul style="list-style-type: none"> <li>▪ <u>FAR 0.70</u></li> <li>▪ <u>ISR 0.70</u></li> </ul>	
<u>Recreation/Open Space (R/OS)</u>	<ul style="list-style-type: none"> <li>▪ <u>Recreation/Open Space</u></li> </ul>	<ul style="list-style-type: none"> <li>▪ <u>FAR 0.25</u></li> <li>▪ <u>ISR 0.60</u></li> </ul>	<u>Recreation/Open Space (R/OS)</u>
<u>Preservation (P)</u>	<ul style="list-style-type: none"> <li>▪ <u>Preservation</u></li> <li>▪ <u>Water Supply</u></li> </ul>	<ul style="list-style-type: none"> <li>▪ <u>Preservation FAR 0.1</u></li> <li>▪ <u>Water Supply FAR 0.25</u></li> <li>▪ <u>Preservation ISR 0.20</u></li> <li>▪ <u>Water Supply ISR 0.50</u></li> </ul>	<u>Preservation (P)</u>
<u>Planned Redevelopment-Mixed Use (PR-MU)</u>	<ul style="list-style-type: none"> <li>▪ <u>Residential</u></li> <li>▪ <u>Temporary Lodging</u></li> <li>▪ <u>Vacation Rental</u></li> <li>▪ <u>Retail Commercial</u></li> <li>▪ <u>Commercial Recreation</u></li> <li>▪ <u>Business Office and Financial Services</u></li> <li>▪ <u>Restaurants</u></li> <li>▪ <u>Office Use</u></li> <li>▪ <u>Personal Service/Office Support Use</u></li> </ul>	<p><u>See Madeira Beach Town Center Special Area Plan</u></p>	<u>Activity Center (AC)</u>
<u>Resort Facilities High (RFH)**</u>	<ul style="list-style-type: none"> <li>▪ <u>Temporary Lodging</u></li> <li>▪ <u>Restaurant</u></li> <li>▪ <u>Retail Commercial</u></li> <li>▪ <u>Commercial Recreation</u></li> <li>▪ <u>Personal Service/Office Support Use</u></li> </ul>	<p><u>Less than 1-acre Temporary Lodging</u></p> <ul style="list-style-type: none"> <li>▪ <u>Temporary Lodging 75 UPA</u></li> <li>▪ <u>Total FAR 2.0</u></li> <li>▪ <u>ISR 0.95</u></li> </ul> <p><u>Between 1-acre and 3-acres Temporary Lodging</u></p> <ul style="list-style-type: none"> <li>▪ <u>Temporary Lodging 100 UPA</u></li> <li>▪ <u>Total FAR 3.0</u></li> <li>▪ <u>ISR 0.95</u></li> </ul>	

		<u>Greater than three acres Temporary Lodging</u> <ul style="list-style-type: none"> <li>▪ <u>Temporary Lodging 125 UPA</u></li> <li>▪ <u>Total FAR 4.0</u></li> <li>▪ <u>ISR 0.95</u></li> </ul>	
<u>Activity Center</u>	<ul style="list-style-type: none"> <li>▪ <u>Residential</u></li> <li>▪ <u>Vacation Rental</u></li> <li>▪ <u>Temporary Lodging</u></li> <li>▪ <u>Retail Commercial</u></li> <li>▪ <u>Commercial Recreation</u></li> <li>▪ <u>Business Office and financial services</u></li> <li>▪ <u>Office Use</u></li> <li>▪ <u>Personal Service/ Office Support Use</u></li> </ul>	<u>Requires an approved Special Area Plan that details UPA, FAR, and ISR</u>	

\*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 the Countywide Rules to use the Alternative Temporary Lodging Use Standards. When using Alternative Temporary Lodging Use Standards, the Floor Area Ratio accounts for the entire project as detailed in the Countywide Rules.

\*\*RFH must only be used as an Alternative Temporary Lodging Use Standard in the PR-MU as detailed in the Madeira Beach Town Center Special Area Plan. A rezone to PD and accompanying Development Agreement are required to use the RFH Category. The Development Agreement must follow all required standards in the Countywide Rules to use the Alternative Temporary Lodging Use Standards. When using Alternative Temporary Lodging Use Standards, the Floor Area Ratio accounts for the entire project as detailed in the Countywide Rules.

\*\*\*Permitted Uses Subject to Acreage Thresholds Uses Subject to Five Acre Maximum – Institutional; Transportation/Utility; Ancillary Nonresidential

\*\*\*\*Uses Subject to Five Acre Maximum – Institutional (except Public Educational Facilities which are not subject to this threshold, pursuant to the provisions of Section 6.5.4.2 in the Countywide Rules).

**RESIDENTIAL:**

Residential Urban (RU), density of 0 to 7.5 residential units per acre, excluding residential

~~equivalent uses and institutional uses.~~

~~Residential Medium (RM), density of 0 to 15.0 residential units per acre, excluding residential equivalent uses and institutional uses.~~

**Policy 4.1.1.2:**

~~The future land use plan categories identified and defined in this policy govern mixed-use development within the City. These future land use plan categories are consistent with primary and secondary uses and maximum density and intensity standards listed in the Pinellas County Countywide Plan Rules, except as specifically modified herein.~~

**MIXED USE:**

~~Resort Facilities Medium (RFM), a residential density of 0 to 18 units per acre, and temporary lodging with maximum density and intensity standards in Table 4.0 below. With an approximate distribution of 70 to 100 percent residential uses, 0 to 20 percent nonresidential uses, and 0 to 10 percent “other” uses.~~

~~RFM does not allow residential equivalent uses.~~

~~Temporary Lodging Density and Intensity Standards for the RFM future land use plan category are as follows, subject to specific standards provided in a Development Agreement required by the City’s land development regulations.~~

Table 4.0

Land Area	Units per Acre	FAR	ISR
Less than 1 acre	45	1.0	0.85
Between one acre and three acres	60	1.5	0.85
Greater than three acres	75	2.0	0.85

~~Resort Facilities High (RFH), with a residential density 0 to 15 dwelling units per acre and temporary lodging with maximum density and intensity standards as shown in Table 4.1, below, with an approximate percentage distribution of 70 to 100 percent temporary lodging uses, 0 to 20 percent tourist-related commercial uses, and 0 to 10 percent residential uses. RFH does not include residential equivalent uses.~~

~~All applications for the RFH future land use plan category require corresponding rezoning of the subject property to the PD, Planned Development zoning district pursuant to the procedures and requirements of the PD district provided in the City’s land development regulations.~~

~~Temporary Lodging density and intensity standards for the RFH future land use plan~~

category are as follows, subject to the specific standards provided in a Development Agreement required by the City's land development regulations.

**Table 4.1**

Land Area	Units per Acre	FAR	ISR
Less than 1 acre	75	2.0	0.95
Between one acre and three acres	100	3.0	0.95
Greater than three acres	125	4.0	0.95

~~Residential/Office/Retail (R/O/R), with a residential density of 0 to 18 units per acre and a temporary lodging density of up to 45 units per acre with a maximum FAR of 1.0 and an ISR of 0.85 and a percentage distribution of 30 to 50 percent residential uses, 30 to 60 percent nonresidential uses, and 0 to 20 percent "other" uses. R/O/R will not include residential equivalent, research/development, and light manufacturing/assembly uses.~~

~~Planned Redevelopment—Mixed Use (PR-MU), The purpose of this category is to depict those areas that are developed with a collection of temporary lodging, residential, office, and commercial uses, along corridors, adjacent to neighborhoods, or within distinct areas that are interrelated and complimentary. This category is intended to facilitate infill development and redevelopment of these areas to create a desirable mix of non-residential and residential uses by promoting aesthetically pleasing, safe environments, and buildings that are compatible with the area's character, uses, and transportation facilities.~~

~~The uses, development standards, density/intensity standards, and locational characteristics associated with this category must be set forth in a Special Area Plan approved by the Board of Commissioners. The Special Area Plan (and any substantive changes to an approved Special Area Plan) are subject to review by and approval of the Countywide Planning Authority upon recommendation of the Pinellas Planning Council pursuant to the applicable Countywide Plan Rules. Each Special Area Plan establishes the density, intensity, and mix of permitted uses, and must include, at a minimum, information addressing the requirements for Special Area Plans or their equivalent as required by the Countywide Plan Rules.~~

**Policy 4.1.1.3:**

~~The future land use plan categories identified and defined in this policy govern commercial and other uses within the City. These future land use plan categories are consistent with primary and secondary uses and maximum intensity standards listed in the Pinellas Planning Council Countywide Plan Rules, except as specifically modified herein.~~

**COMMERCIAL**

~~Commercial General (CG), with a density of 0 to 15 residential units per acre for multifamily dwellings and a temporary lodging density of up to 60 units per acre with a maximum floor area ratio (FAR) of 1.2 and impervious surface ratio (ISR) of 0.9 CG does not allow residential equivalent uses.~~

#### ~~PUBLIC / SEMI-PUBLIC~~

~~Recreation/Open Space, (R/OS), with a maximum FAR of 0.25. R/OS does not allow golf course/clubhouse uses and does not allow the transfer of development entitlements or rights.~~

~~Preservation (P), with a maximum FAR of 0.1. The preservation future land use plan category does not allow the transfer of development entitlements or rights.~~

~~Institutional (I), with a density of 0 to 10 residential units per acre), with a maximum FAR of 0.65 and ISR of 0.7. Institutional uses do not include residential equivalent uses.~~

~~Transportation/Utility (T/U), with a maximum FAR of 0.7 and ISR of 0.7.~~

**Section 2.** That Policy 4.1.1.4 of Section 4.0, Future Land Use Element, of the City of Madeira Beach Comprehensive Plan, shall hereby be renumbered to Policy 4.1.1.2 as follows:

#### **Policy 4.1.1.42:**

Zoning districts that define specific uses and development densities and intensities implementing these future land use plan categories are included within the City of Madeira Beach land development regulations.

**Section 3.** 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 4.** Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.



**Section 5.** 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 6.** The Codifier shall codify the substantive amendments to the Land Development Code of the City of Madeira Beach contained in Sections 1 and 2 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 7.** Pursuant to Section 163.3184(3), Florida Statutes, the effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS \_\_\_\_\_day of \_\_\_\_\_, 2023.**

\_\_\_\_\_  
James "Jim" Rostek, 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: \_\_\_\_\_