



300 Municipal Drive  
Madeira Beach, Florida 33708  
(727) 391-9951  
Fax (727) 399-1131  
[www.madeirabeachfl.gov](http://www.madeirabeachfl.gov)

October 12, 2022

D. Ray Eubanks  
Plan Processing Administrator  
Florida Department of Economic Opportunity  
Caldwell Building  
107 East Madison Street  
Tallahassee, Florida 32399

Dear Mr. Eubanks:

The City of Madeira Beach Comprehensive Plan Amendment, Ordinance 2022-03, is hereby transmitted to the Florida Department of Economic Opportunity (DEO) pursuant to the requirement of Section 163.3184(3)(b), Florida Statutes. The amendment, first heard on January 12, 2022, establishes a Land Use Category for Activity Center in the City's Comprehensive Plan. Included in the packet is the letter from the DEO dated March 28, 2022, indicating that Ordinance 2022-03 should be resubmitted after the Property Rights element has been adopted.

If there are additional requirements or if more information is needed, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Rowan".

Jennifer Rowan  
Senior Planner

Encl.: Ordinance 2022-03 and Previous DEO Response Letter

## ORDINANCE 2022-03

### **AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO ESTABLISH A LAND USE CATEGORY FOR ACTIVITY CENTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.**

**WHEREAS**, City staff has reviewed the future land use element of the City's Comprehensive Plan; and

**WHEREAS**, City staff has recommended that the future land use element be updated to establish a land use category of Activity Center for the potential use of new Activity Centers within the city limits; and

**WHEREAS**, the Department of Economic Opportunity, in its function as the State Land Planning Agency, has reviewed and provided comment on the amendment to the Comprehensive Plan in accordance with Florida Statute 163.3184.

### **NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1:** That Section 4.0, Future Land Use Element, Policy 1.1.2 of the City of Madeira Beach Comprehensive Plan, Policy is hereby amended to read as follows:

#### **Policy 1.1.2:**

The City of Madeira Beach hereby adopts those land use categories identified and defined in this policy as those which shall govern mixed-use development within the community pursuant to Rule 9J-5.006(3)(c)7, Florida Administrative Code. These land use categories shall be consistent with primary and secondary uses and maximum density and intensity standards listed in the Pinellas Planning Council Countywide Plan Rules, except as specifically modified herein.

#### **MIXED USE:**

Resort Facilities Medium (RFM), with a residential density of 0 to 18 units per acre and temporary lodging with maximum density and intensity standards as shown in the table below with an approximate percentage distribution of 70 to 100 percent residential, 0 to 20 percent nonresidential, and 0 to 10 percent "other". RFM shall not include residential equivalent uses.

Temporary Lodging Density and Intensity Standards for the RFM land use plan category are as follows, subject to the specific standards to be set forth in a Development Agreement as provided for in the City's land development regulations.

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 of 0 to 15 dwelling units per acre and temporary lodging with maximum density and intensity standards as shown in the table below, with an approximate percentage distribution of 70 to 100 percent temporary lodging use, 0 to 20 percent tourist-related commercial, and 0 to 10 percent residential. RFH shall not include residential equivalent uses.

All applications for the Resort Facilities high plan category shall require corresponding rezoning to the PD, Planned Development zoning district pursuant to the procedures and requirements of the PD district set forth in the City's land development regulations.

Temporary Lodging Density and intensity Standards for the RFH land use plan category are as follows, subject to the specific standards to be set forth in a Development Agreement as provided for in the City's land development regulations.

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, 30 to 60 percent nonresidential, and 0 to 20 percent "other". R/O/R shall 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 should facilitate infill 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,

Special Area Plan approved by the Board of Commissioners. The Special Area Plan (and any substantive changes to an approved special area plan) shall be 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 shall establish the density, intensity, and mix of permitted uses, and shall include, at a minimum, information addressing the requirements for special area plans or their equivalent as set forth in the Countywide Plan Rules.

Activity Center – AC, each activity center is regulated by a Special Area Plan.

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) shall be 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 shall establish the density, intensity, and mix of permitted uses, and shall include, at a minimum, information addressing the requirements for special area plans or their equivalent as set forth in the Countywide Plan Rules.

**SECTION 2:** That the provisions of this Ordinance shall be deemed severable. If any part of the Ordinance is deemed unconstitutional, it shall not affect the constitutionality of other portions of the Ordinance.

**SECTION 3:** That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be hereby repealed insofar as the same affect this Ordinance.

**SECTION 4:** That the effective date of this Plan Amendment shall be thirty-one (31) days after adoption, unless the amendment is challenged pursuant to Section 163.3187(5), Florida Statutes. If challenged, the effective date of this amendment shall be the date a Final Order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. No development orders, development permits or land uses dependent on this amendment may be issued or commenced 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 the Resolution shall be sent to the Department of Economic Opportunity, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

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

THIS \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
JOHN B. HENDRICKS, Mayor

ATTEST:

\_\_\_\_\_  
CLARA VANBLARGAN, MMC, MSM, City Clerk

PASSED ON FIRST  
READING:

PUBLISHED:  
PASSED ON SECOND  
READING:

APPROVED AS TO FORM:

\_\_\_\_\_  
THOMAS J. TRASK, City Attorney

**Ron DeSantis**  
GOVERNOR



**Dane Eagle**  
SECRETARY

March 28, 2022

Ms. Linda Portal  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, Florida 33708

RE: 2<sup>nd</sup> Reading of Ordinance 2022-03

Dear Ms. Portal:

The Department has received a large-scale amendment adopted by Ordinance No. 2022-03 on February 9, 2022. The amendment package is being returned to the City for the following reasons:

- The Department did not receive the proposed amendment for initial review and therefore, the City did not have the authority to adopt Ordinance No. 2022-03 on February 9, 2022.
- Section 163.3177(6)(i), F.S., precludes local governments from amending their comprehensive plan until the property rights element has been adopted.

The Department is returning the adopted amendment. The City should:

- rescind the ordinance adopting the plan amendment and transmit the proposed amendment following the procedures outlined in Sections 163.3174(4)(a), 163.3184(11), and 163.3184(3), Florida Statutes;
- transmit the proposed property rights element amendment under the expedited state review process under Section 163.3184, Florida Statutes. The City may resubmit the proposed amendment to the Department as part of the proposed property rights element amendment package or after the property rights element has been adopted.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.FloridaJobs.org](http://www.FloridaJobs.org)  
[www.twitter.com/FLDEO](https://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

Ms. Linda Portal  
March 28, 2022  
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If you have any questions concerning this request, please contact Ray Eubanks by email at [ray.eubank@deo.myflorida.com](mailto:ray.eubank@deo.myflorida.com) or by phone at (850) 717-8483.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Ray Eubanks".

D. Ray Eubanks  
Plan Processing Administrator

DRE/dh