

ORDINANCE 2023-15

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; REPEALING ORDINANCE 2022-03; 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 amended to establish a land use category of Activity Center for the potential use of new Activity Centers within the city limits; and

WHEREAS, an ordinance establishing the land use category of Activity Center within the city limits (Ordinance 2022-03) was adopted prior to it being reviewed by the Department of Economic Opportunity as required by law; and

WHEREAS, the purpose of this ordinance is to repeal Ordinance 2022-03 and provide the Department of Economic Opportunity with the required opportunity to review the amendment to the future land use element that establishes a land use category for Activity Center within the city limits; and

WHEREAS, the Department of Economic Opportunity, in its function as the State Land Planning Agency, has reviewed and provided comments 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 4.1.1.2 of the City of Madeira Beach Comprehensive Plan, Policy is hereby amended to add the following paragraph at the end of said policy:

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

The purpose of this category is to recognize those areas that are identified and planned for in detail based on their unique location, intended use, appropriate density/intensity, and pertinent planning considerations. This category should facilitate infill and redevelopment to create a mix of uses that promotes an aesthetically pleasing and safe built environment that is 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 Forward Pinellas pursuant to The Countywide 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 set forth in The Countywide Rules.

SECTION 2: That Ordinance 2022-03 is hereby repealed.

SECTION 3: 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 4: 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 5: 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 _____, 2023.

JAMES ROSTEK, 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