



**BOARD OF COMMISSIONERS  
REGULAR MEETING AGENDA  
Wednesday, October 11, 2023 at 6:00 PM  
Commission Chambers, 300 Municipal Drive,  
Madeira Beach, FL 33708**

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The Board of Commissioners of the City of Madeira Beach, Florida will meet in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida to discuss the agenda items of City Business listed at the time indicated below. Meetings will be televised on Spectrum Channel 640 and YouTube Streamed on the City's Website.

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- 1. CALL TO ORDER**
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE - City Attorney Thomas Trask**
- 3. ROLL CALL**
- 4. APPROVAL OF THE AGENDA**
- 5. PROCLAMATIONS - Mayor/City Clerk**
  - A.** Domestic Violence Awareness Month - October 2023
  - B.** Fire Prevention Week; October 8 - 14, 2023
  - C.** Florida City Government Week; October 16-22, 2023
- 6. PRESENTATIONS (limited to 10 minutes each)**
- 7. PUBLIC COMMENT**

*Public participation is encouraged. If you are addressing the Commission, step to the podium and state your name and address for the record. Please limit your comments to five (5) minutes and do not include any topic on the agenda. Public comment on agenda items will be allowed when they come up.*

*If you would like someone at the City to follow up on a comment or question made at the meeting, you may fill out a comment card with the contact information and give it to the City Manager. Comment cards are available at the back table in the Commission Chambers. It is not mandatory to complete a comment card.*

*For any quasi-judicial public hearings that might be on the agenda, an affected person may become a party to a quasi-judicial proceeding and can be entitled to present evidence at the hearing, including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing a notice of intent to be a party with the Community Development Director not less than five days prior to the hearing.*

## **8. CONSENT AGENDA**

*Any member of the Board of Commissioners can ask to pull a consent item for separate discussion and vote.*

### **A. Approval of Minutes**

## **9. PUBLIC HEARINGS**

**A.** Resolution 2023-11, Disposition of Municipal Property for Affordable Housing

**B.** ABP 2023-06 Barefoot Beach Club

**C.** Ordinance 2023-07, Whistleblower Ordinance - 1st Reading & Public Hearing

**D.** Ordinance 2023-19 Definitions to be consistent with Forward Pinellas

**E.** Ordinance 2023-22 Future Land Use Element to be consistent with Forward Pinellas

**F.** Ordinance 2023-26: R-3 Medium Density Multifamily Residential Zoning District to be consistent with the Countywide Plan

**G.** Ordinance 2023-27: C-1 Tourist Commercial Zoning District to be consistent with the Countywide Plan

**H.** Ordinance 2023-28: C-2 John's Pass Marine Commercial Zoning District to be consistent with the Countywide Plan

**I.** Ordinance 2023-29: C-3 Retail Commercial Zoning District to be consistent with the Countywide Plan

**J.** Ordinance 2023-30: C-4 Marine Commercial Zoning District to be consistent with the Countywide Plan

## **10. UNFINISHED BUSINESS**

## **11. CONTRACTS/AGREEMENTS**

**A.** Approve City Attorney Agreement



- B.** Approve Annual PCSO Law Enforcement Services Agreement

**12. NEW BUSINESS**

- A.** Appointment to Planning Commission

**13. STAFF REPORTS**

**14. AGENDA SETTING - October 25, 2023 BOC Workshop Meeting**

- A.** John's Pass Village Activity Center Alternative Compromise Forward Pinellas
- B.** Special Events Parking at Library, City Hall, Rex Place
- C.** Smoking/Vaping Ban on Sand, Parks
- D.** City Economy
- E.** City Lobbyist - 2024 Legislature
- F.** IAFF Salary Discussion
- G.** Discussion - Changing the Candidate Qualifying Period beginning March 2025 from the first Two Weeks to the first One Week in December, excluding weekends [*City Charter, Sec. 3.3 Nomination of Board of Commissioners, A. Filing*]

**15. REPORTS/CORRESPONDENCE**

- A. Board of Commissioners**
- B. City Attorney**
- C. City Manager**
- D. City Clerk**

**16. ADJOURNMENT**

**One or more Elected or Appointed Officials may be in attendance.**

*Any person who decides to appeal any decision of the Board of Commissioners 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 which the appeal is to be based. The law does not require the minutes to be transcribed verbatim; 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 to participate in this*

*meeting should call the City Clerk at 727-391-9951, ext. 231 or 232 or fax a written request to 727-399-1131.*

## PROCLAMATION DOMESTIC VIOLENCE AWARENESS MONTH

**WHEREAS**, domestic violence is a pattern of abusive behavior in any relationship that one partner uses to gain or maintain power and control over their intimate partner; and

**WHEREAS**, the problems of domestic abuse are not confined to any one group of people but affect people across all economic statuses, races and ethnicities, sexual orientations, cultures, and societies; and

**WHEREAS**, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity due to the systematic use of physical, emotional, sexual, psychological, and economic control and/or abuse; and

**WHEREAS**, the impact of domestic violence is wide-ranging, directly affecting women, children, men, and society as a whole; and

**WHEREAS**, Hope Villages of America has provided support, safety, and advocacy to domestic violence survivors and their children throughout Pinellas County for over 50 years.

**NOW, THEREFORE**, I, James "Jim" Rostek, Mayor of the City of Madeira Beach, Florida, do hereby proclaim October 2023 to be

## DOMESTIC VIOLENCE AWARENESS MONTH

in the City of Madeira Beach, I urge residents to actively participate in the activities and programs that Hope Villages of America sponsored to work toward eliminating violence.

**IN WITNESS WHEREOF**, I, have set my hand and caused the official Seal of the City of Madeira Beach, County of Pinellas, and State of Florida to be affixed this 11<sup>th</sup> day of October 2023.




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James "Jim" Rostek, Mayor

## PROCLAMATION

**WHEREAS**, the City of Madeira Beach, Florida is committed to ensuring the safety and security of all those living in and visiting our community; and

**WHEREAS**, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

**WHEREAS**, home fires caused 2,285 civilian deaths in the United States in 2022, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 356,500 home fires; and

**WHEREAS**, smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as two minutes to escape safely; and

**WHEREAS**, working smoke alarms cut the risk of dying in reported home fires in half; and

**WHEREAS**, City of Madeira Beach residents should be sure everyone in the home understands the sounds of the smoke alarms and knows how to respond; and

**WHEREAS**, City of Madeira Beach residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

**WHEREAS**, City of Madeira Beach residents will make sure their smoke and carbon monoxide (CO) alarms meet the needs of all their family members, including those with sensory or physical disabilities; and

**WHEREAS**, City of Madeira Beach first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

**WHEREAS**, City of Madeira Beach residents that are responsive to public education measures are better able to take personal steps to increase their safety from fire, especially in their homes; and

**WHEREAS**, the 2023 Fire Prevention Week™ theme, “**Fire Won’t Wait. Plan Your Escape.™**,” effectively serves to remind City of Madeira Beach it is important to have a home fire escape plan.

**THEREFORE**, I, James “Jim” Rostek, Mayor of City of Madeira Beach do hereby proclaim October 8-14, 2023, as

### **FIRE PREVENTION WEEK THROUGHOUT THIS COMMUNITY**

and urge all the people of the City of Madeira Beach to plan and practice a home fire escape plan for Fire Prevention Week 2023 and to support the many public safety activities and efforts of City of Madeira Beach fire and emergency services.

**IN WITNESS WHEREOF**, I have set my hand and caused the Official Seal of the City of Madeira Beach, County of Pinellas, and the State of Florida to be affixed this 11<sup>th</sup> day of October 2023.



\_\_\_\_\_  
James “Jim” Rostek, Mayor

**PROCLAMATION**  
**Florida City Government Week**  
**October 16-22, 2023**

**WHEREAS**, City government is the government closest to most citizens and the one with the most direct daily impact upon its residents; and

**WHEREAS**, Municipal government provides services and programs that enhance the quality of life for residents, making their city their home; and

**WHEREAS**, City government is administered for and by its citizens and is dependent upon public commitment to and understanding of its many responsibilities; and

**WHEREAS**, City government officials and employees share the responsibility to pass along the understanding of public services and their benefits; and

**WHEREAS**, Florida City Government Week offers an important opportunity for elected officials and City staff to spread the word to all citizens of Florida that they can shape and influence this branch of government; and

**WHEREAS**, the Florida League of Cities and its member cities have joined together to teach citizens about municipal government through a variety of activities.

**NOW, THEREFORE**, I, James "Jim" Rostek, Mayor of the City of Madeira Beach do recognize October 16-22, 2023, as

**Florida City Government Week**

And the City of Madeira Beach encourages all citizens to support the celebration and corresponding activities.

**PASSED AND ADOPTED** by the City of Madeira Beach this 11th day of October 2023.



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James "Jim" Rostek, Mayor



**MINUTES**

**BOARD OF COMMISSIONERS  
SPECIAL MEETING  
SEPTEMBER 13, 2023  
5:45 P.M.**

The City of Madeira Beach Board of Commissioners held a special meeting at 5:45 p.m. on September 13, 2023, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

**MEMBERS PRESENT:** James "Jim" Rostek, Mayor  
Ray Kerr, Vice Mayor/Commissioner District 2  
David Tagliarini, Commissioner District 1  
Eddie McGeehen, Commissioner District 3  
Anne-Marie Brooks, Commissioner District 4

**MEMBERS ABSENT:**

**CITY STAFF PRESENT:** Robin Gomez, City Manager (absent)  
Clara VanBlargan, City Clerk  
Andrew Laflin, Finance Director/City Treasurer  
Thomas Trask, City Attorney

**1. CALL TO ORDER**

Mayor Rostek called the meeting to order at 5:45 p.m.

**2. ROLL CALL**

City Clerk Clara VanBlargan called the roll. All were present.

**3. PUBLIC COMMENT**

There were no public comments.

**4. PUBLIC HEARINGS**

**A. Ordinance 2023-31, Establishing the Tentative Millage Rate for FY 2024 – 1<sup>st</sup> Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2023-31 in its entirety:

**ORDINANCE 2023-31**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, ESTABLISHING THE TENTATIVE MILLAGE RATE FOR FISCAL YEAR 2024, PROVIDING AND ANNOUNCING THE NAME OF THE TAXING AUTHORITY, THE ROLLED BACK MILLAGE RATE, THE PERCENTAGE INCREASE OVER THE ROLLED BACK MILLAGE RATE, AND THE MILLAGE RATE TO BE LEVIED AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes s. 200.065 requires the adoption of the millage rate by separate vote and prior to the adoption of the budget; and

**WHEREAS**, Florida Statutes s. 200.065 requires that prior to adoption of the millage-levy ordinance, the following be publicly announced: the name of the taxing authority, the rolled-back millage rate, the percentage increase over the rolled-back millage rate, and the millage rate to be levied; and

**WHEREAS**, in no event may the millage rate adopted exceed the millage rate tentatively adopted.

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

**SECTION 1.** The name of the taxing authority is the City of Madeira Beach.

**SECTION 2.** The rolled back millage rate for fiscal year 2024 is 2.4272 per \$1,000.

**SECTION 3.** The fiscal year 2024 proposed millage rate is 13.30% higher than the rolled back rate.

**SECTION 4.** The millage rate to be levied for fiscal year 2024 shall be 2.7500 per \$1,000.

**SECTION 5.** This ordinance shall become effective immediately upon its adoption.

**PASSED AND ADOPTED**, following a first reading and public hearing, this \_\_\_\_ day of \_\_\_\_\_, 2023 by the Board of Commissioners of the City of Madeira Beach, Florida.

There were no public comments.

Vice Mayor Kerr motioned to approve Ordinance 2023-31, establishing the Tentative Millage Rate for FY 2024, beginning October 1, 2023 and ending September 30, 2024, after 1<sup>st</sup> reading and public hearing. Commissioner Tagliarini seconded the motion.

ROLL CALL:

Vice Mayor Kerr	“YES”
Commissioner Tagliarini	“YES”
Commissioner McGeehen	“YES”
Commissioner Brooks	“YES”
Mayor Rostek	“YES”

The motion carried 5-0.

**B. Ordinance 2023-32, Adopting the Budget for Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024 – 1<sup>st</sup> Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2023-32 in its entirety:

**ORDINANCE 2023-32**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes s. 166.241 requires the adoption of a budget each fiscal year; and

**WHEREAS**, the amount available from taxation and other sources, including balances brought forward from prior years, must equal the total appropriations for expenditures and reserves; and

**WHEREAS**, at a minimum, the adopted budget must show for each fund, as required by law and sound financial practices, budgeted revenues and expenditures by organizational unit which are at least at the level of detail required for the annual financial report required under s. 218.32(1).

**WHEREAS**, the adopted budget must regulate expenditures of the municipality, and an officer of a municipal government may not expend or contract for expenditures in any fiscal year except as pursuant to the adopted budget; and

**WHEREAS**, the City of Madeira Beach Tentative Fiscal Year 2024 Budget is balanced; is presented at the level of detail required to file the annual financial report; and shall regulate expenditures of the City for the period beginning October 1, 2023 and ending September 30, 2024.



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

**SECTION 1.** The tentative budget for the fiscal year beginning October 1, 2023 and ending September 30, 2024 attached hereto as Exhibit A is hereby adopted.

**SECTION 2.** This ordinance shall become effective immediately upon its adoption.

**PASSED AND ADOPTED,** following a first reading and public hearing, this \_\_\_ day of \_\_\_\_\_, 2023 by the Board of Commissioners of the City of Madeira Beach, Florida.

There were no public comments.

Commissioner Tagliarini motioned to approve Ordinance 2023-32, adopting the Fiscal Year 2024 Budget, beginning October 1, 2023, and ending September 30, 2024, after 1<sup>st</sup> reading and public hearing. Commissioner Brooks seconded the motion.

**ROLL CALL:**

Commissioner Tagliarini	“YES”
Commissioner Brooks	“YES”
Commissioner McGeehen	“YES”
Vice Mayor Kerr	“YES”
Mayor Rostek	“YES”

The motion carried 5-0.

**5. ADJOURNMENT**

Mayor Rostek adjourned the meeting at 5:51 p.m.

\_\_\_\_\_  
James “Jim” Rostek, Mayor

ATTEST:

\_\_\_\_\_  
Clara VanBlargan, MMC, MSM, City Clerk



**MINUTES**

**BOARD OF COMMISSIONERS  
REGULAR MEETING  
SEPTEMBER 13, 2023  
6:00 P.M.**

The City of Madeira Beach Board of Commissioners held a regular meeting at 6:00 p.m. on September 13, 2023, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

**MEMBERS PRESENT:** James "Jim" Rostek, Mayor  
Ray Kerr, Vice Mayor/Commissioner District 2  
David Tagliarini, Commissioner District 1  
Eddie McGeehen, Commissioner District 3  
Anne-Marie Brooks, Commissioner District 4

**MEMBERS ABSENT:**

**CITY STAFF PRESENT:** Robin Gomez, City Manager (absent)  
Clara VanBlargan, City Clerk  
Andrew Laflin, Finance Director/City Treasurer  
Thomas Trask, City Attorney

**1. CALL TO ORDER**

Mayor Rostek called the meeting to order at 6:00 p.m.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

City Attorney Tom Trask gave the Invocation and led the Pledge of Allegiance.

**3. ROLL CALL**

City Clerk Clara VanBlargan called the roll. All were present.

**4. APPROVAL OF THE AGENDA**

Vice Mayor Kerr motioned to approve the agenda as written. Commissioner Brooks seconded the motion.

**ROLL CALL:**

Vice Mayor Kerr "YES"  
Commissioner Brooks "YES"

Commissioner Tagliarini	"YES"
Commissioner McGeehen	"YES"
Mayor Rostek	"YES"

The motion carried 5-0.

**5. PROCLAMATIONS**

There were no proclamations.

**6. PRESENTATIONS**

There were no presentations.

**7. PUBLIC COMMENT**

There were no public comments.

**8. CONSENT AGENDA**

**A. Approval of Minutes**

- **2023-08-09, BOC Special Meeting Minutes**
- **2023-08-09, BOC Regular Meeting Minutes**
- **2023-08-23, BOC Budget Workshop Meeting Minutes**
- **2013-08-23, BOC Regular Workshop Meeting Minutes**
- **2023-08-28, BOC State of Local Emergency Meeting Minutes**

**B. Request for Information (RFI) Continuing Engineering Consultants and Urban Design Services Contract Approval**

**C. Approval of 2023, Emergency Medical Services, ALS First Responder Agreement**

Vice Mayor Kerr motioned to approve the Consent Agenda as written. Commissioner Brooks seconded the motion.

**ROLL CALL:**

Vice Mayor Kerr	"YES"
Commissioner Brooks	"YES"
Commissioner McGeehen	"YES"
Commissioner Tagliarini	"YES"
Mayor Rostek	"YES"

The motion carried 5-0.

## 9. PUBLIC HEARINGS

### A. Ordinance 2023-18, Fees & Collection Procedures Manual FY 2023 – 2<sup>nd</sup> Reading & Public Hearing

City Attorney Tom Trask read Ordinance 2023-18 by title only:

#### ORDINANCE 2023-18

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE FEES AND COLLECTIONS PROCEDURES MANUAL THAT WAS AMENDED BY ORDINANCE 2023-05, PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

Mayor Rostek opened to public comment. There were no public comments.

Commissioner Tagliarini motioned to adopt Ordinance 2023-18, Fees & Collection Procedures Manual FY 2023, after second reading & public hearing. Commissioner McGeehen seconded the motion.

#### ROLL CALL:

Commissioner Tagliarini	"YES"
Commissioner McGeehen	"YES"
Commissioner Brooks	"YES"
Vice Mayor Kerr	"YES"
Mayor Rostek	"YES"

The motion carried 5-0.

### B. Ordinance 2023-23, Board of Commissioners Compensation and Health Insurance – 2<sup>nd</sup> Reading & Public Hearing

City Attorney Tom Trask read Ordinance 2023-23 by title only:

#### ORDINANCE 2023-23

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, ESTABLISHING THE ANNUAL SALARY OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH; PROVIDING THE OPTION TO WAIVE THE SALARY AND OBTAIN THE SAME HEALTH INSURANCE AS CITY EMPLOYEES AT THE SAME RATE THAT CITY EMPLOYEES ENJOY; PROVIDING FOR THE EFFECTIVE DATE OF THE NEW SALARIES; PROVIDING FOR THE REPEAL OF ANY ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY;**

**AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Rostek opened to public comment. There were no public comments.

Commissioner Brooks restated her opposition to the ordinance. She reminded everyone the Commissioners make \$7,500 a year, and the Mayor makes \$10,000. They are voting to essentially raise salaries to \$20,000 per Commissioner. Running for office should not be rooted in health insurance. She thought it was wrong to do it in order to get people to run.

Commissioner Tagliarini motioned to adopt Ordinance 2023-23, Board of Commissioners Compensation and Health Insurance after second reading & public hearing. Vice Mayor Kerr seconded the motion.

ROLL CALL:

Commissioner Tagliarini	"YES"
Vice Mayor Kerr	"YES"
Commissioner McGeehen	"YES"
Commissioner Brooks	"NO"
Mayor Rostek	"YES"

The motion carried 4-1.

**C. Ordinance 2023-24, FRS Reinstatement – 2<sup>nd</sup> Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2023-24 by title only:

**ORDINANCE 2023-24**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REINSTATING THE CITY'S MEMBERSHIP IN THE FLORIDA RETIREMENT SYSTEM; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Rostek opened to public comment. There were no public comments.

Vice Mayor Kerr motioned to adopt Ordinance 2023-24, FRS Reinstatement after second reading & public hearing. Commissioner Tagliarini seconded the motion.

ROLL CALL:

Vice Mayor Kerr	"YES"
Commissioner Tagliarini	"YES"
Commissioner McGeehen	"YES"
Commissioner Brooks	"YES"
Mayor Rostek	"YES"

The motion carried 5-0.

**D. Ordinance 2023-25, Adjusting Election District Boundaries – 2<sup>nd</sup> Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2023-25 by title only:

**ORDINANCE 2023-25**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, ADJUSTING THE EXISTING BOUNDARIES OF ELECTION DISTRICTS WITHIN THE CITY OF MADEIRA BEACH, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Rostek opened to public comment. There were no public comments.

Vice Mayor Kerr motioned to adopt Ordinance 2023-25, Adjusting Election District Boundaries after second reading & public hearing. Commissioner Brooks seconded the motion.

**ROLL CALL:**

Vice Mayor Kerr	"YES"
Commissioner Brooks	"YES"
Commissioner Tagliarini	"YES"
Commissioner McGeehen	"YES"
Mayor Rostek	"YES"

The motion carried 5-0.

**10. UNFINISHED BUSINESS**

**A. City Attorney Discussion/Selection**

Mayor Rostek opened to public comment.

Chuck Dillon, 529 Lillian Drive, said the Commission had a very tough decision to make.

Vice Mayor Kerr thought they would be represented well by either one of the two firms that responded to the RFQ.

Commissioner Brooks said they had two good interviews. She was asked the following three questions by a citizen:

1. What is the relationship she felt she has with the City Attorney? She found him to be responsive to anything she needed.
2. What does the City staff think of him? She heard all favorable information.
3. What did it mean to them with everything going on in the City? If they go along with the small number of people against the current attorney, what would they do if they do not like the next attorney? Would they be doing it again?

She said they have a current attorney who is “A” rated, and the things he is being accused of are not factual.

Commissioner McGeehen agreed with Commissioner Brooks. He thought the Trask law firm would be the best vote as they move forward.

Mayor Rostek said he knew 72 residents who would like to see it go back out to bid. Commissioner Brooks said she did not get that kind of feedback. She would not vote to send it back out to bid because they followed their own guidelines. They could change it going forward.

Vice Mayor Kerr said they have two qualified firms, and they need to move forward. Commissioner McGeehen agreed. Commissioner Tagliarini said he was not in favor of putting it out to bid.

The consensus of the Board was to choose one of the two firms that applied.

Vice Mayor Kerr summarized Attorney Sarah Johnston’s portfolio.

Vice Mayor Kerr obtained backup information from 2017 when City Attorney Trask decided not to renew his contract. It was important to know that he did not allow the City to be without representation. After reading the information sent to him, he could not find where he did not do what the City asked him to do. He did not see any reason why he should not be the permanent City Attorney.

Commissioner Brooks and Commissioner McGeehen agreed with Vice Mayor Kerr.

Vice Mayor Kerr motioned to retain Trask Daigneault LLP as the City Attorney. Commissioner Brooks seconded the motion.

ROLL CALL:

Vice Mayor Kerr	"YES"
Commissioner Brooks	"YES"
Commissioner McGeehen	"YES"
Commissioner Tagliarini	"YES"
Mayor Rostek	"NO"

The motion carried 4-1.

Vice Mayor Kerr said they appreciated Attorney Johnston for being in attendance and would like to have an open dialogue in the future.

**B. Amendment of Board of Commissioners Meeting Schedule**

Mayor Rostek opened to public comment. There were no public comments.

The City Clerk said she had a meeting to add to the schedule. The Civil Service Commission is asking for a joint meeting with the Board.

The consensus of the Board was to add a joint meeting with the Civil Service Commission to the calendar on Wednesday, October 25, 2023, at 3:30 p.m.

Commissioner Tagliarini motioned to change the December 13<sup>th</sup> meeting time from 6:00 p.m. to 2:00 p.m. and schedule a joint meeting with the Civil Service Commission on October 25<sup>th</sup> at 3:30 p.m. Commissioner Brooks seconded the motion.

**ROLL CALL:**

- Commissioner Tagliarini "YES"
- Commissioner Brooks "YES"
- Vice Mayor Kerr "YES"
- Commissioner McGeehen "YES"
- Mayor Rostek "YES"

The motion carried 5-0.

**11. CONTRACTS/AGREEMENTS**

**12. NEW BUSINESS**

**A. Appointments – Planning Commission**

The City Clerk said three seats are expiring on September 30<sup>th</sup> and two Commissioners applied for reappointment. The Board could accept them, or she could keep advertising until the all three seats are filled.

Mayor Rostek opened to public comment.

Mike Wyckoff, 161 131<sup>st</sup> Avenue East, introduced himself to the Board as the current Chair. He said he reapplied and would like to be considered to continue.

John Hendricks, 569 Normandy Road, said a new state law passed on financial disclosure that would also affect the Planning Commission. The City Clerk said it becomes effective January 1, 2024. The City Attorney confirmed it was Form 6.



Vice Mayor Kerr said the Planning Commission has been doing a great job, and he would endorse both applicants.

The Mayor asked where the position was advertised. The City Clerk said the Assistant to the City Manager, Megan Powers, put it on a social media site, the applications were put at the desk downstairs, and an ad in the newspaper would go out next Wednesday.

Commissioner Tagliarini motioned to reappoint Chuck Dillon and Michael Wyckoff to the Planning Commission for a new three-year term expiring on September 30, 2026. Commissioner Brooks seconded the motion.

**ROLL CALL:**

Commissioner Tagliarini	"YES"
Commissioner Brooks	"YES"
Commissioner McGeehen	"YES"
Vice Mayor Kerr	"YES"
Mayor Rostek	"YES"

The motion carried 5-0.

**13. STAFF REPORTS**

There were no staff reports.

**14. AGENDA SETTING – September 27, 2023 BOC Workshop Meeting**

- A. Smoking/Vaping Ban on Sand, Parks, Public Places**
- B. Special Events Parking at Library, City Hall, Rex Place**
- C. RFP – Master Plan**

**15. REPORTS/CORRESPONDENCE**

**A. Board of Commissioners**

The Board had no report.

**B. City Attorney**

The City Attorney thanked the Commission for the opportunity to represent them as the City Attorney. He would be happy to make any changes necessary to better represent them.

**C. City Manager**

**D. City Clerk**

The City Clerk had no report. She congratulated City Attorney Trask.

Chuck Dillon, 529 Lillian Drive, said the number of voters in the districts does not add up. 787, 787, 792, and 790 are 3156, not 3153, so there are three extra people. The City Clerk said the number of registered voters could change every day. The Mayor said the City Clerk would look at it and amend the numbers as needed. The City Clerk said they would notify the public of the changes in the districts now that it was approved.

Commissioner McGeehen said 144<sup>th</sup> Avenue experienced bad flooding during the hurricane. His girlfriend called the Cambria and asked if they could park in the parking garage, and they said no, it was \$129 per night to park there. His friends parked in John's Pass Parking Garage for \$60 per night. He asked if the Commission could get together with the Cambria and John's Pass and make it more fair for the residents that live here to park during a hurricane.

Fire Chief Clint Belk said they entered into an agreement with the Cambria in the Emergency Operations Plan one or two years ago. It was only for City vehicles when they ran out of room at the fire station.

The Mayor said maybe they need to meet with some of the local businesses that have the type of parking available and cut a deal for the residents.

The Fire Chief said he explained the call volume during the hurricane for four communities at the Redington Shores Commission meeting earlier. Redington Shores had three calls for service because they stressed evacuation. He considered that success.

Mike Meyer, 15342 Gulf Boulevard, said he was able to park at the Double Tree in Redington Beach for free, and they should be applauded for helping people. He asked if they had any plans to restore the Madeira Beach beaches. The Mayor said the beach groins did what they were supposed to do. The problem was the dunes were damaged. Recently, all the beach communities met with the Army Core, and they will not provide assistance unless 100% of the people sign off on the easements. In the end, Pinellas County would take care of them.

Commissioner Brooks asked if Director Wepfer could give an update on the permitting. Director Wepfer said they were not included in the beach renourishment because of the groin system. They do have a grant to do the restoration. Every year, Pinellas County does a sea oat availability and will calculate the amount of sea oats that can be planted. As far as restoring the dunes, anything that is seaward of the Coastal Construction Control line needs a permit through the Department of Environmental Protection.

The Mayor said he talked to Barry Burton about what happened to the beach, and he said the City Manager needed to get in touch with him because they could possibly be included in the permit process to repair the dunes.

## **16. ADJOURNMENT**

Mayor Rostek adjourned the meeting at 6:48 p.m.

\_\_\_\_\_  
James “Jim” Rostek, Mayor

ATTEST:

\_\_\_\_\_  
Clara VanBlargan, MMC, MSM, City Clerk

DRAFT



**MINUTES**

**BOARD OF COMMISSIONERS  
SPECIAL MEETING  
SEPTEMBER 27, 2023  
5:45 P.M.**

The City of Madeira Beach Board of Commissioners held a special meeting at 5:45 p.m. on September 27, 2023, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

**MEMBERS PRESENT:** James "Jim" Rostek, Mayor  
Ray Kerr, Vice Mayor/Commissioner District 2  
Eddie McGeehen, Commissioner District 3  
Anne-Marie Brooks, Commissioner District 4

**MEMBERS ABSENT:** David Tagliarini, Commissioner District 1

**CITY STAFF PRESENT:** Robin Gomez, City Manager  
Clara VanBlargan, City Clerk  
Andrew Laflin, Finance Director/City Treasurer  
Thomas Trask, City Attorney

**1. CALL TO ORDER**

Mayor Rostek called the meeting to order at 5:45 p.m.

**2. ROLL CALL**

City Clerk Clara VanBlargan called the roll. All were present.

**3. PUBLIC COMMENT**

There were no public comments.

**4. PUBLIC HEARINGS**

**A. Ordinance 2023-31, Establishing the Millage Rate for FY 2024 – 2nd Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2023-31 in its entirety:

**ORDINANCE 2023-31**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, ESTABLISHING THE MILLAGE RATE FOR FISCAL YEAR 2024, PROVIDING AND ANNOUNCING THE NAME OF THE TAXING AUTHORITY, THE ROLLED BACK MILLAGE RATE, THE PERCENTAGE INCREASE OVER THE ROLLED BACK MILLAGE RATE, AND THE MILLAGE RATE TO BE LEVIED AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes s. 200.065 requires the adoption of the millage rate by separate vote and prior to the adoption of the budget; and

**WHEREAS**, Florida Statutes s. 200.065 requires that prior to adoption of the millage-levy ordinance, the following be publicly announced: the name of the taxing authority, the rolled-back millage rate, the percentage increase over the rolled-back millage rate, and the millage rate to be levied; and

**WHEREAS**, in no event may the millage rate adopted exceed the millage rate tentatively adopted.

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

**SECTION 1.** The name of the taxing authority is the City of Madeira Beach.

**SECTION 2.** The rolled back millage rate for fiscal year 2024 is 2.4272 per \$1,000.

**SECTION 3.** The fiscal year 2024 proposed millage rate is 13.30% higher than the rolled back rate.

**SECTION 4.** The millage rate to be levied for fiscal year 2024 shall be 2.7500 per \$1,000.

**SECTION 5.** This ordinance shall become effective immediately upon its adoption.

Mayor Rostek opened to public comment.

There were no public comments.

Vice Mayor Kerr motioned to adopt Ordinance 2023-31, establishing the Millage Rate for FY 2024, beginning October 1, 2023, and ending September 30, 2024, after 2nd reading and public hearing. Commissioner Brooks seconded the motion.

ROLL CALL:

Vice Mayor Kerr	“YES”
Commissioner Brooks	“YES”
Commissioner McGeehen	“YES”
Mayor Rostek	“YES”

The motion carried 4-0; 5:50 p.m.

**B. Ordinance 2023-32, Adopting the Budget for Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024 – 2nd Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2023-32 in its entirety:

**ORDINANCE 2023-32**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes s. 166.241 requires the adoption of a budget each fiscal year; and

**WHEREAS**, the amount available from taxation and other sources, including balances brought forward from prior years, must equal the total appropriations for expenditures and reserves; and

**WHEREAS**, at a minimum, the adopted budget must show for each fund, as required by law and sound financial practices, budgeted revenues and expenditures by organizational unit which are at least at the level of detail required for the annual financial report required under s. 218.32(1).

**WHEREAS**, the adopted budget must regulate expenditures of the municipality, and an officer of a municipal government may not expend or contract for expenditures in any fiscal year except as pursuant to the adopted budget; and

**WHEREAS**, the City of Madeira Beach Tentative Fiscal Year 2024 Budget is balanced; is presented at the level of detail required to file the annual financial report; and shall regulate expenditures of the City for the period beginning October 1, 2023 and ending September 30, 2024.

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

**SECTION 1.** The budget for the fiscal year beginning October 1, 2023 and ending September 30, 2024 attached hereto as Exhibit A is hereby adopted.

**SECTION 2.** This ordinance shall become effective immediately upon its adoption.

Mayor Rostek opened to public comment.

There were no public comments.

Vice Mayor Kerr motioned to adopt Ordinance 2023-32, adopting the Fiscal Year 2024 Budget, beginning October 1, 2023, and ending September 30, 2024, after 2nd reading and public hearing. seconded the motion.

**ROLL CALL:**

Vice Mayor Kerr	“YES”
Commissioner McGeehen	“YES”
Commissioner Brooks	“YES”
Mayor Rostek	“YES”

The motion carried 4-0; 5:52 p.m.

**5. ADJOURNMENT**

Mayor Rostek adjourned the meeting at 5:52 p.m.

\_\_\_\_\_  
James “Jim” Rostek, Mayor

ATTEST:

\_\_\_\_\_  
Clara VanBlargan, MMC, MSM, City Clerk



**MINUTES**

**BOARD OF COMMISSIONERS**  
**REGULAR WORKSHOP MEETING**  
**SEPTEMBER 27, 2023**  
**6:00 P.M.**

The City of Madeira Beach Board of Commissioners held a regular workshop meeting at 6:00 p.m. on September 27, 2023, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

**MEMBERS PRESENT:** James “Jim” Rostek, Mayor  
Ray Kerr, Vice Mayor/Commissioner District 2  
Eddie McGeehen, Commissioner District 3  
Anne-Marie Brooks, Commissioner District 4

**MEMBERS ABSENT:** David Tagliarini, Commissioner District 1

**CITY STAFF PRESENT:** Robin Gomez, City Manager  
Clara VanBlargan, City Clerk  
Andrew Laflin, Finance Director/City Treasurer  
Thomas Trask, City Attorney

**1. CALL TO ORDER**

Mayor Rostek called the meeting to order at 6:00 p.m.

**2. ROLL CALL**

City Clerk Clara VanBlargan called the roll. Commissioner Tagliarini was absent.

**3. PUBLIC COMMENT**

There were no public comments.

**4. DISCUSSION ITEMS**

**A. FY 24 Pinellas County Sheriff’s Office Contract for Law Enforcement Services**

City Manager Robin Gomez said there were no changes in the level of service or personnel the City would receive. However, an almost eight percent increase is reflected in the agreement due to rising costs.



Captain Mike Leiner, Pinellas County Sheriff's Office, introduced himself and said he works as a liaison between ten cities that contract with the Sheriff's Office. There has always been a good working relationship with Madeira Beach. He offered to answer any questions from the Board.

Vice Mayor Kerr said it was a win-win. They would have all the resources available from Pinellas County as needed. The cost of living adjustments and equipment could be expected to go up, and that is realistic. He thought it was a great relationship.

Commissioner Brooks agreed and said her interactions with the deputies have been positive.

Commissioner McGeehen thanked Captain Leiner and his fellow deputies for their service.

Mayor Rostek said they have whatever they need, and it is a great relationship.

Captain Leiner said he enjoyed working with the City.

The City Manager said the agreement would be brought back to the October 11<sup>th</sup> meeting for a vote to adopt it. It was approved earlier tonight in the Fiscal Year 2024 budget.

#### **B. Special Magistrate Lein – 15350 Gulf Boulevard**

The Item was added to the agenda.

Mayor Rostek opened to public comment. There were no public comments.

City Attorney Thomas Trask said the property is owned by Victoria Cardona and gave the background on the case. It was a code enforcement case from November 2018 on a complaint the property was not being maintained. She failed to bring the property into compliance. He sent a demand letter to obtain compliance to Ms. Cardona. She spoke to the City Manager, who allowed her until July 31<sup>st</sup> to bring the property into compliance. He included the email exchange he had with Ms. Cardona and photographs in the agenda packet. He said he would be asking at the October 11<sup>th</sup> regular meeting for the Board's authority to file a Complaint for Injunctive Relief in the Circuit Court. In the Complaint, they would be asking for a Mandatory Injunction. The judge would give a certain time frame for the work to be completed, and if it is not, there could be sanctions. The Building Official and City Staff recommended the filing of the Complaint for Injunctive Relief.

The Mayor asked if the property was vacant or occupied. The City Attorney said it is occupied by the property owner. The Mayor asked if there were life safety issues that would evict the person. The City Attorney said it had not gotten to the point where the Building Official would issue the type of order. The Mayor asked what the total of the fine was. The City Attorney said it was \$250 per day since May 22, 2019. It was more than the unit was valued at. Once the property is brought into compliance, the fine would stop, and she could come to an agreement with the City for a reduced fine amount.

Vice Mayor Kerr said it had been one month shy of five years, and they would be negligent not to give the authority to file a complaint.

Commissioner McGeehen said the home looks like a perfect home for possums, rats, snakes, and raccoons. They need to worry about the neighbors that live next to it.

Commissioner Brooks asked if the owner had been to the City to have conversations. The City Manager said they spoke with her and a neighbor several months ago. The neighbor offered to help, but the owner later said she did not want the help. The owner assured them she would get it corrected. Commissioner Brooks agreed with Vice Mayor Kerr that they needed to do something.

Vice Mayor Kerr asked if she was claiming financial hardship. The City Attorney and the City Manager said it was never brought up. Vice Mayor Kerr suggested they give the authority at the next meeting.

The consensus of the Board was to vote on it at the October 11, 2023, regular meeting.

### **C. Madeira Beach Market Agreement**

Mayor Rostek opened to public comment. There were no public comments.

Recreation Director Jay Hatch said the contract is with Tampa Bay Markets for the Wednesday Morning Market on Madeira Way. He has worked with them for the past four or five years and had no issues. They added a caveat to the agreement stating if anything would disrupt Madeira Way, the City would work with them to find an alternative location.

Vice Mayor Kerr asked if there would be any major changes. Director Hatch said no, the City drops off cones in the morning and picks them up in the afternoon. They provide their insurance, vendors, and entertainment. The City Manager said the City collects \$50 per market day and a \$1000 damage deposit.

The consensus of the Board was to bring the agreement to the October 11<sup>th</sup> meeting for approval.

### **D. Recreation Center Solar – RFP**

Director Hatch explained the item and gave the background on it. Staff contracted with Wilson Girgenti Engineering to obtain drawings and plans for solar to be placed on the roof of the Recreation Center. They are looking to put the proposed project out for RFP. They have \$100,000 budgeted for it next year. He was hoping to utilize the \$383,544 in BP oil spill funds that have not been expended.

The Mayor thought it was an excellent idea. He asked how many panels would be needed, how much electricity it would generate, and how many years it would take to recoup their money. Director Hatch said 110 panels were proposed, and the simulation produced 72,920 kilowatt hours.

Vice Mayor Kerr asked if the state, county, or federal governments were contacted for grants. Director Hatch said his research found it is a tax break which would not help the City. He would continue to research for grants. Vice Mayor Kerr asked if it was on the lobbyist's list. The City

Manager said the lobbyist would be at the October workshop meeting, and solar panels were not at the top of the list.

Vice Mayor Kerr asked if the power that was created could be maintained in the batteries to use in any other part of the complex. Director Hatch said the design did not have a battery.

Commissioner Brooks asked if they looked at the Florida League of Cities grant portal. The City Manager said they were more for multi-structure usage. They would look into it if they would do a next phase of multiple structures.

Commissioner McGeehen said he thought it was a great idea.

#### **E. Aclarian Consulting Agreement FY 2024**

The City Manager said the item was to provide an update on the Finance Director/City Treasurer position. They have not received an opinion from the Attorney General on the letter the City Attorney wrote. He asked for direction from the Board.

The City Manager said Mr. Laflin prepared an agreement for October 1, 2023, to September 30, 2024. It gives either side a 30-day termination notice. If they hired a full-time Finance Director/City Treasurer, the total cost would be about \$175,000. The current contract with Aclarian is \$7,400 per month, and the proposed increase is \$7,800 per month.

Vice Mayor Kerr thought they should continue with the month-to-month. A full-time Finance Director was never a part of the change in the Charter. He would like to put out a part-time Finance Director/City Treasurer RFP to see what is out there. If they do not get any responses, the question will be answered.

Commissioner Brooks said they were going to wait for an opinion from the State before they made a decision. They do not need a full-time person, and they have a Finance Director who is doing a very good job. She did not want to get them in a position where they ended up taking somebody just because they could get them as an employee.

Vice Mayor Kerr agreed with Commissioner Brooks. They need to make sure they comply and make the best decisions. He would like to see the Attorney General's opinion on it and continue to talk with other cities.

Mayor Rostek said he thought they needed a full-time Finance Director because he was worried about the work-life balance for the employees who work a lot of overtime. Commissioner Brooks said maybe the City Manager or Mr. Laflin could provide more information about the department so they could discuss it more.

Mayor Rostek opened to public comment.

Doug Andrews, 90 141<sup>st</sup> Ave., said their job is to do what is in the best interest of the City. They are tasked with managing a balanced budget. They are spending money without any new

corresponding revenue to offset it. It has been proven they do not need a full-time Finance Director. Everything is working perfectly, and it should be left alone.

#### **F. Rules of Reading Emails into the Record**

Mayor Rostek opened to public comment. There were no public comments.

Commissioner Brooks said she asked for the item to be on the agenda. She is against reading emails and speaking in dialogue with residents when they come up to the podium. It shows favoritism to read one email and not all emails and to get in a dialogue with one resident but not everyone. They need to have some rules.

Vice Mayor Kerr agreed with Commissioner Brooks and thought it was a bad precedent.

The City Attorney read the Public Comment section from the Board of Commissioners Policy Handbook on page 16 of 20. (Resolution 2021-01; April 14, 2021)

Commissioner Brooks said they are serving the residents of Madeira Beach, not a single person, and doing what is best for the City. They should all be informed of the facts.

#### **G. Update on Ethics Complaint Against Former Vice Mayor Doug Andrews**

Commissioner Brooks asked for the item to be on the agenda because she would like the outcome on record so the residents understand where the City Manager and former Vice Mayor Andrews stand in the situation.

The City Manager said on June 14, 2023, the State of Florida Commission on Ethics filed a Public Report and Order dismissing the complaint for failure to constitute a legally sufficient complaint. The complaint failed to indicate a violation of the Florida Constitution. There appears to have been a subsequent complaint filed against the former Vice Mayor that appears to have been dismissed for lack of evidence.

Doug Andrews, 90 141<sup>st</sup> Ave., said he was the affected party. He is a resident and a town businessman, and protecting his reputation is of the utmost importance. He said he was owed an apology.

#### **H. Ordinance 2023-07, Whistleblower Ordinance**

The City Attorney said it was prepared by his Senior Associate, Rob Eschenfelder, a couple of years ago. It has been on hold because the Civil Service Commission was working on the Rules and Procedures. It is on the agenda for discussion and to ultimately get on the Commission agenda for consideration and approval. The ordinance does the following:

- It creates a process for investigating employee complaints against the City Manager. The complaint would go to the Mayor, who would have certain processes that he would go through.

- It creates a process to receive information from an employee, an independent contractor for the City, or an employee of an independent contractor. It allows an individual to make or disclose certain information that must fit into one of the following categories:
  - Any violation or suspected violation of any federal, state, or local law, rule, or regulation committed by an employee, agent, or independent contractor of the City which creates and presents a substantial and specific danger to the public's health, safety, or welfare.
  - Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of the City or independent contractor of the City.
- It prohibits retaliation. The City cannot retaliate against persons who have made disclosures.
- It provides a section relative to the persons protected by the disclosure.
- It addresses the confidentiality of the person. The identity of the person remains confidential during the complete investigation.

Commissioner Brooks questioned why the ordinance assigns the Mayor to make the decisions independently when they are a collective body that makes decisions collectively, and the Commission would not become involved until the investigation is complete. The City Attorney said they would not want too many people doing the investigating and not be able to come to a collective conclusion. The idea would be to have a point person with the help of the City Attorney's office when a complaint comes in. If the ordinance were adopted, the Mayor would be the point person. Commissioner Brooks agreed with it.

The consensus of the Board was to bring it back for 1<sup>st</sup> Reading and public hearing at the October 11<sup>th</sup> meeting.

### **I. Local Mitigation Strategy (LMS) Program**

The City Manager said the purpose was to go over the preparation work during and after Hurricane Idalia. The gulf water pushing up and over the sand caused some minor and major damage to approximately 100 structures. The County Administrator conferred with the County Emergency Operations Staff and the County offices and issued the evacuation order. Neither the Commission nor himself can give the order to evacuate or when to lift the evacuation. There was approximately a 75% evacuation rate in the City.

The City Manager said there were about 35 calls the Fire Department responded to. The two Emergency Operations Centers were City Hall and the Fire Department. The cameras installed last year were very helpful in seeing where the rising water was. At about 3:15 a.m., the Sheriff's Office gave the order to evacuate all deputies from the barrier island, and that is when he left. On

several occasions, the high-water vehicles rescued individuals and took them to the Publix shopping plaza. What to do after rescuing them was not coordinated. Fortunately, the storm did not have significant wind, and the First Responder Operations were not suspended.

The City Manager said the power outages affected the area between the Madeira Beach School just to the north of 150<sup>th</sup> Ave. to John's Pass. He returned to the island about 5:30 a.m., and the deputies returned between 6:00 a.m. and 6:15 a.m. The area of Gulf Boulevard and 141<sup>st</sup> Ave. appeared to be the most impacted by water. There was a significant amount of sand on Gulf Blvd. from 142<sup>nd</sup> Ave. to 137<sup>th</sup> Ave. The process to remove the sand began about 2:00 p.m. The County lifted the evacuation order effective at 5:00 p.m., but Madeira Beach was not quite ready for the residents to return, and there was a lot of traffic backup.

The City Manager said FEMA has been present since the day after the storm, and throughout the 11-county region for disaster recovery, \$58 million was approved for assistance to 29,400 households.

The City Manager said the City has been part of the Local Mitigation Strategy (LMS) Program, which allows property owners to flood-prone their homes either directly through FEMA or through a grant that went through the City. Marci Forbes, Development Engineer, said the City's participation in LMS is a way of saying the City is here to help the community become resilient. By participating in the program, it qualifies the City to receive grants.

Ms. Forbes said the Home Hazard Mitigation Grant Program is a post-disaster program, and the projects are predetermined by the jurisdiction and are always infrastructure-related. The FEMA is a pre-disaster grant program, and it allows for acquisition, elevation of an existing structure, or demolition reconstruction. They have a lot of limitations.

The City Manager said there would be more discussion at the October workshop meeting.

#### **J. Request for Qualifications for Urban Design Services to Create and Implement a City Master Plan**

Community Development Director Jenny Rowan said it would be the first step in redoing the City Master Plan.

Vice Mayor Kerr asked for the following change on page 78 of the agenda packet:

#### **IV. EXPERIENCE**

Interested firms must demonstrate:

1. Extensive experience in the field of planning, especially focused on the creation and implementation of Master plans for beach communities.

Director Rowan said they would make the change.

Vice Mayor Kerr asked how they planned on advertising the RFQ. Director Rowan said they have not gotten that far yet. The City Manager said it would be posted on the website, DemandStar, and sent to the American Planning Association and other professional organizations.

Vice Mayor Kerr said it is important for applicants to include a section on the history of Madeira Beach to make sure they understand where they have been so they can understand where they are going.

Vice Mayor Kerr would like an understanding of the beach economy to be included; where is the money spent, and where do they get the money? They need to understand it and be able to present it. Director Rowan said the history and the beach economy could be included in the RFQ under the Scope of Work on page 77 of the agenda packet.

Commissioner Brooks asked what step two would be. Director Rowan said the next step would be advertising. Her team has been focused on John's Pass Village and other issues they will present at the October workshop. She would like to get that finished and then focus on the RFQ. She thought it might go out to bid in December or January, so the Board would not see anything until February.

#### **K. Forward Pinellas Alternative Compromise for the John's Pass Village Activity Center Plan**

Director Rowan said John's Pass Village Activity Center would protect the Village and make sure they had compatible redevelopment in the area. They need to be consistent with the County-wide Plan, and they are being proactive in the planning. She reviewed the history of the item. Staff recommended the Board approve the alternative compromise recommendation for the John's Pass Village Activity Center Plan.

Director Rowan said text changes to the Land Development regulations will fix the inconsistencies on Gulf Blvd., and it will be presented at the next meeting. They want to make sure they are protecting John's Pass, the areas that are non-conforming, and make sure they have compatible redevelopment.

Director Rowan gave the following reasons why the boundary goes to 133<sup>rd</sup> Ave.:

- Closer to John's Pass Village are larger developments, and farther north on Gulf Blvd are more residential structures.
- The boundary in the Master Plan goes farther north than 133<sup>rd</sup> Ave., and they did not feel it was appropriate. They wanted to protect the residential areas.
- There are inconsistencies with the future land use and what is currently developed.

Director Rowan said they submitted their application to Forward Pinellas, and they responded with a recommendation for an alternate compromise. The application was submitted with a Community Center Level, and they are recommending the lower standards of a Neighborhood Center Level. They requested the residential units per acre and the Floor Area Ratio be reduced in a few of the character districts. Forward Pinellas provided the option of Alternative Temporary Lodging Use

Standards. A Development Agreement is required and must include requirements related to design standards, concurrency management standards, hurricane evacuation plans, and mobility management.

Director Rowan said it would be brought back to the October 11<sup>th</sup> meeting to vote on the alternative compromise.

Vice Mayor Kerr asked if a condo was commercial or residential. Director Rowan said they are residential, and they have the same density standards as vacation rentals. Andrew Morris, Long Range Planner, said he included in the agenda packet a list of 2019 Activity Centers in Pinellas County based on their subcategories. The neighborhood Centers are a more restrictive and smaller category and would protect what is already there. It is a very reasonable compromise.

Commissioner Brooks asked why the City applied for the Community Center Level instead of the Neighborhood Level because of the acreage. It does not appear they hold fast to the number. Director Rowan agreed.

Commissioner Brooks asked if there were to be a catastrophic event in John's Pass under the Neighborhood Center Level, would it be able to be rebuilt as it is? Director Rowan said yes.

Dave Hutson, 15308 Harbor Drive, said John's Pass Activity Center passed a year ago on 1<sup>st</sup> Reading. If they bring it back, would that be the 2<sup>nd</sup> Reading? Mr. Morris said it should be the 2<sup>nd</sup> Reading because Forward Pinellas and the State have reviewed it, and once it goes through the County Commission meeting, it would come back for 2<sup>nd</sup> Reading.

## 5. ADJOURNMENT

Mayor Rostek adjourned the meeting at 8:46 p.m.

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James "Jim" Rostek, Mayor

ATTEST:

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Clara VanBlargan, MMC, MSM, City Clerk



**RESOLUTION 2023-11**

**A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA ADOPTING AN INVENTORY OF CITY OWNED FEE SIMPLE PROPERTY AND DETERMINING NO SUCH PUBLIC PROPERTY IS APPROPRIATE OF USE AS AFFORDABLE HOUSING; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Section 166.0451, Florida Statutes requires each municipality by October 1, 2023 and every 3 years thereafter, to prepare an inventory list of all real property within its jurisdiction to which the municipality holds fee simple title that is appropriate for use as an affordable housing; and

**WHEREAS**, 24 parcels of land have been identified on the Florida Public Lands Inventory for 2023 as publicly owned lands of the City of Madeira Beach; and

**WHEREAS**, each of these parcels presently serves the City of Madeira Beach for government facilities, parks, beach accesses, street ends, storm-water facilities, parking, or are presently leased to a commercial entity.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, PINELLAS COUNTY, FLORIDA, AS FOLLOWS:**

1. The Board of Commissioners hereby adopts the inventory of city owned fee simple property, attached in Exhibit A and made part hereof.
2. The City of Madeira Beach Board of Commissioners concludes no parcels of land owned by the City of Madeira Beach are suitable for affordable housing.
3. This Resolution shall become effective immediately upon its adoption.

**INTRODUCED 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**

## RESOLUTION 2023-11 – EXHIBIT A

#	Address	Parcel #	Vacant/Improved	Short Legal Description
1.	300 Municipal Drive	09/31/15/00000/130/0100	Improved – City Hall, Library, and Rex Place Recreational Complex	CITY HALL COMPLEX DESC AS PT GOVT LOT 1, FROM SW COR OF MADEIRA BCH YACHT CLUB CONDO & E R/W OF MUNICIPAL DR TH N 118.45FT FOR POB TH CONT N 310FT (S) TH NW'LY ALG CURVE 112FT (S) TH NW'LY 200FT (S) TH W'LY 170FT (S) TO E R/W OF SECOND ST TH NE'LY 100FT TH SE'LY ALG SEAWALL 110FT TH NE'LY ALG SEAWALL 1710 FT(S) TO N COR OF CONDO TH SW'LY ALG CONDO 1671.13FT TO POB & ADJ SUBM LAND ON NW CONT 19.87 AC (C)
2.	15102 Gulf Boulevard	09/31/15/00000/130/0500	Improved – Archibald Park	MADEIRA BEACH VETS PARK BEING PT OF GOVT LOTS 1 & 2 DESC AS BEG 30FT SE OF N LINE OF GOVT LOT 2 & W R/W OF GULF BLVD TH SW'LY 290 FT (S) TO MHW TH NW'LY ALG MHW 510FT (S) TH NE'LY 320 FT (S) TO W R/W OF GULF BLVD TH SE'LY ALG GULF BLVD 225FT (S) TH SW'LY 17FT TH SE'LY 285FT (S) TO POB CONT 3.68AC (C)
3.	501 – 150 <sup>th</sup> Avenue	09/31/15/00000/140/0300	Improved – Marina and Public Works Complex	MADEIRA BEACH MARINA BEING PT GOVT LOT 1 DESC FR S LN OF GOVT LOT 1 & C/L 150TH AVE TH N44DE 1449.42FT TH S46DE 50 FT FOR POB TH N44DE 368.5FT TH S46DE 575 FT(S) TH S44DW 160FT TH S46DE 138FT TH S44DW 208.5 FT TH N46DW 710FT(S) TO POB CONT 5.74AC(C) TOGETHER WITH TIIF SLL #520011173 THRU 2/20/2013 PER O.R. 17229/553
4.	--	09/31/15/00000/140/0410	Vacant – Madeira Beach Causeway Park	PART OF SE 1/4 OF SEC DESC FR SE COR TR B MADEIRA BCH COMMERCIAL CTR RUN E 76.46 FT TH N63DE 21.34FT TH N44DE 160.76FT TH N48DE 134.76FT TH N44DE 404.97FT TH N46DW 3FT TH N44DE 243.17FT TH N43DE 66.43FT FOR POB TH N40DE 425.45FT TH N37DE 81.14FT TH N52DW 58FT TH N38DE 95.95FT TH N46DW 34.55FT TO WATER'S OF BOCA CIEGA BAY TO PT A TH RETURN TO POB TH N46DW 136.86FT TH ALG WATERS OF BOCA CIEGA BAY NE'LY TO POINT A & POB CONT 1.51AC(C)
5.	--	09/31/15/00000/410/0200	Vacant – Beach Access	BEACH ACCESS BEING A STRIP OF LAND 7.9FT WIDE LYING S OF SEAVIEW CONDO
6.	--	09/31/15/34308/001/0160	Vacant – Beach Access	GULF SHORES SUB BLK A, SE'LY 20FT OF LOT 16 FOR BEACH ACCESS
97848	--	09/31/15/52632/000/0390	Vacant – Harbor Drive Park	LONE PALM BEACH 5TH ADD REPLAT TRACT 1
8.	--	09/31/15/52614/004/0141	1 <sup>st</sup> Street E-- Improved – Lift Station	LONE PALM BEACH 5TH ADD BLK 4, PT OF LOT 14 FOR LIFT STATION DESC BEG MOST E'LY COR OF LOT 14 TH S40DW 47.07FT TH N50DW 35 FT TH N40DE 35FT TH CUR LT RAD 560FT ARC 37.03FT CB S69DE 37.02FT TO POB
9.	--	10/31/15/04482/003/0240	Vacant – Sunset Cove Park	BAY POINT ESTATES 1ST ADD PUBLIC PARK

10.	--	10/31/15/04500/002/0060	Vacant – Bay Point Drive Park	BAY POINT ESTATES 2ND ADD PARK
11.	--	10/31/15/19962/000/0561	Vacant – Island Drive Right-of-Way	CRYSTAL ISLAND S 10FT OF LOT 56
12.	449 Lillian Dr	10/31/15/19980/000/0830	Vacant – Teardrop Park	CRYSTAL ISLAND 1ST ADD PARK AREA ON LILLIAN DR
13.	14070 Gulf Blvd	10/31/15/34344/001/0011	Kitty Stuart Park	GULF SHORES 2ND ADD BLK A, SE'ERLY 63 2/3 FT OF LOT A
14.	--	10/31/15/34362/013/0210	N Bayshore Drive-- Vacant – Stormwater Station	GULF SHORES 3RD ADD BLK M, LOT A
15.	--	10/31/15/34380/016/0010	S Bayshore Dr-- Vacant – Lift Station	GULF SHORES 4TH ADD BLK P, LOT 1 LESS SE'LY 10 FT
16.	--	15/31/15/00000/420/0100	Vacant – John's Pass Park, parking	PARK AREA, BEING PT LOT 13 BLK 2 OF MITCHELL'S BCH & VAC SEAVIEW AVE & UPLANDS & SUBM DESC AS BEG AT S R/W OF 129TH AVE & W R/W OF GULF BLVD TH S09DE 339. 84 FT TH S16DE 50.74 FT TO SEAWALL TH S45DW 332.22 FT TH NW'LY 270 FT (S) TH N45 DE 355 FT TH N45DW 50 FT TO S R/W OF 129TH AVE TH N 45DE 140 FT (S) TO POB CONT 2.55 AC (C)
17.	--	15/31/15/25632/000/0010	Vacant – John's Pass Village, parking lot	ELLEN SUB LOTS 1,2 & 3 & 1/2 OF VAC ALLEY ON SW
18.	12928 Village Boulevard	15/31/15/58320/043/0200	Improved – Fantasy Planet Building	MITCHELL'S BEACH REVISED BLK 43, LOTS 20, 21 & 22 & 1/2 OF VAC ALLEY ON SW (LEASE W/FANTASY PLANET BEACH CO TILL 10/04)
19.	--	15/31/15/58320/011/0010	Vacant – Parking Lot	MITCHELL'S BEACH REVISED BLK 11, LOTS 1 AND 2 LESS RD R/W
20.	--	15/31/15/58320/003/0130	Vacant – Parking Lot	MITCHELL'S BEACH REVISED BLK 3, LOTS 13 & 14 LYING NW OF SURF SONG CONDO & LOTS 11 & 12 OF COOPERATIVE REPLAT LYING NE OF SURF SONG CONDO & VAC ALLEY BETWEEN
21.	--	15/31/15/58320/005/0050	Vacant – Parking Lot	MITCHELL'S BEACH REVISED BLK 5, LOTS 5 AND 6 LESS RD R/W
22.	--	15/31/15/97812/000/0270	Vacant – John's Pass Village, parking	WILLIAM'S, BILL MADEIRA HARBOR SUB LOT 27 & 1/2 OF VAC ALLEY ON SW
23.	--	15/31/15/97848/002/0110	Vacant – Water Access on 129 <sup>th</sup> Avenue	WILLIAM'S, BILL MADEIRA HARBOR SUB 2ND ADD BLK 2, AREA LYING NE'LY OF LOT 10, PLATTED AS EASEMENT & LAND TO SEAWALL
24.	--	15/31/15/97866/001/0130	Vacant – Park on 129 <sup>th</sup> Avenue	WILLIAM'S, BILL MADEIRA HARBOR SUB 3RD ADD BLK 1, PARK AREA LYING E OF LOT 12

# The Florida Senate

## 2022 Florida Statutes (including 2022C, 2022D, 2022A, and 2023B)

<p><u>Title XII</u> MUNICIPALITIES</p>	<p><u>Chapter 166</u> MUNICIPALITIES</p> <p><a href="#">Entire Chapter</a></p>	<p><b>SECTION 0451</b> <b>Disposition of municipal property for affordable housing.</b></p>
--	--	---

### **166.0451 Disposition of municipal property for affordable housing. —**

(1) By July 1, 2007, and every 3 years thereafter, each municipality shall prepare an inventory list of all real property within its jurisdiction to which the municipality holds fee simple title that is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such property and specify whether the property is vacant or improved. The governing body of the municipality must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. Following the public hearing, the governing body of the municipality shall adopt a resolution that includes an inventory list of such property.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the municipality may be offered for sale and the proceeds may be used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, or may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent affordable housing. Alternatively, the municipality may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term “affordable” has the same meaning as in s. [420.0004\(3\)](#).

**History.**—s. 4, ch. 2006-69.

Disclaimer: The information on this system is unverified. The journals or printed bills of the respective chambers should be consulted for official purposes.

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## Memorandum

**Meeting Details:** October 11, 2023 – BOC Regular Meeting

**Prepared For:** Hon. Mayor Rostek and Board of Commissioners

**From:** Andrew Morris, Long Range Planner, Community Development Department

**Subject:** Public hearing for **2COP ALCOHOLIC BEVERAGE LICENSE APPLICATION ABP 2023-06** with stated intent to sell beer and wine for consumption on premises at Barefoot Beach Club located at 13220 Gulf Blvd, 13220 Gulf Blvd #1, 13220 Gulf Blvd #2 Madeira Beach, Florida, 33708.

### **Background:**

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2023-06 is requesting authorization from the Board of Commissioners for the approval of a (2COP) Alcoholic Beverage License with the intent to sell beer and wine for consumption on premises at Barefoot Beach Club located at 13220 Gulf Blvd, 13220 Gulf Blvd #1, 13220 Gulf Blvd #2 Madeira Beach, Florida, 33708. As required in Section 110-539, the Notice of Public Hearing was properly sent to all property owners within 300 feet of the subject property 15 days prior to the scheduled consideration by the Board of Commissioners. Such notice has also been posted on the subject property, City Hall, City Website, and the Gulf Beaches Public Library.

### **Discussion:**

When considering the alcoholic beverage application, the Board of Commissioners shall consider the following factors:

- (1) The extent to which the location and the extent to which the proposed alcoholic beverage request will adversely affect the character of the existing neighborhood.**

Barefoot Beach Club has the Future Land Use Category of Resort Facilities Medium (RFM) and the Zoning Category of Planned Development. The surrounding properties to the hotel are zoned R-3 Medium Density Multifamily Residential. The R-3 Zoning District is a mix of tourist accommodations and single-family and multi-family residential properties. The only alcohol use allowed in the R-3 Zoning District is for restaurants that meet the requirements in Section 110-

527 of the Madeira Beach Code of Ordinances. The Development Agreement previously approved for Barefoot Beach Club stated that the restaurant use would be ancillary and for hotel guests only. The applicants' proposed alcohol use would meet the requirements for restaurants located in Section 110-527 and would be compatible with the alcohol use limitations for the neighboring properties that are in the R-3 Medium Density Multifamily Residential Zoning District.

**(2) The extent to which traffic generated as a result of the location of the proposed alcoholic beverage request will create congestion or present a safety hazard.**

The proposed alcohol use at the restaurant would be ancillary to the main use of the property, which is used as a hotel. The alcohol would be sold alongside food and would only be sold to hotel guests. The applicants are applying for a 2COP license which is restricted to just beer and wine. The proposed alcohol use will need to meet the restaurant requirements in Section 110-527 of the Madeira Beach Code of Ordinances. Since the proposed alcohol use would be for an ancillary restaurant for hotel guests, additional congestion would not be expected.

**(3) Whether or not the proposed use is compatible with the particular location for which it is proposed.**

This establishment is not located within three hundred feet of a church, synagogue, temple, or place of religious worship, public or private school operated for the instruction of minors, or youth recreation (community) center. Barefoot Beach Club was rezoned to a Planned Development and the properties surrounding it are zoned R-3 Medium Density Multifamily Zoning District. Both Barefoot Beach Club and the surrounding properties have the Future Land Use of Resort Facilities Medium (RFM). This future land use category allows for ancillary non-residential uses, but the primary use of the property would need to be either temporary lodging uses or residential uses. Alcohol for an ancillary restaurant would be compatible since it would not be the primary use of the property.

**(4) Whether or not the proposed use will adversely affect the public safety.**

The proposed alcoholic beverage license use would not adversely affect public safety. The proposed alcohol use is compatible with the Planned Development zoning for the property and the surrounding properties that are located in the R-3 Medium Density Multifamily Residential Zoning District. The primary use of the property would continue to be a hotel. At least 60% of the gross

sales of the ancillary restaurant would need to come from non-alcohol related items. Sec. 110-538 of the Madeira Beach Code of Ordinances requires establishments classified as restaurants shall maintain books and records reflecting the gross sale of food and nonalcoholic items and the gross sale of alcoholic beverages and shall provide such books and records to the city within 30 days upon request. Failure to keep the books and records required in this section shall be adequate grounds for the board of commissioners to revoke the alcoholic beverage zoning classification of the property upon which the business operates.

**(5) No application for review under this section shall be considered until the applicant has paid in full any outstanding charges, fees, interest, fines or penalties owed by the applicant to the city under any section of the Code.**

The applicant has no outstanding fines, or penalties owed to the City under any section of the Code.

**Fiscal Impact:** N/A

**Recommendation(s):** City Staff is not providing a recommendation on this application. Should the Board of Commissioners approve the application, City Staff recommends the following conditions:

1. Only hotel guests can consume alcohol on the property.
2. To be classified as a restaurant use, at least 60% of the gross sales needs to be attributable to the sale of food and nonalcoholic items.
3. Alcohol can only be sold on the property to hotel guests.
4. Alcohol cannot be sold to people that are not hotel guests.
5. Alcohol cannot be sold or consumed on the beach.
6. The facilities to sell food would need to be completed before alcohol could be sold.
7. This alcohol use cannot be used for special events at the hotel or on the beach.
8. The hotel needs signage on property that states the ancillary restaurant will be for hotel guests only.

The goals of these conditions are to protect nearby residential properties, preserve existing neighborhood character, and minimize the impact of the proposed alcohol use. The Board of Commissioners also have the right to enforce Sec. 110-538 of the Madeira Beach Code of Ordinances which requires establishments classified as restaurants to maintain books and records

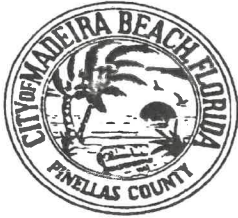
reflecting the gross sale of food and nonalcoholic items and the gross sale of alcoholic beverages and shall provide such books and records to the city within 30 days upon request. Failure to keep the books and records required in this section shall be adequate grounds for the board of commissioners to revoke the alcoholic beverage zoning classification of the property upon which the business operates. If the applicants fail to meet the following conditions or violate Sec. 110-538 of the Madeira Beach Code of Ordinances, City Staff recommends the Board of Commissioners to revoke the alcoholic beverage zoning classification for the property.

**Attachments:**

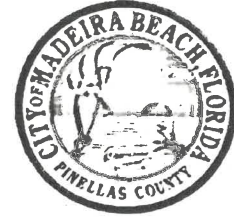
- Application
- Public Notice Mailing and Posting
- Pictures of the Property



ABP #: 2023-06



CITY OF MADEIRA BEACH  
PLANNING & ZONING DEPARTMENT  
300 MUNICIPAL DRIVE ♦ MADEIRA BEACH, FLORIDA 33708  
(727) 391-9951 EXT. 255 ♦ FAX (727) 399-1131  
Email: [planning@madeirabeachfl.gov](mailto:planning@madeirabeachfl.gov)



**ALCOHOLIC BEVERAGE PERMIT APPLICATION**

Applicant's Name: Charles Palmer Aaron Huffman

Type of License Requested: Alcoholic Beverage license for restaurant use (2 COP)

Name of Partnership, Corporation, LLC (if applicable): Barefoot Beach Resort South, LLC

Mailing Address: 13220 Gulf Blvd. | 13238 Gulf Blvd.  
Madeira Beach, FL 33708 | Madeira Beach, FL 33708

Phone(s): 941-320-5832 | 941-545-6115 Email: Aaron@barefootbeachclub.com  
Amanda@barefootbeachclub.com

Type of Ownership:  Individual  Partnership  Corporation  LLC

Name of Business: Barefoot Beach Club Business Phone: 727-393-6133

Physical Address: 13238 Gulf Blvd., Madeira Beach, FL 33708  
13220 Gulf Blvd., Madeira Beach, FL 33708

Parcel #: 15-31-15-02741-000-0020, 15-31-15-02741-000-0010  
15-31-15-02741-000-0001

Legal Description: Hotel / Restaurant

Number of Seats: Inside: 40 Outside: 54

Number of Employees: 14 employees on staff -> not all would sell alcohol.

Zoning District: we would select specific staff (limited) for the food/beer/wine. we have not yet hired for these positions. Initially, Amanda & Aaron would take the lead.

- C-1 Tourist Commercial
- C-2 John's Pass Marine Commercial
- C-3 Retail Commercial
- C-4 Marine Commercial
- R-3 Only Restaurant
- PD Planned Development

Classification:

- Package store, beer & wine
- Retail Store, beer, wine
- Package store, beer, wine, liquor
- Restaurants
- Bar
- Club
- Charter Boats

DISCLAIMER: According to Florida Statutes, Chapter 119, it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All documents and information not specified in F.S. 119.071 and 119.0713 are subject to public record requests.

ABP #: 2023-96

Number of Parking Spaces: 75 HC Parking Spaces: 4 Bike Racks: 1 (holds 7 bikes)  
motorcycle parking: 5

Hours of Operation:

- Monday: 9am - 9pm
- Tuesday: 9am - 9pm
- Wednesday: 9am - 9pm
- Thursday: 9am - 9pm
- Friday: 9am - 9pm
- Saturday: 9am - 9pm
- Sunday: 9am - 9pm

General Description of Business: Hotel with a small roof deck lounge/restaurant (quick food), bar space. We are a hotel that would like to offer

Supporting Materials Required: beer, wine, soft drinks and charc uterie/sandwich/chp snack/cold food type items to in-house guests.

Property Owner's Written Approval

Property Survey not for event use.

Site Plan

**Questionnaire: On a separate piece of paper, please answer the following questions:**

1. The extent to which the location and the extent to which the proposed alcoholic beverage request will adversely affect the character of the existing neighborhood.
2. The extent to which traffic generated as a result of the location of the proposed alcoholic beverage request will create congestion or present a safety hazard.
3. Whether or not the proposed use is compatible with the particular location for which it is proposed.
4. Whether or not the proposed use will adversely affect the public safety.
5. No application for review under this section shall be considered until the applicant has paid in full any outstanding charges, fees, interest, fines or penalties owned by the applicant to the City under any section of the code.

**Affidavit of Applicant:**

I understand that this Alcoholic Beverage Permit Application, with its attachments, becomes a permanent record for the City of Madeira Beach and hereby certify that all statements made herein together with any attachments, are true to the best of my knowledge.

**DISCLAIMER:** According to Florida Statutes, Chapter 119, it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All documents and information not specified in F.S. 119.071 and 119.0713 are subject to public record requests.

ABP #: 2023-06

Signature of Applicant: [Signature] Date: 9/11/23

**\*\*For City of Madeira Beach Use Only\*\***

Fee: \$800.00  Check # 7009  Cash  Receipt # \_\_\_\_\_

Date Received: 6/2/2023 Received by: \_\_\_\_\_

ABP# Assigned: 2023-06

BOC Hearing Date: \_\_\_\_\_  Approved  Denied

\_\_\_\_\_  
Community Development Director Date: \_\_\_\_\_

\_\_\_\_\_  
City Manager Date: \_\_\_\_\_

### Questionnaire, Barefoot Beach Club

- ❖ **The extent to which the location and the extent to which the proposed alcoholic beverage request will adversely affect the character of the existing neighborhood.**

We do not believe this will adversely affect the character of the existing neighborhood. We are a hotel and would like to offer basic food items, alcoholic and non-alcoholic beverages to our in-house guests as a convenience. We would not be open to the public. There is a cantina (open to the public) across the street from us, which is far busier than we ever anticipate being, we would be far less noticeable than that business across the street from us. Therefore, we would not have an adverse impact on anything.

- ❖ **The extent to which traffic generated as a result of the location of the proposed alcoholic beverage request will create congestion or present a safety hazard.**

This would not increase traffic since we would not be open to the public. We will remain open to in-house guests only.

- ❖ **Whether or not the proposed use is compatible with the particular location for which it is proposed.**

We are planned development and feel that our request is compatible.

- ❖ **Whether or not the proposed use will adversely affect public safety.**

Barefoot Beach Club is a family-oriented business, we strive to offer a safe and healthy environment for families. Safety is a priority; our establishment is not geared towards a "party" crowd and is geared towards convenience for in-house guests to grab a bite to eat and a drink while on property. This should not adversely affect public safety.

- ❖ **No application for review under this section shall be considered until the applicant has paid in full any outstanding charges, fees, interest, fines or penalties owned by the applicant to the City under any section of the code.**

#### Affidavit of Applicant:

I understand that this Alcoholic Beverage Permit Application, with its attachments, becomes a permanent record for the City of Madeira Beach and hereby certify that all statements made herein together with any attachments, are true to the best of my knowledge.



9-18-23

---

# Barefoot Beach Club

5/24/2023

To whom it may concern,

This letter is for the purpose of verifying my approval to pursue liquor licensing for Barefoot Beach Club (Barefoot Beach Resort South, LLC).

The property is located at 13220 Gulf Blvd., Madeira Beach, FL 33708.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Huffman', written over a large, light-colored oval shape.

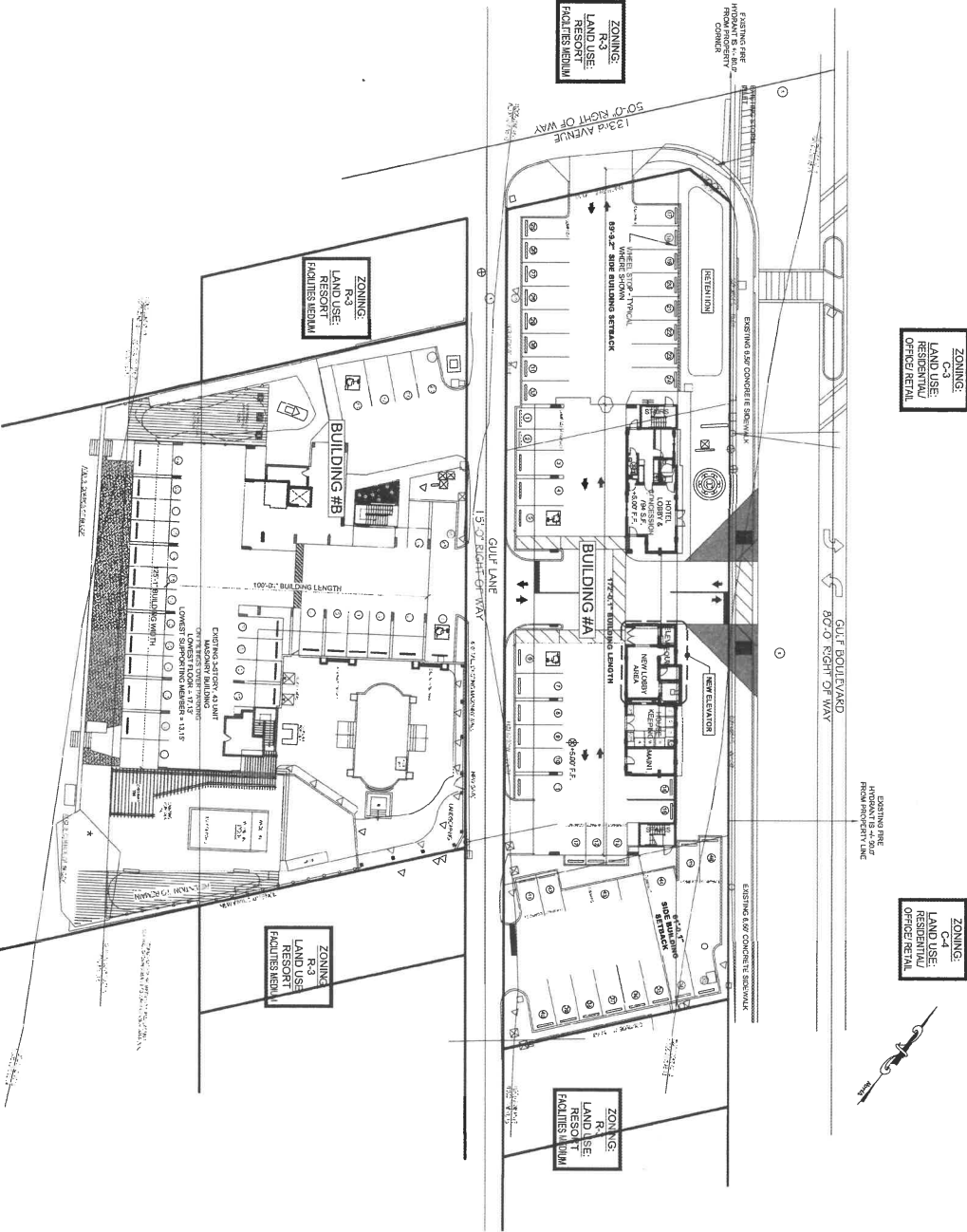
Aaron C. Huffman  
Barefoot Beach Club

**SITE DATA TABLE**

NO.	DESCRIPTION	DATE	REVISION
1	PRELIMINARY	05-11-2021	1
2	REVISED	06-25-2021	2
3	REVISED	11-10-2022	3

NO.	DESCRIPTION	DATE	REVISION
1	PRELIMINARY	05-11-2021	1
2	REVISED	06-25-2021	2
3	REVISED	11-10-2022	3



**NEW SITE PLAN**  
 SCALE: 1" = 20'-0"  
 GRAPHIC SCALE IN FEET

**SP-1.0**

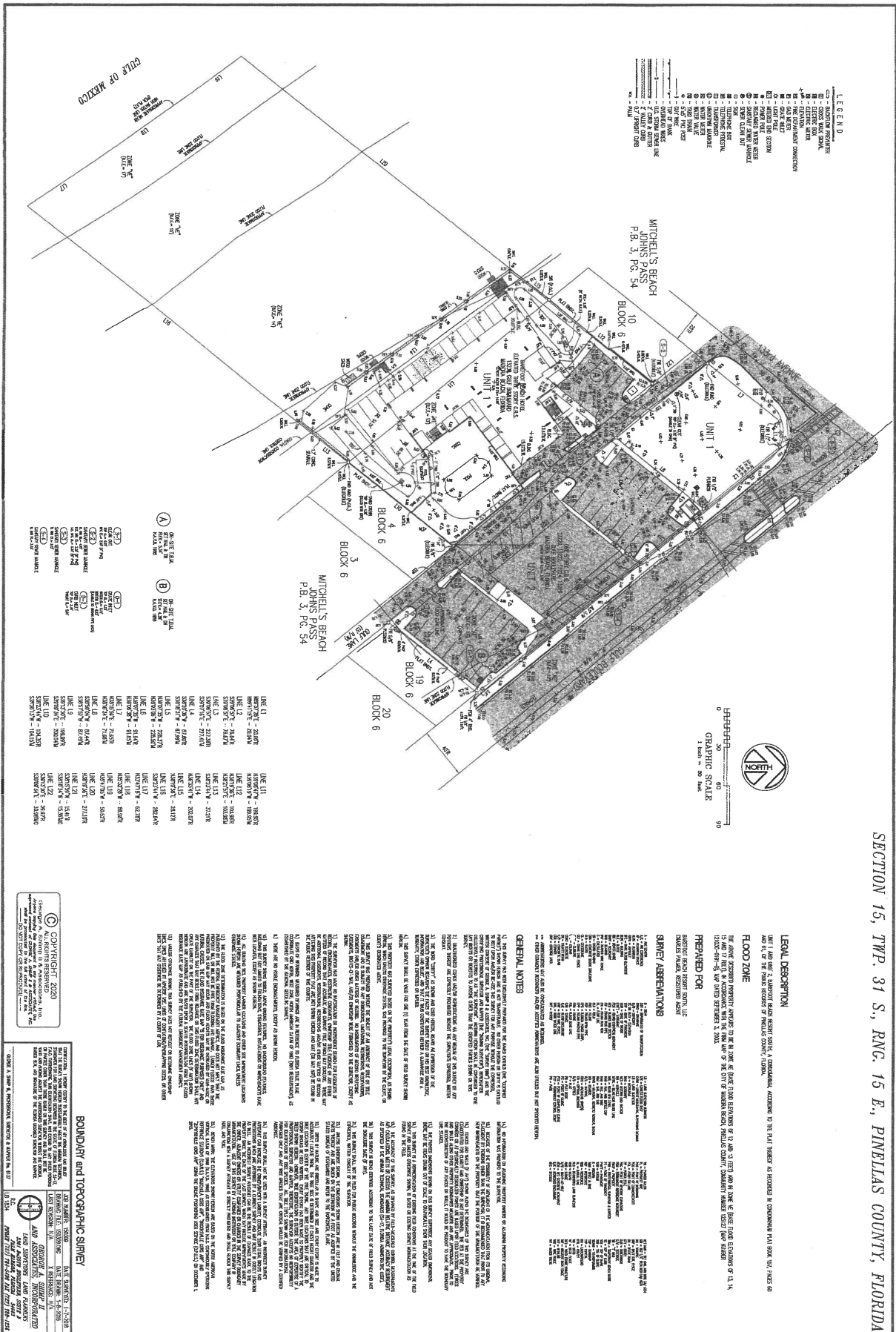
**JOHN A. BODZIAK**  
 ARCHITECT AIA, PA  
 ARCHITECTURE, DESIGN, AND CONSTRUCTION MANAGEMENT  
 FLORIDA REGISTRATION NO. JAR0000065  
 EMAIL: JARB@BODZIAK.COM  
 743 49th STREET N, SAFFY PETERSBURG, FLORIDA 33710  
 TEL: (727) 327-1866 FAX: (727) 876-0996

**BAREFOOT BEACH HOTEL**  
 13220 GULF BLVD., 13220 GULF BLVD #1, 13220 GULF BLVD #2  
 PARCEL IDENTIFICATION NUMBERS  
 15-31-15-0274-000-001; 15-31-15-0274-000-001-0; 15-31-15-0274-000-002-0

**BAREFOOT BEACH RESORT SOUTH, LLC**  
 P.O. BOX 10210  
 FORT MYERS, FL  
 33901-0210

REV.	DATE	DESCRIPTION
05-11-2021	05-11-2021	SUBMITTAL TO CITY
06-25-2021	06-25-2021	SUBMITTAL TO CITY (NEW ELEVATOR)
11-10-2022	11-10-2022	CITY SUBMITTAL (REVISED ELEVATOR PLAN)

SITE PLAN



SECTION 15, TWP. 31 S., RNC. 15 E., PINELLAS COUNTY, FLORIDA

**LEGAL DESCRIPTION**  
 UNIT 1, UNIT 2, UNIT 3, UNIT 4, UNIT 5, UNIT 6, UNIT 7, UNIT 8, UNIT 9, UNIT 10, UNIT 11, UNIT 12, UNIT 13, UNIT 14, UNIT 15, UNIT 16, UNIT 17, UNIT 18, UNIT 19, UNIT 20, UNIT 21, UNIT 22, UNIT 23, UNIT 24, UNIT 25, UNIT 26, UNIT 27, UNIT 28, UNIT 29, UNIT 30, UNIT 31, UNIT 32, UNIT 33, UNIT 34, UNIT 35, UNIT 36, UNIT 37, UNIT 38, UNIT 39, UNIT 40, UNIT 41, UNIT 42, UNIT 43, UNIT 44, UNIT 45, UNIT 46, UNIT 47, UNIT 48, UNIT 49, UNIT 50, UNIT 51, UNIT 52, UNIT 53, UNIT 54, UNIT 55, UNIT 56, UNIT 57, UNIT 58, UNIT 59, UNIT 60, UNIT 61, UNIT 62, UNIT 63, UNIT 64, UNIT 65, UNIT 66, UNIT 67, UNIT 68, UNIT 69, UNIT 70, UNIT 71, UNIT 72, UNIT 73, UNIT 74, UNIT 75, UNIT 76, UNIT 77, UNIT 78, UNIT 79, UNIT 80, UNIT 81, UNIT 82, UNIT 83, UNIT 84, UNIT 85, UNIT 86, UNIT 87, UNIT 88, UNIT 89, UNIT 90, UNIT 91, UNIT 92, UNIT 93, UNIT 94, UNIT 95, UNIT 96, UNIT 97, UNIT 98, UNIT 99, UNIT 100.

**FLOOD ZONE**  
 THE ABOVE DESCRIBED PROPERTY IS LOCATED WITHIN THE FLOOD HAZARD ZONE OF THE COMMUNITY OF PINELLAS COUNTY, FLORIDA. THE FLOOD HAZARD ZONE IS SHOWN ON THE FLOOD HAZARD ZONE MAP OF PINELLAS COUNTY, FLORIDA, WHICH IS AVAILABLE FROM THE PINELLAS COUNTY ENGINEERING DEPARTMENT, 1000 N. GULF BLVD., ST. PETERSBURG, FLORIDA 34786.

**PREPARED FOR**  
 [Name of client]

**BARNEY ASSOCIATIONS**  
 [List of names]

**GENERAL NOTES**  
 1. THE ABOVE PLAN IS A PRELIMINARY PLAN AND SHOULD NOT BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE PINELLAS COUNTY ENGINEERING DEPARTMENT. THE ABOVE PLAN IS SUBJECT TO CHANGE WITHOUT NOTICE AND WITHOUT LIABILITY TO THE ENGINEER. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE STRUCTURE AND THE FOUNDATION THEREON. THE ENGINEER DOES NOT WARRANT THE ACCURACY OF THE SURVEY DATA OR THE INFORMATION PROVIDED BY THE CLIENT. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CLIENT IS ALSO RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE. THE CLIENT IS ADVISED THAT THE ABOVE PLAN IS NOT A GUARANTEE OF THE ACCURACY OF THE SURVEY DATA OR THE INFORMATION PROVIDED BY THE CLIENT. THE CLIENT IS ADVISED THAT THE ABOVE PLAN IS NOT A GUARANTEE OF THE ACCURACY OF THE SURVEY DATA OR THE INFORMATION PROVIDED BY THE CLIENT.

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**BOUNDARY AND TOPOGRAPHIC SURVEY**  
 [Survey information]

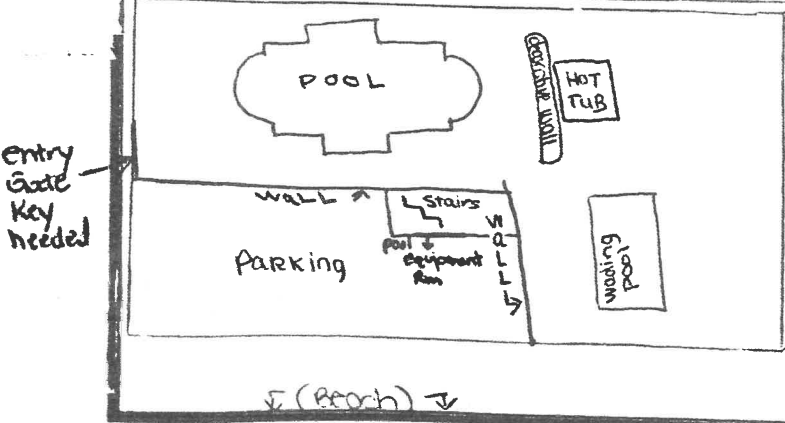
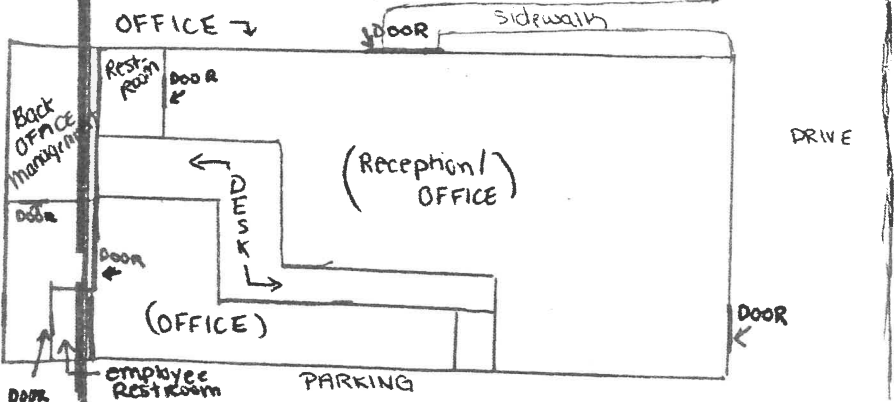
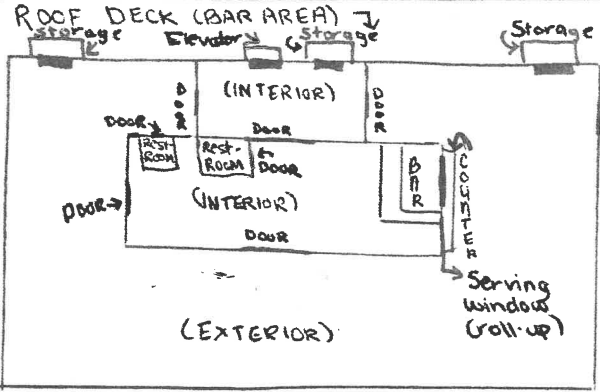
Barefoot Beach Club

**SECTION 4 - DESCRIPTION OF PREMISES TO BE LICENSED  
TO BE COMPLETED BY THE APPLICANT**

Business Name (D/B/A)  
Barefoot Beach Club

- |    |                              |  |  |
|----|------------------------------|--|--|
| 1. | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Is the proposed premises movable or able to be moved?  |
| 2. | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Is there any access through the premises to any area over which you do not have dominion and control?  |
| 3. | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Is the business located within a Specialty Center? If yes, check the applicable statute:<br><input type="checkbox"/> 561.20(2)(b)1, F.S. or <input type="checkbox"/> 561.20(2)(b)2, F.S. |
| 4. | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Are there any mobile vehicles used to sell or serve alcoholic beverages?   |
| 5. | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Are there more than 3 separate rooms or enclosures with permanent bars or counters?  |

Neatly draw a floor plan of the premises in ink, including sidewalks and other outside areas which are contiguous to the premises, walls, doors, counters, sales areas, storage areas, restrooms, bar locations and any other specific areas which are part of the premises sought to be licensed. A multi-story building where the entire building is to be licensed must show the details of each floor.







# MEMORANDUM

## PUBLIC NOTICE

The Board of Commissioners of the City of Madeira Beach will hold a Public Hearing on **October 11, 2023, at 6:00 p.m.**, or as soon thereafter as the matter may be heard, at the Patricia Shontz Commission Chambers at 300 Municipal Drive, Madeira Beach, Florida 33708 to review an application for approval by the Board of Commissioners of a (2COP) Alcoholic Beverage License with stated intent to sell beer and wine for consumption on premises at Barefoot Beach Club located at 13220 Gulf Blvd, 13220 Gulf Blvd #1, 13220 Gulf Blvd #2 Madeira Beach, Florida, 33708.

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### 2COP ALCOHOLIC BEVERAGE LICENSE APPLICATION # 2023-06

**Applicant(s):** Aaron Huffman and Charles Palmer

**Name of Partnership, Corporation, LLC:** Barefoot Beach Resort South, LLC

**Business Location:** 13220 Gulf Blvd, 13220 Gulf Blvd #1, 13220 Gulf Blvd #2, Madeira Beach, Florida, 33708

**Business:** Barefoot Beach Club

#### **Application Request:**

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2023-06, is requesting authorization from the Board of Commissioners for the approval of a (2COP) Alcoholic Beverage License with stated intent to sell beer and wine for consumption on premises at Barefoot Beach Club located at 13220 Gulf Blvd, 13220 Gulf Blvd #1, 13220 Gulf Blvd #2, Madeira Beach, Florida, 33708. The property is zoned Planned Development and has a Future Land Use designation of Resort Facilities Medium.

#### **Note:**

You have received this notice, pursuant to City Code Section 110-539, because you are a property owner within 300 feet of the subject property. If you are desirous of voicing approval or disapproval of this application, you may attend the Public Hearing for this application.

A copy of the application is available for inspection in the Community Development Department between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday. If you would like more information regarding the application, please contact Andrew Morris, Long Range Planner at 727-391-9951, ext. 296 or [amorris@madeirabeachfl.gov](mailto:amorris@madeirabeachfl.gov).



Any affected person may become a party to this proceeding and can be entitled to present evidence at the hearing including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing the attached Notice of Intent to be a party with the Community Development Department not less than five days prior to commencement of the hearing. The completed form may be emailed or submitted in person to the following:

Community Development Department  
300 Municipal Drive  
Madeira Beach, FL 33708

Andrew Morris, Long Range Planner  
amorris@madeirabeachfl.gov  
727-391-9951, ext. 296

**Posted:**

September 25, 2023 @ Property Site, Gulf Beaches Public Library, City Hall, City of Madeira Beach, and Website Posting Locations.

**Note:** One or more Elected or Appointed Officials may be in attendance. Any person who decides to appeal any decision of the Board of Commissioners 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 which the appeal is to be based. The law does not require the City to transcribe verbatim minutes; therefore, the affected party must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting must contact Community Development Director, Jenny Rowan no later than 48 hours prior to the meeting: (727) 391-9951, Ext. 255 or 244 or send a written request to [planning@madeirabeachfl.gov](mailto:planning@madeirabeachfl.gov).





Item 9B.

**NOTICE OF INTENT TO BE AN AFFECTED PARTY**

**AFFECTED PERSON INFORMATION**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**APPLICATION INFORMATION**

Case No or Application No., whichever applies: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

\_\_\_\_\_  
Signature of Affected Person

\_\_\_\_\_  
Date

Note: One or more Elected or Appointed Officials may be in attendance. Any person who decides to appeal any decision of the Board of Commissioners 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 which the appeal is to be based. The law does not require the City 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.



**MIKE TWITTY, MAI, CFA**  
**Pinellas County Property Appraiser**

[www.pcpao.gov](http://www.pcpao.gov)

[mike@pcpao.gov](mailto:mike@pcpao.gov)

Run Date: 21 Jun 2023

Subject Parcel: 15-31-15-02741-000-0001

Radius: 300 feet

Parcel Count: 172

Total pages: 7

Public information is furnished by the Property Appraiser's Office and must be accepted by the recipient with the understanding that the information received was developed and collected for the purpose of developing a Property Value Roll per Florida Statute. The Pinellas County Property Appraiser's Office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability or suitability of this information for any other particular use. The Pinellas County Property Appraiser's Office assumes no liability whatsoever associated with the use or misuse of such information.

MINA, MANUEL  
 MINA, VIRGINIA  
 C/O MINA, MANUEL  
 13000 GULF LN APT 504  
 MADEIRA BEACH, FL 33708-2694

SULLIVAN, JASON LAWRENCE  
 SULLIVAN, JULIE PATRICIA  
 PO BOX 405  
 BAY BULLS NL A0A 1C0,  
 CANADA

CROSS, JOHN R  
 CROSS, LYNETTE KAY  
 1106 MOON VALLEY RD  
 BILLINGS, MT 59105-2024

ANTONAK, GEORGE H JR  
 ANTONAK, JUDITH A  
 1131 IVYGLEN CIR  
 BLOOMFIELD HILLS, MI 48304-1236

DIFEO, FRANK  
 DIFEO, KATHLEEN  
 23 OFFER ST  
 BRADFORD, MA 01835-7005

DE MELO, FIRMO  
 DE MELO, TERESA  
 7 LINKS LANE  
 BRAMPTON ON L6Y 5G9,  
 CANADA

THOMPSON, RICHARD  
 LOURENCO, MONICA  
 32 SAWSTON CIR  
 BRAMPTON ON L7A 2N8,  
 CANADA

ABRAMO, ANGELO  
 ABRAMO, NANCY  
 192 GARDEN PKWY  
 BUFFALO, NY 14221-6628

AZZURI LTD  
 67 DECARIE CIR  
 ETOBICOKE ON M9B 3J1,  
 CANADA

MADEIRA DEL SOL CONDO ASSN INC  
 28-540 SPITFIRE ST  
 WOODSTOCK ON N4T 0C2,  
 CANADA

RAGHEB, EMAD  
 4333 WAKEFIELD CRESC  
 MISSISSAUGA ON L5C 4N3,  
 CANADA

NOROUZIAN, MIRYOUSEF  
 KING, KATHLEEN C  
 1503 GINGER SNAP TRL  
 DELAND, FL 32720-0923

LOCKER, MICHAEL W  
 LOCKER, STACY  
 814 W 5TH ST  
 DULUTH, MN 55806-3943

BUDZBAN GREGORY & MARY ANN FAMILY JNT  
 REV TRUST  
 BUDZBAN, GREGORY M TRE  
 1565 MAPLEWOOD CT  
 EDWARDSVILLE, IL 62025-3186

WILSON, HALEIGH G TRE  
 WILSON, HALEIGH G REVOCABLE TRUST  
 7601 W FRANKLIN RD  
 EVANSVILLE, IN 47712-9246

SCOTT, CORY  
 SCOTT, JACKIE  
 2885 COSTA DR  
 GALESBURG, IL 61401-1235

HARMON, ANJA  
 HARMON, TYLER W  
 5893 STRATFORD GLEN CT SE  
 GRAND RAPIDS, MI 49546-3886

HUNIGAN, JAMIE  
 HUNIGAN, DONNA  
 62 SUNSET MEADOWS CT  
 GRAY, TN 37615

BOSCIA REVOCABLE TRUST  
 BOSCIA, MICHAEL M TRE  
 1671 E GATE DANCER CIR  
 INVERNESS, FL 34453-3395

WATKINS, MYRON C  
 WATKINS, LIESEL C  
 4503 OLD STAGE RD APT 303  
 KINGSPORT, TN 37664-2938

MCLENAGHAN, KRISTA  
 LAWLEY, KELLY  
 94 BREMBEL ST  
 KITCHENER ON N2B 3T7,  
 CANADA

FRANCIS, ANTHONY  
 FRANCIS, MANDY  
 2560 CALVANO DR  
 LAND O LAKES, FL 34639-5493

KILCOYNE, ELIZABETH J  
 KILCOYNE, MARK E  
 4939 W TOKAY DR  
 LAPORT, IN 46350-8463

TRAUB, ANGEL M  
 TRAUB, TROY  
 560 S FAIRFIELD AVE  
 LOMBARD, IL 60148-2828

BUJOUVES, PERRY ANGELO  
 BUJOUVES, MARIA VERGIRIS  
 1539 JIM ALLEN WAY  
 LONDON ON N6K 0E1,  
 CANADA

COMBS, HAROLD  
 COMBS, BEATRICE  
 10104 SPRINGBURST GARDENS CIR  
 LOUISVILLE, KY 40241-5196

LLAUGET, RONALD F  
 LLAUGET, ROSE A  
 19905 READING RD  
 LUTZ, FL 33558-5006

ARNOLD, JEFFREY M  
 ZINK, AMY RENEE  
 1825 MAZO MANOR UNIT V8  
 LUTZ, FL 33558-5461

TAGLIARINI, DAVID  
 CANTRELL, JERRY J  
 13322 1ST ST E  
 MADEIRA BEACH, FL 33708-2402

YOUNG, MICHELLE  
 GORDILLO, JUAN  
 111 BOCA CIEGA DR  
 MADEIRA BEACH, FL 33708-2451

COSTA, MICHAEL A  
COSTA, ILEANA  
13302 GULF BLVD  
MADEIRA BEACH, FL 33708-2514

COSTA, MICHAEL A TRUST  
COSTA, ILEANA TRUST  
13302 GULF BLVD  
MADEIRA BEACH, FL 33708-2514

\*\*\*\*\*  
\*\*\*\*\*  
13201 GULF LN  
MADEIRA BEACH, FL 33708-2533

RAYBORN, SANDRA  
RAYBORN, MITCHELL  
13307 GULF LN UNIT A  
MADEIRA BEACH, FL 33708-2535

MEYER, JAMES  
MEYER, ANGELA  
13307 GULF LN UNIT B  
MADEIRA BEACH, FL 33708-2535

KLABEN, GERALD L JR  
KLABEN, JOANN O  
13303 GULF LN  
MADEIRA BEACH, FL 33708-2535

MIGONE, RUBEN A  
MIGONE, ANA B  
13336 GULF BLVD UNIT 101  
MADEIRA BEACH, FL 33708-2550

HOUSH, WILLIAM M III  
HOUSH, LYNN C  
13336 GULF BLVD APT 404  
MADEIRA BEACH, FL 33708-2552

HUZIOR, RYSZARD  
HUZIOR, JANINA  
13336 GULF BLVD UNIT 501  
MADEIRA BEACH, FL 33708-2553

FERRARO, MICHAEL L  
FERRARO, ALDONA M  
13195 GULF LN UNIT 202  
MADEIRA BEACH, FL 33708-2556

ALVITI, ELIZABETH M  
CLARK, CHRISTOPHER G  
13195 GULF LN UNIT 502  
MADEIRA BEACH, FL 33708-2556

DECONTI, PHILIP V JR TRE  
DECONTI, TAMERA TRE  
150 131ST AVE W  
MADEIRA BEACH, FL 33708-2624

DECONTI, PHILIP V JR TRE  
DECONTI, TAMERA TRE  
150 131ST AVE W  
MADEIRA BEACH, FL 33708-2624

VAN HOUTEN, GEORGE W SR  
VANHOUTEN, GEORGE W JR  
13101 GULF BLVD UNIT 1509  
MADEIRA BEACH, FL 33708-2630

HE, LEQUIN  
GUO, SHAOBO  
13101 GULF BLVD UNIT 1408  
MADEIRA BEACH, FL 33708-2630

MARTIN, JULIO J  
GUERRERO, JOSEFA M  
13101 GULF BLVD UNIT 1609  
MADEIRA BEACH, FL 33708-2630

CAYEA, SHANNON G  
STAMP, WILLIAM D  
13101 GULF BLVD UNIT 1409  
MADEIRA BEACH, FL 33708-2630

NIKIFOROV, YULIA  
NIKIFOROV, ALEXEY  
13235 GULF BLVD UNIT C1  
MADEIRA BEACH, FL 33708-2632

RAY, BARBARA REVOCABLE LIVING TRUST  
RAY, BARBARA TRE  
PO BOX 86005  
MADEIRA BEACH, FL 33738-6005

POGORELOVA, MARIYA  
POGORELOV, MAXIM  
4910 ODANA RD  
MADISON, WI 53711-1337

KUPRIANOV, ALEXANDER  
SNYDER, KRISTIN  
30 RENAISSANCE DR  
MAYS LANDING, NJ 08330-2362

GERMANI, ENRIQUE FERNANDO  
HAZ, PATRICIA ELIZABETH  
6425 COACHFORD WAY  
MISSISSAUGA ON L5N 3V8,  
CANADA

FL INT IMP FUND TRE  
C/O AMERIS REALTY OF FL  
1114 17TH AVE S STE 205  
NASHVILLE, TN 37212-2215

MELTON, PAUL  
MELTON, ANNE MARIE  
10120 WORTHY LAMB WAY  
NEW PORT RICHEY, FL 34654-3632

KLINE FAMILY TRUST  
KLINE, JOHN MICHAEL TRE  
10 RIVAGE  
NEWPORT COAST, CA 92657-0100

BINSTOCK, AARON J TRE  
BINSTOCK, KATRINA A TRE  
1081 SHIRE ST  
NOKOMIS, FL 34275-1645

STEWART, CHARLES  
STEWART, AUSILIA  
484 CRIMSON OAK TRAIL  
OAKVILLE ON L6H 7A3,  
CANADA

ALVARODIAZ, WILLIAM  
CABRERA, DAVID  
18107 JORENE RD  
ODESSA, FL 33556

YORK, MICHAEL S & ALTA C LIVING TRUST  
YORK, MICHAEL S TRE  
6510 THOROUGHbred LOOP  
ODESSA, FL 33556-1859

COTO, FRANK III TRE  
COTO, NICOLE TRE  
15306 LAKE MAURINE DR  
ODESSA, FL 33556-3112

GUARINO, ROSS A JR  
 GUARINO, LISA KLAS  
 3085 ANGLE RD  
 ORCHARD PARK, NY 14127-1401

MIDDLEBRO, JOHN H  
 MIDDLEBRO, EDITH A  
 525 4TH AVE A W  
 OWEN SOUND ON N4K 4Z6,  
 CANADA

ARTETA, ERNESTO  
 ARTETA, MARLENE GITTERLE  
 428 S FAIRVIEW  
 PARK RIDGE, IL 60068-4753

SUVAK, WILLIAM A JR  
 SUVAK, NORMA LYNN  
 408 ROYAL CT  
 PITTSBURGH, PA 15234-1049

ALLOR, MARY T TRE  
 ALLOR FAMILY TRUST  
 10602 TRAILWOOD RD  
 PLYMOUTH, MI 48170-3855

ADAMS, JAMES M  
 ADAMS, LINDA L  
 10565 57TH AVE N  
 PLYMOUTH, MN 55442-1661

DUNN, BRIAN P  
 DUNN, MAY LEE H  
 2401 POWDERHORN DR  
 RICHMOND, VA 23231-7059

MULLINEAUX, WILLIAM T  
 MULLINEAUX, SUSANNE M  
 5000 CLAYTON CT  
 SAINT AUGUSTINE, FL 32092-3688

KOBETITSCH FAMILY TRUST  
 KOBETITSCH, THOMAS TRE  
 26 SAINT MARYS AVE  
 SAN FRANCISCO, CA 94112-1019

ROBINSON, CHERRIE L TRE  
 ROBINSON, CHERRIE L LIV TRUST  
 8461 MONARCH CIR  
 SEMINOLE, FL 33772-3953

KAMERIC, LEO OMAR  
 NGUYEN, AMIE ALEXA  
 129 PAXTON LN  
 ST DAVIDS ON LOS 1J1,  
 CANADA

PETERSON, CHRISTOPHER E  
 PETERSON, SHANNON R  
 500 173RD AVE  
 ST PETERSBURG, FL 33708-1337

HARNEY, BRUCE C  
 HARNEY, RENE O  
 140 174TH TERRACE DR E  
 ST PETERSBURG, FL 33708-1343

DE BORD, CLAUDE H JR  
 DE BORD, JOANNE K  
 3990 61ST ST N  
 ST PETERSBURG, FL 33709-5259

PETRINI, RONALD R REV TRUST  
 PETRINI, RONALD R TRE  
 2432 PELHAM RD N  
 ST PETERSBURG, FL 33710-3666

ZBROZHEK, ALENA  
 SAPOSHNIKOV, DMITRIY  
 1834 COUNTRY CLUB RD N  
 ST PETERSBURG, FL 33710-3806

WEISSHAPPEL, JOSEPH T  
 WEISSHAPPEL, KATHERINE A  
 3025 BIG TIMBER CIR  
 SUAMICO, WI 54313-7984

FERNANDEZ, MARGUERITE P REV TRUST  
 FERNANDEZ, DAVID B TRE  
 6112 N FLORIDA AVE  
 TAMPA, FL 33604-6624

YORK, ANDREA  
 YORK, STEPHEN  
 15724 WOODSHED PL  
 TAMPA, FL 33624-1507

HERNANDEZ, ORLANDO A  
 HERNANDEZ, MARIA A  
 5503 LAKE LETA BLVD  
 TAMPA, FL 33624-2068

PEKAR, VLADISLAV  
 PEKAR, YELENA  
 5923 BROWDER RD  
 TAMPA, FL 33625-4128

MARTIN, EDDY TRE  
 MARTIN, MADELIN TRE  
 12531 CARDIFF DR  
 TAMPA, FL 33625-6593

RUDZIK FAMILY TRUST  
 RUDZIK, ROBERT J TRE  
 240 108TH AVE UNIT 302  
 TREASURE ISLAND, FL 33706-5068

BUCKLER, JAMES A  
 BUCKLER, LYNNE M  
 24 MILLSTONE CRT  
 UNIONVILLE ON L3R 7M4,  
 CANADA

WATSON, KATHLEEN  
 COFFEY, KAREN LEE  
 4121 HELENE PL  
 VALRICO, FL 33594-5412

PETERSON, COURTNEY D  
 PETERSON, CAROL J  
 807 8TH ST N  
 VIRGINIA, MN 55792-2317

LINDAUER, WILLIAM TRE  
 LINDAUER, MELINDA TRE  
 PO BOX 591  
 WAYNESVILLE, OH 45068-0591

JAQUETT, FRANK L  
 JAQUETT, LISA L  
 22 FARMINGTON CIR  
 WEST GROVE, PA 19390-9542

SHEBEL, JOHN  
 SHEBEL, ELYSIA  
 11111 W 300 S  
 WESTVILLE, IN 46391-9535

BELL, WILLIAM  
 BELL, SANDRA  
 9600 ELIZABETH LAKE RD  
 WHITE LAKE, MI 48386-2723

BROOKS, SANDRA L LIV TRUST  
 BROOKS, SANDRA L TRE  
 327 E 5TH AVE  
 WINDERMERE, FL 34786-3500

PICOLA, BRONWYN  
 18325 GULF BLVD UNIT 201  
 REDINGTON SHORES, FL 33708-1056

NDL BEACH PROPERTY 1704 LLC  
 PO BOX 66689  
 ST PETE BEACH, FL 33736-6689

KUHN SQUAD LLC  
 1925 JOSEY WALES TRL  
 DU QUOIN, IL 62832-3704

CALLAHAN, BRONWYN PICOLA  
 18325 GULF BLVD UNIT 201  
 REDINGTON SHORES, FL 33708-1056

EVERNGAM, R SCOTT  
 13101 GULF BLVD UNIT 1407  
 MADEIRA BEACH, FL 33708-2630

HOTEL B INVESTORS LLC  
 410 150TH AVE STE H  
 MADEIRA BEACH, FL 33708-2000

NASH COTTAGES LLC  
 6010 BAHAMA SHORES DR S  
 ST PETERSBURG, FL 33705-5432

BDA44 LLC  
 503 TOMAHAWK TRL  
 BRANDON, FL 33511-8085

MADEIRA DUNES CONDO ASSN INC  
 13307 GULF LN  
 MADEIRA BEACH, FL 33708-2535

BELLO, ROBERT JR  
 13301 GULF LN  
 MADEIRA BEACH, FL 33708-2535

CAMPBELL, MARTHA E  
 13195 GULF LN APT 102  
 MADEIRA BEACH, FL 33708-2555

BATEY, JEAN B  
 55 BOCA CIEGA DR  
 MADEIRA BEACH, FL 33708-2449

MADEIRA BAY RESORT II CONDO ASSN INC  
 13030 GULF BLVD  
 MADEIRA BEACH, FL 33708-2639

DEMPSEA VACATIONS LLC  
 5555 GULF BLVD UNIT 111  
 ST PETE BEACH, FL 33706-2330

INTUIT OASIS PROPERTIES III LLC  
 13952 NOBLE PARK DR  
 ODESSA, FL 33556-1767

TORRES, RICHARD  
 83 E HIDDEN BAY DR  
 DARTMOUTH, MA 02748-3023

GONZALEZ, CHRISTOPHER  
 4026 18TH ST  
 SAN FRANCISCO, CA 94114-2502

BROOME, CRAIG  
 13255 GULF LN  
 MADEIRA BEACH, FL 33708-2533

13200 GULF LLC  
 7901 4TH ST N STE 300  
 ST PETERSBURG, FL 33702

MCQUAID, JANE E LIVING TRUST  
 2615 RIO TIBER DR  
 PUNTA GORDA, FL 33950-6388

GATOR NOLE LLC  
 520 CAPRI BLVD  
 TREASURE ISLAND, FL 33706-2944

BLANG, EUGENIE M  
 435 NEW HAMPSHIRE AVE  
 NORFOLK, VA 23508-2128

THORNTON, CYNTHIA  
 300 CHLOE DR  
 LA FAYETTE, GA 30728-6298

TAVAREZ, TIFFANY  
 30 DUNCAN LN  
 ROCKAWAY, NJ 07866-2808

INTUIT OASIS PROPERTIES II LLC  
 13952 NOBLE PARK DR  
 ODESSA, FL 33556

RK CAPITAL LLC  
 13101 GULF BLVD UNIT 1308  
 MADEIRA BEACH, FL 33708-2630

EISLER, JAN L TRE  
 13336 GULF BLVD APT 304  
 MADEIRA BEACH, FL 33708-2552

FLEGAL, RONALD W  
 768 S COMMERCIAL ST  
 NEENAH, WI 54956-3314

JUEDES, GAYLE A  
 13336 GULF BLVD APT 104  
 MADEIRA BEACH, FL 33708-2550



P V L LTD PTNSHP LLLP  
1201 BAYSHORE BLVD  
TAMPA, FL 33606-2910

QUALITY RENTALS OF 28 PROSPECT LLC  
13235 GULF BLVD UNIT C3  
MADERIA BEACH, FL 33708

QUALITY RENTALS OF 28 PROSPECT LLC  
212 11TH AVE N  
ST PETERSBURG, FL 33701

13235 GULF BLVD 512 LLC  
8718 COBBLESTONE DR  
TAMPA, FL 33615-4914

YUNIVER, STELLA  
11909 MANDEVILLA CT  
TAMPA, FL 33626-3305

NAKAT, SAM S  
8433 TIVOLI DR  
ORLANDO, FL 32836-8759

ESPINOSA, PATRICK JR  
7431 JOHNSON ST  
ARVADA, CO 80005-4177

BAYSIDE RETREATS LLC  
13101 GULF BLVD UNIT 1304  
MADEIRA BEACH, FL 33708-2630

A WAVE FROM IT ALL LLC  
2400 BRIARCLIFF DR  
NEWBURGH, IN 47630-8602

NAPARIU, JOHN S  
4448 S CREEKSIDE DR  
NEW PALESTINE, IN 46163-9553

FULKERSON, KAREN  
PO BOX 311  
CLARKSON, KY 42726-0311

MADEIRA BAY RESORT I CONDO ASSN INC  
2325 ULMERTON RD STE 20  
CLEARWATER, FL 33762-3373

JUNG, SHERRY CAMP  
13195 GULF LN UNIT 302  
MADEIRA BEACH, FL 33708-2556

SALZMAN, ROSA A  
10134 S FULTON CT  
ORLANDO, FL 32836-3707

BUDZIAK, CHRISTOPHER JAMES  
8514 MARQUETTE DR  
GROSSE ILE, MI 48138-1566

NAPIER ESTATES LLC  
3104 E 700 N  
WHITELAND, IN 46184-9420

R & N PARTNERS LLC  
8303 PINE RIVER RD  
TAMPA, FL 33637-1011

AMMONS, LISA  
13331 GULF BLVD  
MADEIRA BEACH, FL 33708-2513

RAYMOND, LAUREN S  
11423 112TH AVE  
LARGO, FL 33778-3726

BAREFOOT BEACH RESORT SOUTH LLC  
PO BOX 10210  
FORT SMITH, AR 72917-0210

DAVEROE PROPERTIES LLC  
3822 DR MARTIN LUTHER KING JR ST N  
ST PETERSBURG, FL 33703-4649

PETERSON, JOYCE E  
13195 GULF LN UNIT 402  
MADEIRA BEACH, FL 33708-2556

STROUPE, SONDRAL ELISABETH  
4579 SUMMERSIDE DR  
CLOVER, SC 29710-8674

DEXTER & CICI PROPERTIES LLC  
1815 SEVIER ST  
NASHVILLE, TN 37206-2146

MARTINEZ, RICARDO H  
13215 SERPENTINE WAY  
SILVER SPRING, MD 20904-5347

MADEIRA RESORT CONDO LLC  
11185 KAPOK GRAND CIR  
MADEIRA BEACH, FL 33708-3015

OUR BEACH CONDO LLC  
2483 OCEAN AVE  
BELLMORE, NY 11710-3826

3G LLC  
2560 CALVANO DR  
LAND O LAKES, FL 34639-5493

DUSTY TRAILS RVN LLC  
8787 BOYSENBERRY DR  
TAMPA, FL 33635

1 3 2 3 5 GULF BLVD UNIT 210 LLC  
3129 N 76TH CT  
ELMWOOD PARK, IL 60707-1106

LUCKY TWO LLC  
2396 BASSETT RD  
WESTLAKE, OH 44145-2909

WESTEN APARTMENTS LLC  
PO BOX 144  
ROCKFIELD, KY 42274-0144

SOUTHWAY MINI STORAGE LLC  
PO BOX 80105  
CANTON, OH 44708-0105

DAVEROE PROPERTIES LLC  
3822 DR MARTIN LUTHER KING JR ST N  
ST PETERSBURG, FL 33703-4649

MADEIRA BEACH, CITY OF  
300 MUNICIPAL DR  
MADEIRA BEACH, FL 33708-1916

SMITH, DOUGLAS C  
PO BOX 76255  
ST PETERSBURG, FL 33734-6255

MADEIRA GULF LLC  
1105 BLYTH HILL CT  
TRINITY, FL 34655-7014

FRANCIS TRUST LLC  
2560 CALVANO DR  
LAND O LAKES, FL 34639-5493

FRANCIS TRUST LLC  
2560 CALVANO DR  
LAND O LAKES, FL 34639-5493

DI DOMENICO, ANTOINETTE  
2523 YUKON CLIFF DR  
RUSKIN, FL 33570-6346

MADEIRA BAY 1406 LLC  
13101 GULF BLVD UNIT 1406  
MADEIRA BEACH, FL 33708-2630

FINZI LLC  
17548 DEER ISLE CIR  
WINTER GARDEN, FL 34787-9418

MEDEIRA BR 1708 LLC  
580 S HIGH ST STE 330  
COLUMBUS, OH 43215-5644

NGUYEN, MUI THI TRUST  
163101 GULF BLVD UNIT 1707  
MADEIRA BEACH, FL 33708

BARBAS, CAMERON  
13336 GULF BLVD UNIT 502  
ST PETERSBURG, FL 33708-2553

MEEHAN, FRANCES C  
13336 GULF BLVD APT 403  
ST PETERSBURG, FL 33708-2552

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5633 N NEWARK AVE  
CHICAGO, IL 60631-3138

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PO BOX 618  
BAY PINES, FL 33744-0618

13325 GULF DEVELOPERS LLC  
PO BOX 10210  
FORT SMITH, AR 72917-0210

BAREFOOT BEACH RESORT SOUTH LLC  
PO BOX 10210  
FORT SMITH, AR 72917-0210

MADEIRA BEACH, CITY OF  
300 MUNICIPAL DR  
MADEIRA BEACH, FL 33708-1916

GIANNINI, MARCANTONIO A  
4657 VROOMAN DR  
LEWISTON, NY 14092-1048



**MIKE TWITTY, MAI, CFA**  
**Pinellas County Property Appraiser**

[www.pcpao.gov](http://www.pcpao.gov)

[mike@pcpao.gov](mailto:mike@pcpao.gov)

Run Date: 21 Jun 2023

Subject Parcel: 15-31-15-02741-000-0010

Radius: 300 feet

Parcel Count: 140

Total pages: 6

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 MINA, VIRGINIA  
 C/O MINA, MANUEL  
 13000 GULF LN APT 504  
 MADEIRA BEACH, FL 33708-2694

SULLIVAN, JASON LAWRENCE  
 SULLIVAN, JULIE PATRICIA  
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 BAY BULLS NL A0A 1C0,  
 CANADA

CROSS, JOHN R  
 CROSS, LYNETTE KAY  
 1106 MOON VALLEY RD  
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 ANTONAK, JUDITH A  
 1131 IVYGLEN CIR  
 BLOOMFIELD HILLS, MI 48304-1236

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 DIFEO, KATHLEEN  
 23 OFFER ST  
 BRADFORD, MA 01835-7005

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 DE MELO, TERESA  
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 BRAMPTON ON L6Y 5G9,  
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ABRAMO, ANGELO  
 ABRAMO, NANCY  
 192 GARDEN PKWY  
 BUFFALO, NY 14221-6628

RAGHEB, EMAD  
 4333 WAKEFIELD CRESC  
 MISSISSAUGA ON L5C 4N3,  
 CANADA

MADEIRA DEL SOL CONDO ASSN INC  
 28-540 SPITFIRE ST  
 WOODSTOCK ON N4T 0C2,  
 CANADA

AZZURI LTD  
 67 DECARIE CIR  
 ETOBICOKE ON M9B 3J1,  
 CANADA

NOROUZIAN, MIRYOUSEF  
 KING, KATHLEEN C  
 1503 GINGER SNAP TRL  
 DELAND, FL 32720-0923

BUDZBAN GREGORY & MARY ANN FAMILY JNT  
 REV TRUST  
 BUDZBAN, GREGORY M TRE  
 1565 MAPLEWOOD CT  
 EDWARDSVILLE, IL 62025-3186

WILSON, HALEIGH G TRE  
 WILSON, HALEIGH G REVOCABLE TRUST  
 7601 W FRANKLIN RD  
 EVANSVILLE, IN 47712-9246

SCOTT, CORY  
 SCOTT, JACKIE  
 2885 COSTA DR  
 GALESBURG, IL 61401-1235

HARMON, ANJA  
 HARMON, TYLER W  
 5893 STRATFORD GLEN CT SE  
 GRAND RAPIDS, MI 49546-3886

HUNIGAN, JAMIE  
 HUNIGAN, DONNA  
 62 SUNSET MEADOWS CT  
 GRAY, TN 37615

BOSCIA REVOCABLE TRUST  
 BOSCIA, MICHAEL M TRE  
 1671 E GATE DANCER CIR  
 INVERNESS, FL 34453-3395

WATKINS, MYRON C  
 WATKINS, LIESEL C  
 4503 OLD STAGE RD APT 303  
 KINGSPORT, TN 37664-2938

MCLLENAGHAN, KRISTA  
 LAWLEY, KELLY  
 94 BREMBEL ST  
 KITCHENER ON N2B 3T7,  
 CANADA

FRANCIS, ANTHONY  
 FRANCIS, MANDY  
 2560 CALVANO DR  
 LAND O LAKES, FL 34639-5493

KILCOYNE, ELIZABETH J  
 KILCOYNE, MARK E  
 4939 W TOKAY DR  
 LAPORT, IN 46350-8463

TRAUB, ANGEL M  
 TRAUB, TROY  
 560 S FAIRFIELD AVE  
 LOMBARD, IL 60148-2828

LLAUGET, RONALD F  
 LLAUGET, ROSE A  
 19905 READING RD  
 LUTZ, FL 33558-5006

ARNOLD, JEFFREY M  
 ZINK, AMY RENEE  
 1825 MAZO MANOR UNIT V8  
 LUTZ, FL 33558-5461

TAGLIARINI, DAVID  
 CANTRELL, JERRY J  
 13322 1ST ST E  
 MADEIRA BEACH, FL 33708-2402

YOUNG, MICHELLE  
 GORDILLO, JUAN  
 111 BOCA CIEGA DR  
 MADEIRA BEACH, FL 33708-2451

COSTA, MICHAEL A  
 COSTA, ILEANA  
 13302 GULF BLVD  
 MADEIRA BEACH, FL 33708-2514

\*\*\*\*\*  
 \*\*\*\*\*  
 13201 GULF LN  
 MADEIRA BEACH, FL 33708-2533

RAYBORN, SANDRA  
 RAYBORN, MITCHELL  
 13307 GULF LN UNIT A  
 MADEIRA BEACH, FL 33708-2535

KLABEN, GERALD L JR  
 KLABEN, JOANN O  
 13303 GULF LN  
 MADEIRA BEACH, FL 33708-2535

MEYER, JAMES  
MEYER, ANGELA  
13307 GULF LN UNIT B  
MADEIRA BEACH, FL 33708-2535

MIGONE, RUBEN A  
MIGONE, ANA B  
13336 GULF BLVD UNIT 101  
MADEIRA BEACH, FL 33708-2550

HOUSH, WILLIAM M III  
HOUSH, LYNN C  
13336 GULF BLVD APT 404  
MADEIRA BEACH, FL 33708-2552

HUZIOR, RYSZARD  
HUZIOR, JANINA  
13336 GULF BLVD UNIT 501  
MADEIRA BEACH, FL 33708-2553

ALVITI, ELIZABETH M  
CLARK, CHRISTOPHER G  
13195 GULF LN UNIT 502  
MADEIRA BEACH, FL 33708-2556

FERRARO, MICHAEL L  
FERRARO, ALDONA M  
13195 GULF LN UNIT 202  
MADEIRA BEACH, FL 33708-2556

NIKIFOROV, YULIA  
NIKIFOROV, ALEXEY  
13235 GULF BLVD UNIT C1  
MADEIRA BEACH, FL 33708-2632

RAY, BARBARA REVOCABLE LIVING TRUST  
RAY, BARBARA TRE  
PO BOX 86005  
MADEIRA BEACH, FL 33738-6005

POGORELOVA, MARIYA  
POGORELOV, MAXIM  
4910 ODANA RD  
MADISON, WI 53711-1337

KUPRIANOV, ALEXANDER  
SNYDER, KRISTIN  
30 RENAISSANCE DR  
MAYS LANDING, NJ 08330-2362

GERMANI, ENRIQUE FERNANDO  
HAZ, PATRICIA ELIZABETH  
6425 COACHFORD WAY  
MISSISSAUGA ON L5N 3V8,  
CANADA

FL INT IMP FUND TRE  
C/O AMERIS REALTY OF FL  
1114 17TH AVE S STE 205  
NASHVILLE, TN 37212-2215

MELTON, PAUL  
MELTON, ANNE MARIE  
10120 WORTHY LAMB WAY  
NEW PORT RICHEY, FL 34654-3632

KLINE FAMILY TRUST  
KLINE, JOHN MICHAEL TRE  
10 RIVAGE  
NEWPORT COAST, CA 92657-0100

BINSTOCK, AARON J TRE  
BINSTOCK, KATRINA A TRE  
1081 SHIRE ST  
NOKOMIS, FL 34275-1645

STEWART, CHARLES  
STEWART, AUSILIA  
484 CRIMSON OAK TRAIL  
OAKVILLE ON L6H 7A3,  
CANADA

ALVARODIAZ, WILLIAM  
CABRERA, DAVID  
18107 JORENE RD  
ODESSA, FL 33556

YORK, MICHAEL S & ALTA C LIVING TRUST  
YORK, MICHAEL S TRE  
6510 THOROUGHbred LOOP  
ODESSA, FL 33556-1859

COTO, FRANK III TRE  
COTO, NICOLE TRE  
15306 LAKE MAURINE DR  
ODESSA, FL 33556-3112

GUARINO, ROSS A JR  
GUARINO, LISA KLAS  
3085 ANGLE RD  
ORCHARD PARK, NY 14127-1401

MIDDLEBRO, JOHN H  
MIDDLEBRO, EDITH A  
525 4TH AVE A W  
OWEN SOUND ON N4K 4Z6,  
CANADA

SUVAK, WILLIAM A JR  
SUVAK, NORMA LYNN  
408 ROYAL CT  
PITTSBURGH, PA 15234-1049

ALLOR, MARY T TRE  
ALLOR FAMILY TRUST  
10602 TRAILWOOD RD  
PLYMOUTH, MI 48170-3855

ADAMS, JAMES M  
ADAMS, LINDA L  
10565 57TH AVE N  
PLYMOUTH, MN 55442-1661

DUNN, BRIAN P  
DUNN, MAY LEE H  
2401 POWDERHORN DR  
RICHMOND, VA 23231-7059

MULLINEAUX, WILLIAM T  
MULLINEAUX, SUSANNE M  
5000 CLAYTON CT  
SAINT AUGUSTINE, FL 32092-3688

KOBETITSCH FAMILY TRUST  
KOBETITSCH, THOMAS TRE  
26 SAINT MARYS AVE  
SAN FRANCISCO, CA 94112-1019

ROBINSON, CHERRIE L TRE  
ROBINSON, CHERRIE L LIV TRUST  
8461 MONARCH CIR  
SEMINOLE, FL 33772-3953

PETERSON, CHRISTOPHER E  
PETERSON, SHANNON R  
500 173RD AVE  
ST PETERSBURG, FL 33708-1337

HARNEY, BRUCE C  
HARNEY, RENE O  
140 174TH TERRACE DR E  
ST PETERSBURG, FL 33708-1343

DE BORD, CLAUDE H JR  
DE BORD, JOANNE K  
3990 61ST ST N  
ST PETERSBURG, FL 33709-5259

PETRINI, RONALD R REV TRUST  
PETRINI, RONALD R TRE  
2432 PELHAM RD N  
ST PETERSBURG, FL 33710-3666

ZBROZHEK, ALENA  
SAPOSHNIKOV, DMITRIY  
1834 COUNTRY CLUB RD N  
ST PETERSBURG, FL 33710-3806

WEISSHAPPEL, JOSEPH T  
WEISSHAPPEL, KATHERINE A  
3025 BIG TIMBER CIR  
SUAMICO, WI 54313-7984

FERNANDEZ, MARGUERITE P REV TRUST  
FERNANDEZ, DAVID B TRE  
6112 N FLORIDA AVE  
TAMPA, FL 33604-6624

YORK, ANDREA  
YORK, STEPHEN  
15724 WOODSHED PL  
TAMPA, FL 33624-1507

PEKAR, VLADISLAV  
PEKAR, YELENA  
5923 BROWDER RD  
TAMPA, FL 33625-4128

MARTIN, EDDY TRE  
MARTIN, MADELIN TRE  
12531 CARDIFF DR  
TAMPA, FL 33625-6593

RUDZIK FAMILY TRUST  
RUDZIK, ROBERT J TRE  
240 108TH AVE UNIT 302  
TREASURE ISLAND, FL 33706-5068

BUCKLER, JAMES A  
BUCKLER, LYNNE M  
24 MILLSTONE CRT  
UNIONVILLE ON L3R 7M4,  
CANADA

WATSON, KATHLEEN  
COFFEY, KAREN LEE  
4121 HELENE PL  
VALRICO, FL 33594-5412

PETERSON, COURTNEY D  
PETERSON, CAROL J  
807 8TH ST N  
VIRGINIA, MN 55792-2317

LINDAUER, WILLIAM TRE  
LINDAUER, MELINDA TRE  
PO BOX 591  
WAYNESVILLE, OH 45068-0591

JAQUETT, FRANK L  
JAQUETT, LISA L  
22 FARMINGTON CIR  
WEST GROVE, PA 19390-9542

SHEBEL, JOHN  
SHEBEL, ELYSIA  
11111 W 300 S  
WESTVILLE, IN 46391-9535

BELL, WILLIAM  
BELL, SANDRA  
9600 ELIZABETH LAKE RD  
WHITE LAKE, MI 48386-2723

BROOKS, SANDRA L LIV TRUST  
BROOKS, SANDRA L TRE  
327 E 5TH AVE  
WINDERMERE, FL 34786-3500

BROOME, CRAIG  
13255 GULF LN  
MADEIRA BEACH, FL 33708-2533

DEMPSEA VACATIONS LLC  
5555 GULF BLVD UNIT 111  
ST PETE BEACH, FL 33706-2330

MCQUAID, JANE E LIVING TRUST  
2615 RIO TIBER DR  
PUNTA GORDA, FL 33950-6388

GATOR NOLE LLC  
520 CAPRI BLVD  
TREASURE ISLAND, FL 33706-2944

BLANG, EUGENIE M  
435 NEW HAMPSHIRE AVE  
NORFOLK, VA 23508-2128

THORNTON, CYNTHIA  
300 CHLOE DR  
LA FAYETTE, GA 30728-6298

TAVAREZ, TIFFANY  
30 DUNCAN LN  
ROCKAWAY, NJ 07866-2808

EISLER, JAN L TRE  
13336 GULF BLVD APT 304  
MADEIRA BEACH, FL 33708-2552

FLEGAL, RONALD W  
768 S COMMERCIAL ST  
NEENAH, WI 54956-3314

JUEDES, GAYLE A  
13336 GULF BLVD APT 104  
MADEIRA BEACH, FL 33708-2550

P V L LTD PTNSHP LLLP  
1201 BAYSHORE BLVD  
TAMPA, FL 33606-2910

QUALITY RENTALS OF 28 PROSPECT LLC  
13235 GULF BLVD UNIT C3  
MADERIA BEACH, FL 33708

QUALITY RENTALS OF 28 PROSPECT LLC  
212 11TH AVE N  
ST PETERSBURG, FL 33701

13235 GULF BLVD 512 LLC  
8718 COBBLESTONE DR  
TAMPA, FL 33615-4914

YUNIVER, STELLA  
11909 MANDEVILLA CT  
TAMPA, FL 33626-3305

NAKAT, SAM S  
8433 TIVOLI DR  
ORLANDO, FL 32836-8759

ESPINOSA, PATRICK JR  
7431 JOHNSON ST  
ARVADA, CO 80005-4177

NAPARIU, JOHN S  
4448 S CREEKSIDE DR  
NEW PALESTINE, IN 46163-9553

FULKERSON, KAREN  
PO BOX 311  
CLARKSON, KY 42726-0311

MADEIRA BAY RESORT I CONDO ASSN INC  
2325 ULMERTON RD STE 20  
CLEARWATER, FL 33762-3373

JUNG, SHERRY CAMP  
13195 GULF LN UNIT 302  
MADEIRA BEACH, FL 33708-2556

SALZMAN, ROSA A  
10134 S FULTON CT  
ORLANDO, FL 32836-3707

BUDZIAK, CHRISTOPHER JAMES  
8514 MARQUETTE DR  
GROSSE ILE, MI 48138-1566

NAPIER ESTATES LLC  
3104 E 700 N  
WHITELAND, IN 46184-9420

AMMONS, LISA  
13331 GULF BLVD  
MADEIRA BEACH, FL 33708-2513

RAYMOND, LAUREN S  
11423 112TH AVE  
LARGO, FL 33778-3726

DAVEROE PROPERTIES LLC  
3822 DR MARTIN LUTHER KING JR ST N  
ST PETERSBURG, FL 33703-4649

PETERSON, JOYCE E  
13195 GULF LN UNIT 402  
MADEIRA BEACH, FL 33708-2556

STROUPE, SONDRAS ELISABETH  
4579 SUMMERSIDE DR  
CLOVER, SC 29710-8674

DEXTER & CICI PROPERTIES LLC  
1815 SEVIER ST  
NASHVILLE, TN 37206-2146

MARTINEZ, RICARDO H  
13215 SERPENTINE WAY  
SILVER SPRING, MD 20904-5347

MADEIRA RESORT CONDO LLC  
11185 KAPOK GRAND CIR  
MADEIRA BEACH, FL 33708-3015

OUR BEACH CONDO LLC  
2483 OCEAN AVE  
BELLMORE, NY 11710-3826

3G LLC  
2560 CALVANO DR  
LAND O LAKES, FL 34639-5493

DUSTY TRAILS RVN LLC  
8787 BOYSENBERRY DR  
TAMPA, FL 33635

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3129 N 76TH CT  
ELMWOOD PARK, IL 60707-1106

SOUTHWAY MINI STORAGE LLC  
PO BOX 80105  
CANTON, OH 44708-0105

BBRS CONDO ASSN INC  
13238 GULF BLVD  
MADEIRA BEACH, FL 33708-2633

DAVEROE PROPERTIES LLC  
3822 DR MARTIN LUTHER KING JR ST N  
ST PETERSBURG, FL 33703-4649

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PO BOX 10210  
FORT SMITH, AR 72917-0210

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300 MUNICIPAL DR  
MADEIRA BEACH, FL 33708-1916

GIANNINI, MARCANTONIO A  
4657 VROOMAN DR  
LEWISTON, NY 14092-1048

PICOLLO, BRONWYN  
18325 GULF BLVD UNIT 201  
REDINGTON SHORES, FL 33708-1056

HOTEL B INVESTORS LLC  
410 150TH AVE STE H  
MADEIRA BEACH, FL 33708-2000

NASH COTTAGES LLC  
6010 BAHAMA SHORES DR S  
ST PETERSBURG, FL 33705-5432

BDA44 LLC  
503 TOMAHAWK TRL  
BRANDON, FL 33511-8085

MADEIRA DUNES CONDO ASSN INC  
13307 GULF LN  
MADEIRA BEACH, FL 33708-2535

BELLO, ROBERT JR  
13301 GULF LN  
MADEIRA BEACH, FL 33708-2535

CAMPBELL, MARTHA E  
13195 GULF LN APT 102  
MADEIRA BEACH, FL 33708-2555

BATEY, JEAN B  
55 BOCA CIEGA DR  
MADEIRA BEACH, FL 33708-2449

MADEIRA BAY RESORT II CONDO ASSN INC  
13030 GULF BLVD  
MADEIRA BEACH, FL 33708-2639

13200 GULF LLC  
7901 4TH ST N STE 300  
ST PETERSBURG, FL 33702





**MIKE TWITTY, MAI, CFA**  
**Pinellas County Property Appraiser**

[www.pcpao.gov](http://www.pcpao.gov)

[mike@pcpao.gov](mailto:mike@pcpao.gov)

Run Date: 21 Jun 2023

Subject Parcel: 15-31-15-02741-000-0020

Radius: 300 feet

Parcel Count: 170

Total pages: 7

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 MINA, VIRGINIA  
 C/O MINA, MANUEL  
 13000 GULF LN APT 504  
 MADEIRA BEACH, FL 33708-2694

SULLIVAN, JASON LAWRENCE  
 SULLIVAN, JULIE PATRICIA  
 PO BOX 405  
 BAY BULLS NL A0A 1C0,  
 CANADA

CROSS, JOHN R  
 CROSS, LYNETTE KAY  
 1106 MOON VALLEY RD  
 BILLINGS, MT 59105-2024

ANTONAK, GEORGE H JR  
 ANTONAK, JUDITH A  
 1131 IVYGLEN CIR  
 BLOOMFIELD HILLS, MI 48304-1236

DIFEO, FRANK  
 DIFEO, KATHLEEN  
 23 OFFER ST  
 BRADFORD, MA 01835-7005

DE MELO, FIRMO  
 DE MELO, TERESA  
 7 LINKS LANE  
 BRAMPTON ON L6Y 5G9,  
 CANADA

THOMPSON, RICHARD  
 LOURENCO, MONICA  
 32 SAWSTON CIR  
 BRAMPTON ON L7A 2N8,  
 CANADA

ABRAMO, ANGELO  
 ABRAMO, NANCY  
 192 GARDEN PKWY  
 BUFFALO, NY 14221-6628

MADEIRA DEL SOL CONDO ASSN INC  
 28-540 SPITFIRE ST  
 WOODSTOCK ON N4T 0C2,  
 CANADA

RAGHEB, EMAD  
 4333 WAKEFIELD CRESC  
 MISSISSAUGA ON L5C 4N3,  
 CANADA

AZZURI LTD  
 67 DECARIE CIR  
 ETOBICOKE ON M9B 3J1,  
 CANADA

NOROUZIAN, MIRYOUSEF  
 KING, KATHLEEN C  
 1503 GINGER SNAP TRL  
 DELAND, FL 32720-0923

LOCKER, MICHAEL W  
 LOCKER, STACY  
 814 W 5TH ST  
 DULUTH, MN 55806-3943

BUDZBAN GREGORY & MARY ANN FAMILY JNT  
 REV TRUST  
 BUDZBAN, GREGORY M TRE  
 1565 MAPLEWOOD CT  
 EDWARDSVILLE, IL 62025-3186

WILSON, HALEIGH G TRE  
 WILSON, HALEIGH G REVOCABLE TRUST  
 7601 W FRANKLIN RD  
 EVANSVILLE, IN 47712-9246

SCOTT, CORY  
 SCOTT, JACKIE  
 2885 COSTA DR  
 GALESBURG, IL 61401-1235

HARMON, ANJA  
 HARMON, TYLER W  
 5893 STRATFORD GLEN CT SE  
 GRAND RAPIDS, MI 49546-3886

HUNIGAN, JAMIE  
 HUNIGAN, DONNA  
 62 SUNSET MEADOWS CT  
 GRAY, TN 37615

BOSCIA REVOCABLE TRUST  
 BOSCIA, MICHAEL M TRE  
 1671 E GATE DANCER CIR  
 INVERNESS, FL 34453-3395

WATKINS, MYRON C  
 WATKINS, LIESEL C  
 4503 OLD STAGE RD APT 303  
 KINGSPORT, TN 37664-2938

MCLENAGHAN, KRISTA  
 LAWLEY, KELLY  
 94 BREMBEL ST  
 KITCHENER ON N2B 3T7,  
 CANADA

FRANCIS, ANTHONY  
 FRANCIS, MANDY  
 2560 CALVANO DR  
 LAND O LAKES, FL 34639-5493

KILCOYNE, ELIZABETH J  
 KILCOYNE, MARK E  
 4939 W TOKAY DR  
 LAPORT, IN 46350-8463

TRAUB, ANGEL M  
 TRAUB, TROY  
 560 S FAIRFIELD AVE  
 LOMBARD, IL 60148-2828

BUJOUVES, PERRY ANGELO  
 BUJOUVES, MARIA VERGIRIS  
 1539 JIM ALLEN WAY  
 LONDON ON N6K 0E1,  
 CANADA

COMBS, HAROLD  
 COMBS, BEATRICE  
 10104 SPRINGBURST GARDENS CIR  
 LOUISVILLE, KY 40241-5196

LLAUGET, RONALD F  
 LLAUGET, ROSE A  
 19905 READING RD  
 LUTZ, FL 33558-5006

ARNOLD, JEFFREY M  
 ZINK, AMY RENEE  
 1825 MAZO MANOR UNIT V8  
 LUTZ, FL 33558-5461

YOUNG, MICHELLE  
 GORDILLO, JUAN  
 111 BOCA CIEGA DR  
 MADEIRA BEACH, FL 33708-2451

COSTA, MICHAEL A  
 COSTA, ILEANA  
 13302 GULF BLVD  
 MADEIRA BEACH, FL 33708-2514

COSTA, MICHAEL A TRUST  
 COSTA, ILEANA TRUST  
 13302 GULF BLVD  
 MADEIRA BEACH, FL 33708-2514

\*\*\*\*\*  
 \*\*\*\*\*  
 13201 GULF LN  
 MADEIRA BEACH, FL 33708-2533

RAYBORN, SANDRA  
 RAYBORN, MITCHELL  
 13307 GULF LN UNIT A  
 MADEIRA BEACH, FL 33708-2535

KLABEN, GERALD L JR  
 KLABEN, JOANN O  
 13303 GULF LN  
 MADEIRA BEACH, FL 33708-2535

MEYER, JAMES  
 MEYER, ANGELA  
 13307 GULF LN UNIT B  
 MADEIRA BEACH, FL 33708-2535

MIGONE, RUBEN A  
 MIGONE, ANA B  
 13336 GULF BLVD UNIT 101  
 MADEIRA BEACH, FL 33708-2550

HOUSH, WILLIAM M III  
 HOUSH, LYNN C  
 13336 GULF BLVD APT 404  
 MADEIRA BEACH, FL 33708-2552

HUZIOR, RYSZARD  
 HUZIOR, JANINA  
 13336 GULF BLVD UNIT 501  
 MADEIRA BEACH, FL 33708-2553

FERRARO, MICHAEL L  
 FERRARO, ALDONA M  
 13195 GULF LN UNIT 202  
 MADEIRA BEACH, FL 33708-2556

ALVITI, ELIZABETH M  
 CLARK, CHRISTOPHER G  
 13195 GULF LN UNIT 502  
 MADEIRA BEACH, FL 33708-2556

DECONTI, PHILIP V JR TRE  
 DECONTI, TAMERA TRE  
 150 131ST AVE W  
 MADEIRA BEACH, FL 33708-2624

DECONTI, PHILIP V JR TRE  
 DECONTI, TAMERA TRE  
 150 131ST AVE W  
 MADEIRA BEACH, FL 33708-2624

MARTIN, JULIO J  
 GUERRERO, JOSEFA M  
 13101 GULF BLVD UNIT 1609  
 MADEIRA BEACH, FL 33708-2630

HE, LEQUIN  
 GUO, SHAOBO  
 13101 GULF BLVD UNIT 1408  
 MADEIRA BEACH, FL 33708-2630

VAN HOUTEN, GEORGE W SR  
 VANHOUTEN, GEORGE W JR  
 13101 GULF BLVD UNIT 1509  
 MADEIRA BEACH, FL 33708-2630

CAYEA, SHANNON G  
 STAMP, WILLIAM D  
 13101 GULF BLVD UNIT 1409  
 MADEIRA BEACH, FL 33708-2630

NIKIFOROV, YULIA  
 NIKIFOROV, ALEXEY  
 13235 GULF BLVD UNIT C1  
 MADEIRA BEACH, FL 33708-2632

RAY, BARBARA REVOCABLE LIVING TRUST  
 RAY, BARBARA TRE  
 PO BOX 86005  
 MADEIRA BEACH, FL 33738-6005

POGORELOVA, MARIYA  
 POGORELOV, MAXIM  
 4910 ODANA RD  
 MADISON, WI 53711-1337

KUPRIANOV, ALEXANDER  
 SNYDER, KRISTIN  
 30 RENAISSANCE DR  
 MAYS LANDING, NJ 08330-2362

GERMANI, ENRIQUE FERNANDO  
 HAZ, PATRICIA ELIZABETH  
 6425 COACHFORD WAY  
 MISSISSAUGA ON L5N 3V8,  
 CANADA

FL INT IMP FUND TRE  
 C/O AMERIS REALTY OF FL  
 1114 17TH AVE S STE 205  
 NASHVILLE, TN 37212-2215

MELTON, PAUL  
 MELTON, ANNE MARIE  
 10120 WORTHY LAMB WAY  
 NEW PORT RICHEY, FL 34654-3632

KLINE FAMILY TRUST  
 KLINE, JOHN MICHAEL TRE  
 10 RIVAGE  
 NEWPORT COAST, CA 92657-0100

BINSTOCK, AARON J TRE  
 BINSTOCK, KATRINA A TRE  
 1081 SHIRE ST  
 NOKOMIS, FL 34275-1645

STEWART, CHARLES  
 STEWART, AUSILIA  
 484 CRIMSON OAK TRAIL  
 OAKVILLE ON L6H 7A3,  
 CANADA

ALVARODIAZ, WILLIAM  
 CABRERA, DAVID  
 18107 JORENE RD  
 ODESSA, FL 33556

YORK, MICHAEL S & ALTA C LIVING TRUST  
 YORK, MICHAEL S TRE  
 6510 THOROUGHbred LOOP  
 ODESSA, FL 33556-1859

COTO, FRANK III TRE  
 COTO, NICOLE TRE  
 15306 LAKE MAURINE DR  
 ODESSA, FL 33556-3112

GUARINO, ROSS A JR  
 GUARINO, LISA KLAS  
 3085 ANGLE RD  
 ORCHARD PARK, NY 14127-1401

MIDDLEBRO, JOHN H  
MIDDLEBRO, EDITH A  
525 4TH AVE A W  
OWEN SOUND ON N4K 4Z6,  
CANADA

ARTETA, ERNESTO  
ARTETA, MARLENE GITTERLE  
428 S FAIRVIEW  
PARK RIDGE, IL 60068-4753

SUVAK, WILLIAM A JR  
SUVAK, NORMA LYNN  
408 ROYAL CT  
PITTSBURGH, PA 15234-1049

ALLOR, MARY T TRE  
ALLOR FAMILY TRUST  
10602 TRAILWOOD RD  
PLYMOUTH, MI 48170-3855

ADAMS, JAMES M  
ADAMS, LINDA L  
10565 57TH AVE N  
PLYMOUTH, MN 55442-1661

DUNN, BRIAN P  
DUNN, MAY LEE H  
2401 POWDERHORN DR  
RICHMOND, VA 23231-7059

MULLINEAUX, WILLIAM T  
MULLINEAUX, SUSANNE M  
5000 CLAYTON CT  
SAINT AUGUSTINE, FL 32092-3688

KOBETITSCH FAMILY TRUST  
KOBETITSCH, THOMAS TRE  
26 SAINT MARYS AVE  
SAN FRANCISCO, CA 94112-1019

ROBINSON, CHERRIE L TRE  
ROBINSON, CHERRIE L LIV TRUST  
8461 MONARCH CIR  
SEMINOLE, FL 33772-3953

KAMERIC, LEO OMAR  
NGUYEN, AMIE ALEXA  
129 PAXTON LN  
ST DAVIDS ON LOS 1J1,  
CANADA

PETERSON, CHRISTOPHER E  
PETERSON, SHANNON R  
500 173RD AVE  
ST PETERSBURG, FL 33708-1337

HARNEY, BRUCE C  
HARNEY, RENE O  
140 174TH TERRACE DR E  
ST PETERSBURG, FL 33708-1343

DE BORD, CLAUDE H JR  
DE BORD, JOANNE K  
3990 61ST ST N  
ST PETERSBURG, FL 33709-5259

PETRINI, RONALD R REV TRUST  
PETRINI, RONALD R TRE  
2432 PELHAM RD N  
ST PETERSBURG, FL 33710-3666

ZBROZHEK, ALENA  
SAPOSHNIKOV, DMITRIY  
1834 COUNTRY CLUB RD N  
ST PETERSBURG, FL 33710-3806

WEISSHAPPEL, JOSEPH T  
WEISSHAPPEL, KATHERINE A  
3025 BIG TIMBER CIR  
SUAMICO, WI 54313-7984

FERNANDEZ, MARGUERITE P REV TRUST  
FERNANDEZ, DAVID B TRE  
6112 N FLORIDA AVE  
TAMPA, FL 33604-6624

YORK, ANDREA  
YORK, STEPHEN  
15724 WOODSHED PL  
TAMPA, FL 33624-1507

HERNANDEZ, ORLANDO A  
HERNANDEZ, MARIA A  
5503 LAKE LETA BLVD  
TAMPA, FL 33624-2068

PEKAR, VLADISLAV  
PEKAR, YELENA  
5923 BROWDER RD  
TAMPA, FL 33625-4128

MARTIN, EDDY TRE  
MARTIN, MADELIN TRE  
12531 CARDIFF DR  
TAMPA, FL 33625-6593

RUDZIK FAMILY TRUST  
RUDZIK, ROBERT J TRE  
240 108TH AVE UNIT 302  
TREASURE ISLAND, FL 33706-5068

BUCKLER, JAMES A  
BUCKLER, LYNNE M  
24 MILLSTONE CRT  
UNIONVILLE ON L3R 7M4,  
CANADA

WATSON, KATHLEEN  
COFFEY, KAREN LEE  
4121 HELENE PL  
VALRICO, FL 33594-5412

PETERSON, COURTNEY D  
PETERSON, CAROL J  
807 8TH ST N  
VIRGINIA, MN 55792-2317

LINDAUER, WILLIAM TRE  
LINDAUER, MELINDA TRE  
PO BOX 591  
WAYNESVILLE, OH 45068-0591

JAQUETT, FRANK L  
JAQUETT, LISA L  
22 FARMINGTON CIR  
WEST GROVE, PA 19390-9542

SHEBEL, JOHN  
SHEBEL, ELYSIA  
11111 W 300 S  
WESTVILLE, IN 46391-9535

BELL, WILLIAM  
BELL, SANDRA  
9600 ELIZABETH LAKE RD  
WHITE LAKE, MI 48386-2723

BROOKS, SANDRA L LIV TRUST  
BROOKS, SANDRA L TRE  
327 E 5TH AVE  
WINDERMERE, FL 34786-3500

NDL BEACH PROPERTY 1704 LLC  
PO BOX 66689  
ST PETE BEACH, FL 33736-6689

KUHN SQUAD LLC  
1925 JOSEY WALES TRL  
DU QUOIN, IL 62832-3704

CALLAHAN, BRONWYN PICOLO  
18325 GULF BLVD UNIT 201  
REDINGTON SHORES, FL 33708-1056

EVERNGAM, R SCOTT  
13101 GULF BLVD UNIT 1407  
MADEIRA BEACH, FL 33708-2630

HOTEL B INVESTORS LLC  
410 150TH AVE STE H  
MADEIRA BEACH, FL 33708-2000

NASH COTTAGES LLC  
6010 BAHAMA SHORES DR S  
ST PETERSBURG, FL 33705-5432

BDA44 LLC  
503 TOMAHAWK TRL  
BRANDON, FL 33511-8085

MADEIRA DUNES CONDO ASSN INC  
13307 GULF LN  
MADEIRA BEACH, FL 33708-2535

BELLO, ROBERT JR  
13301 GULF LN  
MADEIRA BEACH, FL 33708-2535

CAMPBELL, MARTHA E  
13195 GULF LN APT 102  
MADEIRA BEACH, FL 33708-2555

BATEY, JEAN B  
55 BOCA CIEGA DR  
MADEIRA BEACH, FL 33708-2449

MADEIRA BAY RESORT II CONDO ASSN INC  
13030 GULF BLVD  
MADEIRA BEACH, FL 33708-2639

DEMPSEA VACATIONS LLC  
5555 GULF BLVD UNIT 111  
ST PETE BEACH, FL 33706-2330

INTUIT OASIS PROPERTIES III LLC  
13952 NOBLE PARK DR  
ODESSA, FL 33556-1767

TORRES, RICHARD  
83 E HIDDEN BAY DR  
DARTMOUTH, MA 02748-3023

GONZALEZ, CHRISTOPHER  
4026 18TH ST  
SAN FRANCISCO, CA 94114-2502

BROOME, CRAIG  
13255 GULF LN  
MADEIRA BEACH, FL 33708-2533

13200 GULF LLC  
7901 4TH ST N STE 300  
ST PETERSBURG, FL 33702

MCQUAID, JANE E LIVING TRUST  
2615 RIO TIBER DR  
PUNTA GORDA, FL 33950-6388

GATOR NOLE LLC  
520 CAPRI BLVD  
TREASURE ISLAND, FL 33706-2944

BLANG, EUGENIE M  
435 NEW HAMPSHIRE AVE  
NORFOLK, VA 23508-2128

THORNTON, CYNTHIA  
300 CHLOE DR  
LA FAYETTE, GA 30728-6298

TAVAREZ, TIFFANY  
30 DUNCAN LN  
ROCKAWAY, NJ 07866-2808

INTUIT OASIS PROPERTIES II LLC  
13952 NOBLE PARK DR  
ODESSA, FL 33556

RK CAPITAL LLC  
13101 GULF BLVD UNIT 1308  
MADEIRA BEACH, FL 33708-2630

EISLER, JAN L TRE  
13336 GULF BLVD APT 304  
MADEIRA BEACH, FL 33708-2552

FLEGAL, RONALD W  
768 S COMMERCIAL ST  
NEENAH, WI 54956-3314

JUEDES, GAYLE A  
13336 GULF BLVD APT 104  
MADEIRA BEACH, FL 33708-2550

P V L LTD PTNSHP LLLP  
1201 BAYSHORE BLVD  
TAMPA, FL 33606-2910

QUALITY RENTALS OF 28 PROSPECT LLC  
13235 GULF BLVD UNIT C3  
MADERIA BEACH, FL 33708

QUALITY RENTALS OF 28 PROSPECT LLC  
212 11TH AVE N  
ST PETERSBURG, FL 33701

13235 GULF BLVD 512 LLC  
8718 COBBLESTONE DR  
TAMPA, FL 33615-4914

YUNIVER, STELLA  
11909 MANDEVILLA CT  
TAMPA, FL 33626-3305

NAKAT, SAM S  
8433 TIVOLI DR  
ORLANDO, FL 32836-8759

ESPINOSA, PATRICK JR  
7431 JOHNSON ST  
ARVADA, CO 80005-4177

BAYSIDE RETREATS LLC  
13101 GULF BLVD UNIT 1304  
MADEIRA BEACH, FL 33708-2630

A WAVE FROM IT ALL LLC  
2400 BRIARCLIFF DR  
NEWBURGH, IN 47630-8602

NAPARIU, JOHN S  
4448 S CREEKSIDE DR  
NEW PALESTINE, IN 46163-9553

FULKERSON, KAREN  
PO BOX 311  
CLARKSON, KY 42726-0311

MADEIRA BAY RESORT I CONDO ASSN INC  
2325 ULMERTON RD STE 20  
CLEARWATER, FL 33762-3373

JUNG, SHERRY CAMP  
13195 GULF LN UNIT 302  
MADEIRA BEACH, FL 33708-2556

SALZMAN, ROSA A  
10134 S FULTON CT  
ORLANDO, FL 32836-3707

BUDZIAK, CHRISTOPHER JAMES  
8514 MARQUETTE DR  
GROSSE ILE, MI 48138-1566

NAPIER ESTATES LLC  
3104 E 700 N  
WHITELAND, IN 46184-9420

R & N PARTNERS LLC  
8303 PINE RIVER RD  
TAMPA, FL 33637-1011

RAYMOND, LAUREN S  
11423 112TH AVE  
LARGO, FL 33778-3726

BAREFOOT BEACH RESORT SOUTH LLC  
PO BOX 10210  
FORT SMITH, AR 72917-0210

DAVEROE PROPERTIES LLC  
3822 DR MARTIN LUTHER KING JR ST N  
ST PETERSBURG, FL 33703-4649

PETERSON, JOYCE E  
13195 GULF LN UNIT 402  
MADEIRA BEACH, FL 33708-2556

STROUPE, SONDR A ELISABETH  
4579 SUMMERSIDE DR  
CLOVER, SC 29710-8674

DEXTER & CICI PROPERTIES LLC  
1815 SEVIER ST  
NASHVILLE, TN 37206-2146

MARTINEZ, RICARDO H  
13215 SERPENTINE WAY  
SILVER SPRING, MD 20904-5347

MADEIRA RESORT CONDO LLC  
11185 KAPOK GRAND CIR  
MADEIRA BEACH, FL 33708-3015

OUR BEACH CONDO LLC  
2483 OCEAN AVE  
BELLMORE, NY 11710-3826

3G LLC  
2560 CALVANO DR  
LAND O LAKES, FL 34639-5493

DUSTY TRAILS RVN LLC  
8787 BOYSENBERRY DR  
TAMPA, FL 33635

1 3 2 3 5 GULF BLVD UNIT 210 LLC  
3129 N 76TH CT  
ELMWOOD PARK, IL 60707-1106

LUCKY TWO LLC  
2396 BASSETT RD  
WESTLAKE, OH 44145-2909

WESTEN APARTMENTS LLC  
PO BOX 144  
ROCKFIELD, KY 42274-0144

SOUTHWAY MINI STORAGE LLC  
PO BOX 80105  
CANTON, OH 44708-0105

BBRS CONDO ASSN INC  
13238 GULF BLVD  
MADEIRA BEACH, FL 33708-2633

DAVEROE PROPERTIES LLC  
3822 DR MARTIN LUTHER KING JR ST N  
ST PETERSBURG, FL 33703-4649

MADEIRA BEACH, CITY OF  
300 MUNICIPAL DR  
MADEIRA BEACH, FL 33708-1916

SMITH, DOUGLAS C  
PO BOX 76255  
ST PETERSBURG, FL 33734-6255

MADEIRA GULF LLC  
1105 BLYTH HILL CT  
TRINITY, FL 34655-7014

FRANCIS TRUST LLC  
2560 CALVANO DR  
LAND O LAKES, FL 34639-5493

FRANCIS TRUST LLC  
2560 CALVANO DR  
LAND O LAKES, FL 34639-5493

DI DOMENICO, ANTOINETTE  
2523 YUKON CLIFF DR  
RUSKIN, FL 33570-6346

MADEIRA BAY 1406 LLC  
13101 GULF BLVD UNIT 1406  
MADEIRA BEACH, FL 33708-2630

FINZI LLC  
17548 DEER ISLE CIR  
WINTER GARDEN, FL 34787-9418

MEDEIRA BR 1708 LLC  
580 S HIGH ST STE 330  
COLUMBUS, OH 43215-5644

NGUYEN, MUI THI TRUST  
163101 GULF BLVD UNIT 1707  
MADEIRA BEACH, FL 33708

BARBAS, CAMERON  
13336 GULF BLVD UNIT 502  
ST PETERSBURG, FL 33708-2553

MEEHAN, FRANCES C  
13336 GULF BLVD APT 403  
ST PETERSBURG, FL 33708-2552

MINZATESCU, NADIA  
5633 N NEWARK AVE  
CHICAGO, IL 60631-3138

CHAMBRE CONDO ASSN INC  
PO BOX 618  
BAY PINES, FL 33744-0618

13325 GULF DEVELOPERS LLC  
PO BOX 10210  
FORT SMITH, AR 72917-0210

MADEIRA BEACH, CITY OF  
300 MUNICIPAL DR  
MADEIRA BEACH, FL 33708-1916

GIANNINI, MARCANTONIO A  
4657 VROOMAN DR  
LEWISTON, NY 14092-1048

PICOLA, BRONWYN  
18325 GULF BLVD UNIT 201  
REDINGTON SHORES, FL 33708-1056



### AFFIDAVIT OF MAILING

Date: 9/25/23  
Mailings for Case # ABP2023-06

Before me this day Andrew Morris personally appeared. (H) she has mailed public notices to property owners within a 300 foot radius of the subject property.

[Signature]  
Signature

STATE OF FLORIDA  
COUNTY OF PINELLAS

Sworn and subscribed before me this 25<sup>th</sup> day of September, 2023.

Personally known or produced Divers license as identification.



[Signature]  
Notary Public

09/25/23  
Date

\*Copy of public notice is attached.





# AFFIDAVIT OF POSTING

Date: 9/25/23

Postings for: ABP 2023-06

Before me this day Andrew Morris personally appeared. (He) she has posted public notices at the locations indicated in the notice document(s).

Signature

STATE OF FLORIDA  
COUNTY OF PINELLAS

Sworn to and subscribed before me this 25<sup>th</sup> day of September, 2023.

Personally known or produced Drivers license as identification.



Notary Public

09/25/23

Date


\*Copy of public notice is attached.

**Public Notice Posting at Property**





### Posting At City Hall



**MEMORANDUM**

**PUBLIC NOTICE**

The Board of Commissioners of the City of Madeira Beach will hold a Public Hearing on **October 11, 2023, at 6:00 p.m.**, or as soon thereafter as the matter may be heard, at the Patricia Shontz Commission Chambers at 300 Municipal Drive, Madeira Beach, Florida 33708 to review an application for approval by the Board of Commissioners of a (2COP) Alcoholic Beverage License with stated intent to sell beer and wine for consumption on premises at Barefoot Beach Club located at 13220 Gulf Blvd, 13220 Gulf Blvd #1, 13220 Gulf Blvd #2 Madeira Beach, Florida, 33708.

**2COP ALCOHOLIC BEVERAGE LICENSE APPLICATION # 2023-06**

**Applicant(s):** Aaron Huffman and Charles Palmer

**Name of Partnership, Corporation, LLC:** Barefoot Beach Resort South, LLC

**Business Location:** 13220 Gulf Blvd, 13220 Gulf Blvd #1, 13220 Gulf Blvd #2, Madeira Beach, Florida, 33708

**Business:** Barefoot Beach Club

**Application Request:**

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2023-06, is requesting authorization from the Board of Commissioners for the approval of a (2COP) Alcoholic Beverage License with stated intent to sell beer and wine for consumption on premises at Barefoot Beach Club located at 13220 Gulf Blvd, 13220 Gulf Blvd #1, 13220 Gulf Blvd #2, Madeira Beach, Florida, 33708. The property is zoned Planned Development and has a Future Land Use designation of Resort Facilities Medium.

**Note:**

You have received this notice, pursuant to City Code Section 110-539, because you are a property owner within 300 feet of the subject property. If you are desirous of voicing approval or disapproval of this application, you may attend the Public Hearing for this application.

A copy of the application is available for inspection in the Community Development Department between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday. If you would like more information regarding the application, please contact Andrew Morris, Long Range Planner at 727-391-9951, ext. 296 or amorris@madeirabeachfl.gov.

ABP 2023-06 Page 1

Any affected person may become a party to this proceeding and can be entitled to present evidence at the hearing including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing the attached Notice of Intent to be a party with the Community Development Department not less than five days prior to commencement of the hearing. The completed form may be emailed or submitted in person to the following:

Community Development Department      Andrew Morris, Long Range Planner  
 300 Municipal Drive                              amorris@madeirabeachfl.gov  
 Madeira Beach, FL 33708                         727-391-9951, ext. 296

**Posted:**  
 September 25, 2023 @ Property Site, Gulf Beaches Public Library, City Hall, City of Madeira Beach, and Website Posting Locations.

**Note:** One or more Elected or Appointed Officials may be in attendance. Any person who decides to appeal any decision of the Board of Commissioners with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may and evidence upon which the appeal is to be based. The law does not require the City to transcribe verbatim minutes; therefore, the affected party must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting must contact Community Development Director, Jenny Ross, at least 48 hours prior to the meeting: (727) 391-9951, Ext. 255 or 244 or send a written request to jross@madeirabeachfl.gov.

ABP 2023-06 Page 2

### Posting at Gulf Beaches Public Library



## MEMORANDUM

### PUBLIC NOTICE

The Board of Commissioners of the City of Madeira Beach will hold a Public Hearing on **October 11, 2023, at 6:00 p.m.**, or as soon thereafter as the matter may be heard, at the Patricia Shontz Commission Chambers at 300 Municipal Drive, Madeira Beach, Florida 33708 to review an application for approval by the Board of Commissioners of a (2COP) Alcoholic Beverage License with stated intent to sell beer and wine for consumption on premises at Barefoot Beach Club located at 13220 Gulf Blvd, 13220 Gulf Blvd #1, 13220 Gulf Blvd #2 Madeira Beach, Florida, 33708.

### 2COP ALCOHOLIC BEVERAGE LICENSE APPLICATION # 2023-06

**Applicant(s):** Aaron Huffman and Charles Palmer

**Name of Partnership, Corporation, LLC:** Barefoot Beach Resort South, LLC

**Business Location:** 13220 Gulf Blvd, 13220 Gulf Blvd #1, 13220 Gulf Blvd #2, Madeira Beach, Florida, 33708

**Business:** Barefoot Beach Club

**Application Request:**

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2023-06, is requesting authorization from the Board of Commissioners for the approval of a (2COP) Alcoholic Beverage License with stated intent to sell beer and wine for consumption on premises at Barefoot Beach Club located at 13220 Gulf Blvd, 13220 Gulf Blvd #1, 13220 Gulf Blvd #2, Madeira Beach, Florida, 33708. The property is zoned Planned Development and has a Future Land Use designation of Resort Facilities Medium.

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ABP 2023-06 Page 1



# City Website

Community Development Department / Community Development Documents / Plan Review Documents

< Back

**Plan Review Documents**


John's Pass Village Activity Center Plan

## Plan Review Documents

### ABP 2023-06 Barefoot Beach Club

[ABP 2023 06 Barefoot Beach Club Public Notice](#)

[ABP 2023 06 Barefoot Beach Club Application](#)

 Jenny Rowan  
Director of Community Development

<https://madeirabeachfl.gov/plan-review-documents/>





























**ORDINANCE 2023-07**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, BY CREATING NEW ARTICLES I, GENERAL PROVISIONS; AND II, WHISTLEBLOWER PROVISIONS, OF CHAPTER 50 (PERSONNEL) OF THE CODE OF ORDINANCES TO PROVIDE FOR GENERAL EMPLOYMENT MATTERS INCLUDING A PROCESS FOR INVESTIGATING EMPLOYEE COMPLAINTS AGAINST THE CITY MANAGER AND TO ESTABLISH AN ADMINISTRATIVE PROCEDURE FOR EMPLOYEES AND OTHER PERSONS TO REPORT INSTANCES OF ILLEGALITY, MISMANAGEMENT, MALFEASANCE, WASTE OR FRAUD ON THE PART OF CITY EMPLOYEES, AGENTS OR CONTRACTORS; PROVIDING A PROCEDURE FOR INVESTIGATING SUCH ALLEGATIONS; PROVIDING FOR NON-RETALIATION FOR PERSONS WHO REPORT SUCH INSTANCES; PROVIDING A MANNER FOR ALLEGING RETALIATION TO SEEK REDRESS; MAKING RELATED FINDINGS; AND PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the current City Code does not properly address situations wherein an employment-related complaint is brought against the City Manager other than the procedure for removing the city manager from office as provided in City Charter, Section 5.4, A.; and

**WHEREAS**, the current City Code does not provide for an avenue by which City employees or vendors may bring to the City’s attention allegations of illegality, mismanagement, malfeasance, waste or fraud on the part of City employees or City vendors; and

**WHEREAS**, Florida Statute § 112.3187, entitled the “Whistle-blower’s Act,” provides certain protections to persons who disclose information regarding illegal or malfeasant conduct on the part of government employees, agents or contractors; and

**WHEREAS**, subsection (8)(b) of the Act provides for the establishment, by local ordinance, of an administrative procedure to permit disclosure and protect those persons making disclosure from retaliation; and

**WHEREAS**, the Act provides that where a local government adopts a local ordinance establishing such administrative procedures, that it will have an opportunity to address complaints locally rather than having a complainant proceed directly to court; and

**WHEREAS**, the Board of Commissioners finds that addressing these matters in the Code of Ordinances will help ensure that the City’s employees will have sufficiently detailed methods



to raise such issues, and that standardized procedures are in place for the City to address any such issues; and

**WHEREAS**, the City Attorney has reviewed best practices and has recommended the provisions contained in this Ordinance to provide the policy specificity the Board of Commissioners desires; and

**WHEREAS**, the Board of Commissioners finds that it is in the best interests of the City to adopt the policy provisions set forth in this Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of City Commissioners of City of Madeira Beach, Florida, that:

**SECTION 1.** A new Article I of Chapter 50 (Personnel), entitled General Provisions, is hereby created as follows:

### **Article I – General Provisions**

#### **Sec. 50-1. – Policy and procedures.**

The Board of Commissioners will adopt a personnel policy and procedures manual from time to time by ordinance, which shall be codified in the Code of Ordinances and kept on file in the city clerk's office.

#### **Sec. 50-2. Complaints against the city manager.**

- (a) Notwithstanding any personnel policy or code provision to the contrary, any employee of the city who desires to make a personnel-related complaint (other than a whistleblower complaint addressed in article II of this chapter) against the city manager shall communicate that complaint in writing directly to the city's mayor. In the event any such complaint is directed to the city manager, the city attorney, the city's human resources staff, or any other managerial official of the city, that official shall refrain from taking any action regarding the complaint but shall instead immediately convey the complaint to the mayor.
- (b) Upon receiving such complaint, the mayor will confer with the city attorney to obtain such counsel as the mayor deems necessary. The mayor shall then ensure that the complaint is investigated without the involvement in any way of the city manager, except that the city manager will be required to fully cooperate with any investigatory efforts made, including being interviewed regarding the complaint.
- (c) The mayor may either investigate the complaint him or herself or, if the nature of the complaint is factually complex or may involve the violation of state or federal employment laws, the mayor may assign the city attorney to perform the investigation or may use budgeted city funds to retain a qualified third party individual or firm to conduct the investigation.

- (d) Once the complaint has been investigated, a written report summarizing the complaint, the investigation's findings, and making any recommendations as to the resolution of the complaint shall be provided by the mayor to the city manager and the members of the board of commissioners. The board of commissioners shall have the ultimate authority as to what, if any actions shall be taken to address the complaint. At the meeting where the board of commissioners considers the investigatory report, the city manager shall be afforded the opportunity to address the commission, in person or in writing, providing any such additional information or argument as the city manager may desire to make.
- (e) Nothing herein shall be interpreted as prohibiting an employee from filing administrative charges with any state or federal agency with jurisdiction to receive the employee's complaint.
- (f) The term "personnel-related complaint" as used in this section shall mean any complaint alleging that the city manager him or herself has directly engaged in unlawful discrimination or unlawful retaliation towards the employee, or has directly violated the employee's constitutional rights. The city manager's mere review and upholding of a disciplinary decision shall not be the basis of a personnel-related complaint unless the complaining employee alleges that the city manager's decision to uphold the decision was an act of unlawful discrimination or unlawful retaliation against the employee, or a violation the employee's constitutional rights.

**SECTION 2.** A new Article II of Chapter 50 (Personnel) of the Madeira Beach City Code, entitled Whistle-blower Provisions, is hereby created as follows:

## **Article II – Whistleblower Provisions**

### **Sec. 50-20. Procedure for disclosing certain information.**

- (a) An employee, independent contractor working for the city, or employee of an independent contractor working for the city, who has information concerning the following categories is required to disclose that information to the city manager or, if the allegation is against the manager, then to the city attorney (both of whom are designated as the appropriate local officials for receiving whistleblower disclosures per Florida Statute § 112.3187(6)):
- (1) Any violation or suspected violation of any federal, state, or local law, rule or regulation committed by an employee or agent of the city or independent contractor of the city, which creates and presents a substantial and specific danger to the public's health, safety, or welfare.
  - (2) Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of the city or independent contractor of the city.

- (b) Pursuant to Florida Statutes § 112.3187(7), to receive statutory whistleblower protection, the information must be disclosed on the employee's, contractor's or employee of a contractor's own initiative, be in writing, and be signed by the employee or person making the disclosure.

**Sec. 50-21. Procedure for investigating disclosures.**

- (a) Once a disclosure has been made, the city manager shall confer with the mayor to determine whether any investigation is warranted and, if so, an appropriate course of investigation of the disclosure, in light of the specifics of the disclosure, the laws and regulations which may apply, the complexity or sophistication of the matters involved in the disclosure, whether criminal violations may be present, and any other relevant factors. Should the city manager be the subject of a disclosure, then the city attorney shall confer with the mayor on a proper course of action.
- (b) The level of formality and documentation of any investigation of disclosures made may vary depending on the nature and severity of the disclosure. In any event, the members of the board of commissioners shall be kept updated as appropriate on the progress of any investigation to the extent allowed by applicable confidentiality laws and records exemptions.
- (c) Once a determination has been made with respect to how any investigation will proceed, such investigation will be conducted in an expeditious manner. The city manager or city attorney, as the case may be, shall make any criminal or regulatory referrals, recommend modified policies to the board of commissioners, or take any other actions which are deemed necessary as a result of the investigation. Criminal or regulatory referrals may be made even before the investigation is concluded if doing so will prevent or reduce a substantial and specific danger to the public's health, safety, or welfare, will avoid the expiration of any criminal statute of limitations, or where the severity of any criminal allegation is such that a law enforcement referral must promptly be made.
- (d) Notwithstanding any of the foregoing, while the city manager may determine that it is in the city's best interests to defer an internal investigation pending resolution of any external criminal or regulatory referral, the city reserves the right to make its own independent determination as to any whistleblower disclosure with respect to the application of the city's own contractual agreements, codes and policies.

**Sec. 50-22. Retaliation prohibited.**

Neither the city manager, nor an independent contractor of the city, nor any managerial personnel working under either, shall dismiss, discipline, or take any other adverse employment action against any of their respective employees because such employee(s) disclosed, in good faith, information categorized in § 50-20. Neither the city manager, nor any managerial personnel working under the city manager, shall take any adverse regulatory or contractual action that affects

the rights or interests of an independent contractor or employee of an independent contractor for having disclosed, in good faith, information categorized in § 50-20.

**Sec. 5-23. Persons protected.**

- (a) Pursuant to Florida Statutes § 112.3187(7), any employee, independent contractor working for the city, **or employee of an independent contractor working for the city**-who discloses information on his or her own initiative and in the manner prescribed in § 50-20(b), is protected from retaliation based on such disclosure.
- (b) Any employee, independent contractor working for the city, or employee of an independent contractor working for the city who is requested to participate in any investigation or hearing concerning a disclosure made pursuant to § 50-20 is also protected from retaliation based on such participation.
- (c) Any person who refuses to participate in any retaliatory actions prohibited by § 50-22 is protected from retaliation for such refusal.
- (d) No person is afforded the protections provided in this article where such person:
  - (1) Knowingly submits an untruthful claim or report;
  - (2) Commits or intentionally participates in committing the violation or suspected violation for which protection from retaliation is being sought;
  - (3) Violates any personnel rule or policy in connection with or related to the subject of the disclosure; or
  - (4) Violates any contractual or regulatory provision applicable to city contracts which are the subject of or related to the disclosure.
- (e) Nothing herein precludes city from taking any personnel, contractual, or other action against any employee, or other person which is predicated upon grounds other than, and would have been taken absent, the employee's or person's disclosure of information under § 50-20.
- (f) The provisions of this section may not be used by a person while he or she is under the care, custody, or control of the state correctional system, a county sheriff, or a municipal police department after release therefrom, with respect to circumstances that occurred during any period of incarceration.

**Sec. 50-24. Procedure for reviewing complaint of retaliation.**

- (a) Any complaint of retaliation prohibited under § 50-23 must be filed with human resources or the city manager within 60 days after the alleged retaliatory action. Such complaint

must be submitted in writing, setting forth the facts which constitute the alleged retaliation. Once a retaliation complaint has been received, the city manager shall transmit the complaint, along with all other documentation relevant to the complaint, to the city's civil service commission. Upon hearing the complaint, the civil service commission must make findings of fact and a conclusion as to whether prohibited retaliation has occurred. These findings and conclusions shall be reduced to writing and a copy shall be provided to the complaining party.

- (b) If it is determined that retaliation has occurred, the city manager shall take such actions as would remedy the effects thereof, including reinstatement of the city employee to the same position held before the adverse action was commenced, or to an equivalent position or reasonable front pay as alternative relief; reinstatement of the employee's full fringe benefits and seniority rights, as appropriate; compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the adverse action. The city manager is authorized to promulgate any forms or procedures, not inconsistent with these provisions, to facilitate the complaint review process.
- (c) Notwithstanding the foregoing, any city employee who is a member of a collective bargaining agreement may elect to pursue any remedy available pursuant to such agreement, however, such employee may not pursue both remedies.

**Sec. 50-25. Confidentiality of information.**

- (a) Pursuant to Florida Statutes § 112.3188(1), the name or identity of any individual who makes a disclosure in good faith of the kind of information set forth in § 50-20, and in the manner set forth in § 50-21, may not be disclosed, without the written consent of the individual, to anyone other than the appropriate local officials designated in § 50-20(a) and such of their staff as are necessary to investigate the disclosure.
- (b) However, such disclosure is permitted if the designated appropriate local official determines that the disclosure of the individual's identity is necessary to prevent a substantial and specific danger to the public's health, safety, or welfare, or to prevent the imminent commission of a crime, or where the disclosure is unavoidable and absolutely necessary during the course of the audit, evaluation, or investigation.
- (c) The foregoing confidentiality and record exemption is applicable so long as the investigation is active, as that term is defined in Florida Statutes § 112.3188(2)(c)(1).
- (d) Pursuant to Florida Statutes § 112.3188(2)(b)-(c), all information received pursuant to § 50-20 by the city's designated appropriate local officials, or information produced or derived from fact-finding or investigations conducted pursuant to § 50-21, is confidential and exempt from public records disclosure. However, such information may be disclosed by the designated appropriate local official if it is determined that the disclosure of the information is absolutely necessary to prevent a substantial and specific danger to the

public's health, safety, or welfare or to prevent the imminent commission of a crime. Information disclosed under this subsection may be disclosed only to persons who are in a position to prevent the danger to the public's health, safety, or welfare, or to prevent the imminent commission of a crime based on the disclosed information.

- (e) Pursuant to Florida Statutes § 112.3188(2)(c)(4), any person who willfully and knowingly discloses information or records made confidential under subsection (a) above commits a misdemeanor of the first degree.

**SECTION 3.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**SECTION 4.** For purposes of codification of any existing section of the Madeira Beach City 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 5.** The Codifier shall codify the substantive amendments to the Madeira Beach City Code 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 6.** Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon its adoption.

**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**

PASSED ON FIRST READING: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

PASSED ON SECOND READING: \_\_\_\_\_

Select Year:  

## The 2022 Florida Statutes (including Special Session A)

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<a href="#">Title X</a>	<a href="#">Chapter 112</a>	<a href="#">View Entire Chapter</a>
PUBLIC OFFICERS, EMPLOYEES, AND RECORDS	PUBLIC OFFICERS AND EMPLOYEES: GENERAL PROVISIONS	

### **1112.3188 Confidentiality of information given to the Chief Inspector General, internal auditors, inspectors general, local chief executive officers, or other appropriate local officials.—**

(1) The name or identity of any individual who discloses in good faith to the Chief Inspector General or an agency inspector general, a local chief executive officer, or other appropriate local official information that alleges that an employee or agent of an agency or independent contractor:

- (a) Has violated or is suspected of having violated any federal, state, or local law, rule, or regulation, thereby creating and presenting a substantial and specific danger to the public's health, safety, or welfare; or
- (b) Has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty

may not be disclosed to anyone other than a member of the Chief Inspector General's, agency inspector general's, internal auditor's, local chief executive officer's, or other appropriate local official's staff without the written consent of the individual, unless the Chief Inspector General, internal auditor, agency inspector general, local chief executive officer, or other appropriate local official determines that: the disclosure of the individual's identity is necessary to prevent a substantial and specific danger to the public's health, safety, or welfare or to prevent the imminent commission of a crime; or the disclosure is unavoidable and absolutely necessary during the course of the audit, evaluation, or investigation.

(2)(a) Except as specifically authorized by s. [112.3189](#), all information received by the Chief Inspector General or an agency inspector general or information produced or derived from fact-finding or other investigations conducted by the Florida Commission on Human Relations or the Department of Law Enforcement is confidential and exempt from s. [119.07\(1\)](#) if the information is being received or derived from allegations as set forth in paragraph (1)(a) or paragraph (1)(b), and an investigation is active.

(b) All information received by a local chief executive officer or appropriate local official or information produced or derived from fact-finding or investigations conducted pursuant to the administrative procedure established by ordinance by a local government as authorized by s. [112.3187\(8\)\(b\)](#) is confidential and exempt from s. [119.07\(1\)](#) and s. 24(a), Art. I of the State Constitution, if the information is being received or derived from allegations as set forth in paragraph (1)(a) or paragraph (1)(b) and an investigation is active.

(c) Information deemed confidential under this section may be disclosed by the Chief Inspector General, agency inspector general, local chief executive officer, or other appropriate local official receiving the information if the recipient determines that the disclosure of the information is absolutely necessary to prevent a substantial and specific danger to the public's health, safety, or welfare or to prevent the imminent commission of a crime. Information disclosed under this subsection may be disclosed only to persons who are in a position to prevent the danger to the public's health, safety, or welfare or to prevent the imminent commission of a crime based on the disclosed information.

1. An investigation is active under this section if:

- a. It is an ongoing investigation or inquiry or collection of information and evidence and is continuing with a reasonable, good faith anticipation of resolution in the foreseeable future; or



b. All or a portion of the matters under investigation or inquiry are active criminal intelligence information or active criminal investigative information as defined in s. [119.011](#).

2. Notwithstanding sub-subparagraph 1.a., an investigation ceases to be active when:

a. The written report required under s. [112.3189\(9\)](#) has been sent by the Chief Inspector General to the recipients named in s. [112.3189\(9\)](#);

b. It is determined that an investigation is not necessary under s. [112.3189\(5\)](#); or

c. A final decision has been rendered by the local government or by the Division of Administrative Hearings pursuant to s. [112.3187\(8\)\(b\)](#).

3. Notwithstanding paragraphs (a), (b), and this paragraph, information or records received or produced under this section which are otherwise confidential under law or exempt from disclosure under chapter 119 retain their confidentiality or exemption.

4. Any person who willfully and knowingly discloses information or records made confidential under this subsection commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

**History.**—s. 6, ch. 90-247; s. 1, ch. 91-150; s. 3, ch. 91-285; s. 2, ch. 93-57; s. 1, ch. 95-136; s. 2, ch. 95-153; s. 1, ch. 95-166; ss. 36, 37, ch. 96-406; s. 21, ch. 99-333.

<sup>1</sup>**Note.**—As amended by s. 1, ch. 95-166, s. 2, ch. 95-153, and s. 36, ch. 96-406; this version of paragraph (2)(a) was also amended by s. 21, ch. 99-333. For a description of multiple acts in the same session affecting a statutory provision, see preface to the *Florida Statutes*, “Statutory Construction.” This section was also amended by s. 1, ch. 95-136, and s. 37, ch. 96-406, and that version reads:

**112.3188 Confidentiality of information given to the Chief Inspector General and agency inspectors general.—**

(1) The identity of any individual who discloses in good faith to the Chief Inspector General or an agency inspector general information that alleges that an employee or agent of an agency or independent contractor has violated or is suspected of having violated any federal, state, or local law, rule, or regulation, thereby creating and presenting a substantial and specific danger to the public’s health, safety, or welfare or has committed or is suspected of having committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and shall not be disclosed to anyone other than a member of the Chief Inspector General’s or agency inspector general’s staff without the written consent of the individual, unless the Chief Inspector General or agency inspector general determines that:

(a) The disclosure of the individual’s identity is necessary to prevent a substantial and specific danger to the public’s health, safety, or welfare or to prevent the imminent commission of a crime, provided that such information is disclosed only to persons who are in a position to prevent the danger to the public’s health, safety, or welfare or to prevent the imminent commission of a crime;

(b) The disclosure of the individual’s identity is unavoidable and absolutely necessary during the course of the inquiry or investigation; or

(c) The disclosure of the individual’s identity is authorized as a result of the individual consenting in writing to attach general comments signed by such individual to the final report required pursuant to s. 112.3189(6)(b).

(2)(a) Except as specifically authorized by s. 112.3189 and except as provided in subsection (1), all information received by the Chief Inspector General or an agency inspector general or information produced or derived from fact-finding or other investigations conducted by the Department of Legal Affairs, the Office of the Public Counsel, or the Department of Law Enforcement is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution for an initial period of not more than 30 days during which time a determination is made whether an investigation is required pursuant to s. 112.3189(5)(a) and, if an investigation is determined to be required, until the investigation is closed or ceases to be active. For the purposes of this subsection, an investigation is active while such investigation is being conducted with a reasonable good faith belief that it may lead to the filing of administrative, civil, or criminal charges. An investigation does not cease to be active so long as the Chief Inspector General or the agency inspector general is proceeding with reasonable dispatch and there is a good faith belief that action may be initiated by the Chief Inspector General or agency inspector general or other administrative or law enforcement agency. Except for active criminal intelligence or criminal investigative information as defined in s. 119.011, and except as otherwise provided in this section, all information obtained pursuant to this subsection shall become available to the public when the investigation is closed or ceases to be active. An investigation is closed or ceases to be active when the final report required pursuant to s. 112.3189(9) has been sent by the Chief Inspector General to the recipients specified in s. 112.3189(9) (c).

(b) Information deemed confidential under this subsection may be disclosed by the Chief Inspector General or agency inspector general receiving the information if the Chief Inspector General or agency inspector general determines that the disclosure of the information is absolutely necessary to prevent a substantial and specific danger to the public’s health, safety, or welfare or to prevent the imminent commission of a crime, and such information may be disclosed only to persons who are in a position to prevent the danger to the public’s health, safety, or welfare or to prevent the imminent commission of a crime based on the disclosed information.

(3) Information or records obtained under this section which are otherwise confidential under law or exempt from disclosure shall retain their confidentiality or exemption.

(4) Any person who willfully and knowingly discloses information or records made confidential under this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.



## 2021 Florida Statutes (Including 2021B Session)

<p><u>Title X</u> PUBLIC OFFICERS, EMPLOYEES, AND RECORDS</p>	<p><u>Chapter 112</u> PUBLIC OFFICERS AND EMPLOYEES: GENERAL PROVISIONS</p> <p><u>Entire Chapter</u></p>	<p><b>SECTION 3187</b> <b>Adverse action against employee for disclosing information of specified nature prohibited; employee remedy and relief.</b></p>
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**112.3187 Adverse action against employee for disclosing information of specified nature prohibited; employee remedy and relief.—**

(1) **SHORT TITLE.**—Sections [112.3187-112.31895](#) may be cited as the “Whistle-blower’s Act.”

(2) **LEGISLATIVE INTENT.**—It is the intent of the Legislature to prevent agencies or independent contractors from taking retaliatory action against an employee who reports to an appropriate agency violations of law on the part of a public employer or independent contractor that create a substantial and specific danger to the public’s health, safety, or welfare. It is further the intent of the Legislature to prevent agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency alleging improper use of governmental office, gross waste of funds, or any other abuse or gross neglect of duty on the part of an agency, public officer, or employee.

(3) **DEFINITIONS.**—As used in this act, unless otherwise specified, the following words or terms shall have the meanings indicated:

(a) “Agency” means any state, regional, county, local, or municipal government entity, whether executive, judicial, or legislative; any official, officer, department, division, bureau, commission, authority, or political subdivision therein; or any public school, community college, or state university.

(b) “Employee” means a person who performs services for, and under the control and direction of, or contracts with, an agency or independent contractor for wages or other remuneration.

(c) “Adverse personnel action” means the discharge, suspension, transfer, or demotion of any employee or the withholding of bonuses, the reduction in salary or benefits, or any other adverse action taken against an employee within the terms and conditions of employment by an agency or independent contractor.

(d) “Independent contractor” means a person, other than an agency, engaged in any business and who enters into a contract, including a provider agreement, with an agency.

(e) “Gross mismanagement” means a continuous pattern of managerial abuses, wrongful or arbitrary and capricious actions, or fraudulent or criminal conduct which may have a substantial adverse economic impact.

(4) **ACTIONS PROHIBITED.**—

(a) An agency or independent contractor shall not dismiss, discipline, or take any other adverse personnel action against an employee for disclosing information pursuant to the provisions of this section.

(b) An agency or independent contractor shall not take any adverse action that affects the rights or interests of a person in retaliation for the person’s disclosure of information under this section.

(c) The provisions of this subsection shall not be applicable when an employee or person discloses information known by the employee or person to be false.

(5) **NATURE OF INFORMATION DISCLOSED.**—The information disclosed under this section must include:

(a) Any violation or suspected violation of any federal, state, or local law, rule, or regulation committed by an employee or agent of an agency or independent contractor which creates and presents a substantial and specific danger to the public’s health, safety, or welfare.

(b) Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor.

(6) TO WHOM INFORMATION DISCLOSED.—The information disclosed under this section must be disclosed to any agency or federal government entity having the authority to investigate, police, manage, or otherwise remedy the violation or act, including, but not limited to, the Office of the Chief Inspector General, an agency inspector general or the employee designated as agency inspector general under s. [112.3189](#)(1) or inspectors general under s. [20.055](#), the Florida Commission on Human Relations, and the whistle-blower’s hotline created under s. [112.3189](#). However, for disclosures concerning a local governmental entity, including any regional, county, or municipal entity, special district, community college district, or school district or any political subdivision of any of the foregoing, the information must be disclosed to a chief executive officer as defined in s. [447.203](#)(9) or other appropriate local official.

(7) EMPLOYEES AND PERSONS PROTECTED.—This section protects employees and persons who disclose information on their own initiative in a written and signed complaint; who are requested to participate in an investigation, hearing, or other inquiry conducted by any agency or federal government entity; who refuse to participate in any adverse action prohibited by this section; or who initiate a complaint through the whistle-blower’s hotline or the hotline of the Medicaid Fraud Control Unit of the Department of Legal Affairs; or employees who file any written complaint to their supervisory officials or employees who submit a complaint to the Chief Inspector General in the Executive Office of the Governor, to the employee designated as agency inspector general under s. [112.3189](#)(1), or to the Florida Commission on Human Relations. The provisions of this section may not be used by a person while he or she is under the care, custody, or control of the state correctional system or, after release from the care, custody, or control of the state correctional system, with respect to circumstances that occurred during any period of incarceration. No remedy or other protection under ss. [112.3187-112.31895](#) applies to any person who has committed or intentionally participated in committing the violation or suspected violation for which protection under ss. [112.3187-112.31895](#) is being sought.

(8) REMEDIES.—

(a) Any employee of or applicant for employment with any state agency, as the term “state agency” is defined in s. [216.011](#), who is discharged, disciplined, or subjected to other adverse personnel action, or denied employment, because he or she engaged in an activity protected by this section may file a complaint, which complaint must be made in accordance with s. [112.31895](#). Upon receipt of notice from the Florida Commission on Human Relations of termination of the investigation, the complainant may elect to pursue the administrative remedy available under s. [112.31895](#) or bring a civil action within 180 days after receipt of the notice.

(b) Within 60 days after the action prohibited by this section, any local public employee protected by this section may file a complaint with the appropriate local governmental authority, if that authority has established by ordinance an administrative procedure for handling such complaints or has contracted with the Division of Administrative Hearings under s. [120.65](#) to conduct hearings under this section. The administrative procedure created by ordinance must provide for the complaint to be heard by a panel of impartial persons appointed by the appropriate local governmental authority. Upon hearing the complaint, the panel must make findings of fact and conclusions of law for a final decision by the local governmental authority. Within 180 days after entry of a final decision by the local governmental authority, the public employee who filed the complaint may bring a civil action in any court of competent jurisdiction. If the local governmental authority has not established an administrative procedure by ordinance or contract, a local public employee may, within 180 days after the action prohibited by this section, bring a civil action in a court of competent jurisdiction. For the purpose of this paragraph, the term “local governmental authority” includes any regional, county, or municipal entity, special district, community college district, or school district or any political subdivision of any of the foregoing.

(c) Any other person protected by this section may, after exhausting all available contractual or administrative remedies, bring a civil action in any court of competent jurisdiction within 180 days after the action prohibited by this section.

(9) RELIEF.—In any action brought under this section, the relief must include the following:

(a) Reinstatement of the employee to the same position held before the adverse action was commenced, or to an equivalent position or reasonable front pay as alternative relief.

(b) Reinstatement of the employee’s full fringe benefits and seniority rights, as appropriate.

(c) Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the adverse action.

(d) Payment of reasonable costs, including attorney's fees, to a substantially prevailing employee, or to the prevailing employer if the employee filed a frivolous action in bad faith.

(e) Issuance of an injunction, if appropriate, by a court of competent jurisdiction.

(f) Temporary reinstatement to the employee's former position or to an equivalent position, pending the final outcome on the complaint, if an employee complains of being discharged in retaliation for a protected disclosure and if a court of competent jurisdiction or the Florida Commission on Human Relations, as applicable under s. [112.31895](#), determines that the disclosure was not made in bad faith or for a wrongful purpose or occurred after an agency's initiation of a personnel action against the employee which includes documentation of the employee's violation of a disciplinary standard or performance deficiency. This paragraph does not apply to an employee of a municipality.

(10) DEFENSES.—It shall be an affirmative defense to any action brought pursuant to this section that the adverse action was predicated upon grounds other than, and would have been taken absent, the employee's or person's exercise of rights protected by this section.

(11) EXISTING RIGHTS.—Sections [112.3187](#)-[112.31895](#) do not diminish the rights, privileges, or remedies of an employee under any other law or rule or under any collective bargaining agreement or employment contract; however, the election of remedies in s. [447.401](#) also applies to whistle-blower actions.

**History.**—ss. 1, 2, 3, 4, 5, 6, 7, 8, ch. 86-233; s. 1, ch. 91-285; s. 12, ch. 92-316; s. 1, ch. 93-57; s. 702, ch. 95-147; s. 1, ch. 95-153; s. 15, ch. 96-410; s. 20, ch. 99-333; s. 2, ch. 2002-400.

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## 2021 Florida Statutes (Including 2021B Session)

<p><u>Title X</u> PUBLIC OFFICERS, EMPLOYEES, AND RECORDS</p>	<p><u>Chapter 112</u> PUBLIC OFFICERS AND EMPLOYEES: GENERAL PROVISIONS</p> <p><u>Entire Chapter</u></p>	<p><b>SECTION 31895</b> <b>Investigative procedures in response to prohibited personnel actions.</b></p>
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**112.31895 Investigative procedures in response to prohibited personnel actions.—**

(1) COMPLAINT.—

(a) If a disclosure under s. [112.3187](#) includes or results in alleged retaliation by an employer, the employee or former employee of, or applicant for employment with, a state agency, as defined in s. [216.011](#), that is so affected may file a complaint alleging a prohibited personnel action, which complaint must be made by filing a written complaint with the Office of the Chief Inspector General in the Executive Office of the Governor or the Florida Commission on Human Relations, no later than 60 days after the prohibited personnel action.

(b) Within 5 working days after receiving a complaint under this section, the office or officer receiving the complaint shall acknowledge receipt of the complaint and provide copies of the complaint and any other preliminary information available concerning the disclosure of information under s. [112.3187](#) to each of the other parties named in paragraph (a), which parties shall each acknowledge receipt of such copies to the complainant.

(2) FACT FINDING.—The Florida Commission on Human Relations shall:

(a) Receive any allegation of a personnel action prohibited by s. [112.3187](#), including a proposed or potential action, and conduct informal fact finding regarding any allegation under this section, to the extent necessary to determine whether there are reasonable grounds to believe that a prohibited personnel action under s. [112.3187](#) has occurred, is occurring, or is to be taken.

(b) Within 180 days after receiving the complaint, provide the agency head and the complainant with a fact-finding report that may include recommendations to the parties or proposed resolution of the complaint. The fact-finding report shall be presumed admissible in any subsequent or related administrative or judicial review.

(3) CORRECTIVE ACTION AND TERMINATION OF INVESTIGATION.—

(a) The Florida Commission on Human Relations, in accordance with this act and for the sole purpose of this act, is empowered to:

1. Receive and investigate complaints from employees alleging retaliation by state agencies, as the term “state agency” is defined in s. [216.011](#).

2. Protect employees and applicants for employment with such agencies from prohibited personnel practices under s. [112.3187](#).

3. Petition for stays and petition for corrective actions, including, but not limited to, temporary reinstatement.

4. Recommend disciplinary proceedings pursuant to investigation and appropriate agency rules and procedures.

5. Coordinate with the Chief Inspector General in the Executive Office of the Governor and the Florida Commission on Human Relations to receive, review, and forward to appropriate agencies, legislative entities, or the Department of Law Enforcement disclosures of a violation of any law, rule, or regulation, or disclosures of gross mismanagement, malfeasance, misfeasance, nonfeasance, neglect of duty, or gross waste of public funds.

6. Review rules pertaining to personnel matters issued or proposed by the Department of Management Services, the Public Employees Relations Commission, and other agencies, and, if the Florida Commission on Human Relations finds that any rule or proposed rule, on its face or as implemented, requires the commission of a prohibited personnel practice, provide a written comment to the appropriate agency.

7. Investigate, request assistance from other governmental entities, and, if appropriate, bring actions concerning, allegations of retaliation by state agencies under subparagraph 1.

8. Administer oaths, examine witnesses, take statements, issue subpoenas, order the taking of depositions, order responses to written interrogatories, and make appropriate motions to limit discovery, pursuant to investigations under subparagraph 1.

9. Intervene or otherwise participate, as a matter of right, in any appeal or other proceeding arising under this section before the Public Employees Relations Commission or any other appropriate agency, except that the Florida Commission on Human Relations must comply with the rules of the commission or other agency and may not seek corrective action or intervene in an appeal or other proceeding without the consent of the person protected under ss. [112.3187-112.31895](#).

10. Conduct an investigation, in the absence of an allegation, to determine whether reasonable grounds exist to believe that a prohibited action or a pattern of prohibited action has occurred, is occurring, or is to be taken.

(b) Within 15 days after receiving a complaint that a person has been discharged from employment allegedly for disclosing protected information under s. [112.3187](#), the Florida Commission on Human Relations shall review the information and determine whether temporary reinstatement is appropriate under s. [112.3187\(9\)\(f\)](#). If the Florida Commission on Human Relations so determines, it shall apply for an expedited order from the appropriate agency or circuit court for the immediate reinstatement of the employee who has been discharged subsequent to the disclosure made under s. [112.3187](#), pending the issuance of the final order on the complaint.

(c) The Florida Commission on Human Relations shall notify a complainant of the status of the investigation and any action taken at such times as the commission considers appropriate.

(d) If the Florida Commission on Human Relations is unable to conciliate a complaint within 35 days after providing the agency head and complainant with the fact-finding report, the Florida Commission on Human Relations shall terminate the investigation. Upon termination of any investigation, the Florida Commission on Human Relations shall notify the complainant and the agency head of the termination of the investigation, providing a summary of relevant facts found during the investigation and the reasons for terminating the investigation. A written statement under this paragraph is presumed admissible as evidence in any judicial or administrative proceeding but is not admissible without the consent of the complainant.

(e)1. The Florida Commission on Human Relations may request an agency or circuit court to order a stay, on such terms as the court requires, of any personnel action for 45 days if the Florida Commission on Human Relations determines that reasonable grounds exist to believe that a prohibited personnel action has occurred, is occurring, or is to be taken. The Florida Commission on Human Relations may request that such stay be extended for appropriate periods of time.

2. If, in connection with any investigation, the Florida Commission on Human Relations determines that reasonable grounds exist to believe that a prohibited action has occurred, is occurring, or is to be taken which requires corrective action, the Florida Commission on Human Relations shall report the determination together with any findings or recommendations to the agency head and may report that determination and those findings and recommendations to the Governor and the Chief Financial Officer. The Florida Commission on Human Relations may include in the report recommendations for corrective action to be taken.

3. If, after 35 days, the agency does not implement the recommended action, the Florida Commission on Human Relations shall terminate the investigation and notify the complainant of the right to appeal under subsection (4), or may petition the agency for corrective action under this subsection.

4. If the Florida Commission on Human Relations finds, in consultation with the individual subject to the prohibited action, that the agency has implemented the corrective action, the commission shall file such finding with the agency head, together with any written comments that the individual provides, and terminate the investigation.

(f) If the Florida Commission on Human Relations finds that there are no reasonable grounds to believe that a prohibited personnel action has occurred, is occurring, or is to be taken, the commission shall terminate the investigation.

(g)1. If, in connection with any investigation under this section, it is determined that reasonable grounds exist to believe that a criminal violation has occurred which has not been previously reported, the Florida Commission on Human Relations shall report this determination to the Department of Law Enforcement and to the state attorney having jurisdiction over the matter.

2. If an alleged criminal violation has been reported, the Florida Commission on Human Relations shall confer with the Department of Law Enforcement and the state attorney before proceeding with the investigation of the prohibited personnel action and may defer the investigation pending completion of the criminal investigation and proceedings. The Florida Commission on Human Relations shall inform the complainant of the decision to defer the investigation and, if appropriate, of the confidentiality of the investigation.

(h) If, in connection with any investigation under this section, the Florida Commission on Human Relations determines that reasonable grounds exist to believe that a violation of a law, rule, or regulation has occurred, other than a criminal violation or a prohibited action under this section, the commission may report such violation to the head of the agency involved. Within 30 days after the agency receives the report, the agency head shall provide to the commission a certification that states that the head of the agency has personally reviewed the report and indicates what action has been or is to be taken and when the action will be completed.

(i) During any investigation under this section, disciplinary action may not be taken against any employee of a state agency, as the term “state agency” is defined in s. [216.011](#), for reporting an alleged prohibited personnel action that is under investigation, or for reporting any related activity, or against any employee for participating in an investigation without notifying the Florida Commission on Human Relations.

(j) The Florida Commission on Human Relations may also petition for an award of reasonable attorney’s fees and expenses from a state agency, as the term “state agency” is defined in s. [216.011](#), pursuant to s. [112.3187](#)(9).

(4) RIGHT TO APPEAL.—

(a) Not more than 21 days after receipt of a notice of termination of the investigation from the Florida Commission on Human Relations, the complainant may file, with the Public Employees Relations Commission, a complaint against the employer-agency regarding the alleged prohibited personnel action. The Public Employees Relations Commission shall have jurisdiction over such complaints under ss. [112.3187](#) and [447.503](#)(4) and (5).

(b) Judicial review of any final order of the commission shall be as provided in s. [120.68](#).

**History.**—s. 14, ch. 92-316; s. 4, ch. 93-57; s. 703, ch. 95-147; s. 22, ch. 99-333; s. 130, ch. 2003-261; s. 7, ch. 2020-153.

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# Memorandum

**Meeting Details:** October 11, 2023, BOC Regular Meeting

**Prepared For:** Honorable Mayor Rostek and Board of Commissioners

**From:** Community Development Department

**Subject:** Ordinance 2023-19 Definitions to be consistent with Forward Pinellas

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**Background:** The Madeira Beach Comprehensive Plan and the Madeira Beach Code of Ordinances are inconsistent with the Forward Pinellas Countywide Plan. The city must remedy this inconsistency.

**Discussion:** The city is required to be consistent with the Forward Pinellas Countywide Plan. To be consistent with the Countywide Plan, the city must make amendments to the Comprehensive Plan and Code of Ordinances. The upcoming amendments will include clarification of the alternative temporary lodging use standards, clarification of intensity and density standards without using the alternative temporary lodging use standards, update allowed uses terminology to conform with the Countywide Plan definitions and clarify the measurement of intensity and density to be consistent with the Forward Pinellas Countywide Plan.

Ordinance 2023-19 amends Section 82-2 of the Code of Ordinances to include and amend definitions to be consistent with the Countywide Plan. While amending the Comprehensive Plan and Code of Ordinances Forward Pinellas required the city to include uses as defined in the Countywide Plan. The majority of the additional definitions are based on allowed uses in the Countywide Plan, while the amendments are to reflect what is within the Countywide Plan to assure consistency.

The Local Planning Authority, Planning Commission, recommended approval of Ordinance 2023-22 on September 11, 2023.

**Recommendation(s):** Planning Commission and staff recommends approval of Ordinance 2023-19.

**Attachments:**

- Ordinance 2023-19 Definitions to be consistent with Forward Pinellas
- Forward Pinellas Response

## ORDINANCE 2023-19

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTION 82-2 (DEFINITIONS) OF CHAPTER 82 (GENERAL PROVISIONS) OF THE CITY'S LAND DEVELOPMENT CODE TO ADD DEFINITIONS FOR COMMERCIAL/BUSINESS SERVICE USE, COMMERCIAL RECREATION USE, INSTITUTIONAL USES, MIXED USE, NET LAND AREA, NONRESIDENTIAL USE, OFFICE USE, PERSONAL SERVICE/OFFICE SUPPORT USE, PUBLIC EDUCATIONAL FACILITY, RECREATION/OPEN SPACE USES, RESIDENTIAL EQUIVALENT USE, RESIDENTIAL USE, RETAIL COMMERCIAL USE, STORAGE/WAREHOUSE/DISTRIBUTION – LIGHT, TRANSPORTATION/UTILITY USES, VACATION RENTAL USE AND WORKING WATERFRONT; TO REVISE THE DEFINITION OF MULTIFAMILY UNDER THE DEFINITION OF DWELLING UNIT; TO REVISE THE DEFINITIONS OF FLOODWAY, FLOOR AREA RATIO (FAR) AND IMPERVIOUS SURFACE RATIO (ISR); PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, City Staff has reviewed the current provisions of Section 82-2 of Chapter 82 of the Land Development Code of the City of Madeira Beach and recommends adding the definitions of Commercial/Business Service Use, Commercial Recreation Use, Institutional Uses, Mixed Use, Net Land Area, Nonresidential Use, Office Use, Personal Service/Office Support Use, Public Educational Facility, Recreation/Open Space Uses, Residential Equivalent Use, Residential Use, Retail Commercial Use, Storage/Warehouse/Distribution – Light, Transportation/Utility Uses, Vacation Rental Use and Working Waterfront; and

**WHEREAS**, City Staff has reviewed the current provisions of Section 82-2 of Chapter 82 of the Land Development Code of the City of Madeira Beach and recommends amending the definition of Multifamily under the definition of Dwelling and amending the definitions of Floodway, Floor Area Ratio (FAR) and Impervious Surface Ratio (ISR); and

**WHEREAS**, the recommendations of staff have been found meritorious by the Board of Commissioners; 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.** The following definitions are hereby added to Section 82-2 of the Land Development Code of the City of Madeira Beach and shall read as follows:

*Commercial/Business Service Use* means an occupation or service involving the sale, storage, repair, service or rental of motor vehicles, water craft, residential machinery or equipment, examples of which include automobile, boat, and household or yard equipment sales, service or repair, and like uses; the production, assembly or dismantling of which shall be clearly secondary and incidental to the primary use characteristics of the Commercial/Business Service Use. The sale, storage or rental of heavy equipment is prohibited.

*Commercial Recreation Use* means a private or quasi-public recreation facility designed for participant or spectator activities for a charge, including but not limited to marina, miniature golf, sports stadium, performance venues, and indoor recreation/entertainment uses such as billiard halls, bowling alleys, movie theatres, and video game arcades.

*Institutional Uses* means those facilities and services of a public, private, or quasi-public nature, including educational, medical, governmental, civic, and religious uses, such as schools, hospitals, courthouses, community centers, and churches.

*Mixed Use* means a combination of uses on a single lot.

*Net Land Area* means the total land area within the property boundaries of the subject parcel exclusive of any submerged land or public road right-of-way. This area is for the purpose of computing density/intensity.

*Nonresidential Use* means those uses as provided for under the respective categories, other than residential or residential equivalent use.

*Office Use* means an occupation or service providing primarily an administrative, professional or clerical service and not involving the sale of merchandise; examples of which include medical, legal, real estate, design, and financial services, and like uses.

No "Office Use" shall include any Personal Service/Office Support Use, Retail Commercial Use, or Commercial/Business Service Use.

Personal Service/Office Support Use means an occupation or service attending primarily to one's personal care or apparel; examples of which include hair and beauty care, clothing repair or alteration, dry cleaning/laundry service (collection and distribution only), and like personal service uses; animal grooming; and office equipment or supplies, and like office support uses. Any assembly, sale of merchandise or conveyance of a product in support of a personal service or office support use shall be clearly secondary and incidental to the primary use characteristics of the Personal Service/Office Support Use.

Public Educational Facility means elementary schools, special education facilities, alternative education facilities, middle schools, high schools, and area vocational-technical schools of the Pinellas County School District.

Recreation/Open Space Uses means uses providing recreation facilities, sporting facilities, and open space, such as a park, public recreation facility, public beach/water access, and public or private golf course/clubhouse.

Residential Equivalent Use means a residential-like accommodation other than a dwelling unit, including bed and breakfast, group home, congregate care, nursing home and comparable assisted living facilities. No such use shall be required or eligible to employ the residential equivalent standards for density/intensity for any household that qualifies as a dwelling unit. This use shall not include any type of use authorized by Chapter 419, Florida Statutes, Community Residential Homes, which is entitled to be treated as a dwelling unit.

Residential Use means a dwelling unit including single-family, multifamily, and mobile home dwelling unit. This use shall include any type of use authorized by Chapter 419, Florida Statutes, Community Residential Homes, which is entitled to be treated as a residential dwelling unit.

Retail Commercial Use means an occupation or service providing primarily for the sale of consumer goods, products, merchandise or services from within an enclosed building; examples of which include grocery, pharmacy, apparel, jewelry, electronics, sporting goods, specialty shops, building supplies, convenience goods, restaurant, indoor recreation/entertainment uses (such as billiard halls, bowling alleys, movie theaters, and video game parlors) and like uses. Any exterior storage or facilities in connection with such use shall be clearly secondary and incidental to the primary use characteristics of the Retail Commercial Use.

Storage/Warehouse/Distribution - Light means a use devoted primarily to the storage or distribution of goods, materials or equipment. Such use shall be located within an enclosed building and any exterior storage or distribution area shall be incidental to and not exceed twenty (20) percent of the area of the building to which it is accessory.

Transportation/Utility Uses means uses including transportation facilities and utilities infrastructure, such as an airport, seaport, marina, electric power generation plant, electric power substation, and telephone switching station.

Vacation Rental Use means a residential dwelling unit used as a temporary lodging use, as defined by Section 509.242(1)(c), Florida Statutes.

Working Waterfront means a property that provides access for water-dependent commercial activities, or provides public access to the water. Working waterfronts require direct access to or a location on, over, or adjacent to a body of water. The term includes water-dependent facilities that are open to the public and offer public access by vessels to a body of water or that are support facilities for recreational, commercial, research, or governmental vessels. These facilities include docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over water.

**Section 2.** The following definition, under the definition of Dwelling Unit, in Section 82-2 of the Land Development Code of the City of Madeira Beach is hereby amended to read as follows:

*Multifamily* means three or more dwelling units contained in one structure on a single lot or parcel and attached by common ~~vertical~~-walls.

**Section 3.** The following definitions in Section 82-2 of the Land Development Code of the City of Madeira Beach are hereby amended to read as follows:

*Floodway* means the channel of a river or other watercourse and the adjacent land ~~ares~~ areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one-tenth of a foot.

*Floor area ratio (FAR)* means a ratio of square footage of gross floor area divided by the square footage of net land area. The square footage of net land area for purposes of determining the FAR shall not include public road rights-of-way and shall not include submerged land.

*Impervious surface ratio (ISR)* means the relationship between the total impervious surface area on a site and the net gross land area. The impervious surface ratio is calculated by dividing the square footage of the area of all impervious surfaces on the site by the square footage of the net gross land area. The square footage of the net gross land area for purposes of determining the ISR shall not include public road right-of-way and shall not include submerged land.

**Section 4.** 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 5.** Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

**Section 6.** 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 7.** The Codifier shall codify the substantive amendments to the Land Development Code of the City of Madeira Beach contained in Sections 1 through 3 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 8.** Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption.

**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: \_\_\_\_\_



July 5, 2023

Andrew Morris  
Planner/GIS Technician  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, FL 33708

**RE: Review of proposed amendments to Comprehensive Plan and Land Development Regulations**

Dear Andrew:

Thank you for forwarding the above-referenced amendments for a review for consistency with the Countywide Rules. We appreciate the effort that City staff has taken to bring your regulations into consistency with the Rules, and your continued coordination with us. We have reviewed the proposed amendments and found only a few minor consistency issues that remain to be addressed. We are also recommending a few other edits for internal consistency and clarity. Our findings are as follows:

*FLU category matrix*

- For internal consistency, under the Preservation category, Water Supply needs to be added as a permitted use since there is an associated intensity standard.
- The second footnote, relating to Alternative Temporary Lodging Standards in the Resort Facilities High category, needs to indicate that the required development agreement must follow all required standards in the Countywide Rules, similar to the first footnote for other categories.

*LDR Chapter 82 – Definitions*

- Newly added definitions for various land uses are consistent with the Countywide Rules.
- While the formulas applied to density, floor area ratio, and impervious surface ratio are substantively consistent with the Rules, the City uses the term “gross land area” where the Rules use “net land area.” Recommend amending the terminology to match the Rules.

*LDR Chapter 110 – Zoning*

- In the R-3 Medium Density Multifamily Residential zoning district, Institutional is not listed as a permitted use, but an acreage limitation for that use is included under “Special requirements.” It should either be added as a permitted use or the acreage limitation should be deleted.



- Conversely, under the C-1 Tourist Commercial district, Institutional is listed as a special exception use, but there is no acreage limitation. A five-acre maximum needs to be added for consistency with the Retail & Services category of the Countywide Plan Map.
- The zoning districts list certain separate land uses, such as personal service and office support, that are combined into a single definition, such as Personal Service/Office Support. For internal consistency, suggest that use of the terms be made uniform.
- Maximum density/intensity standards for each zoning district are listed under the “Minimum building site area requirements” section. For clarity, recommend moving them to the “Maximum lot coverage” section or another appropriate heading.

We recognize that the consistency process is an ongoing one and if either the City or Forward Pinellas staff has failed to note a matter governed by the consistency process in the course of this review, we will be happy to work with you to resolve any such matter as may be necessary.

If you have any questions, please feel free to call me at 727-464-8220 or email me at [lfisher@forwardpinellas.org](mailto:lfisher@forwardpinellas.org).

Sincerely,



Linda Fisher, AICP  
Principal Planner

# Business Impact Estimate

Proposed ordinance's title/reference:

Ordinance 2023-19 Definitions to be consistent with the Countywide Plan

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

*Ordinance 2023-19 amends Section 82-2 of the Code of Ordinances to include and amend definitions to be consistent with the Countywide Plan. While amending the Comprehensive Plan and Code of Ordinances Forward Pinellas required the city to include uses as defined in the Countywide Plan. The majority of the additional definitions are based on allowed uses in the Countywide Plan, while the amendments are to reflect what is within the Countywide Plan to assure consistency.*

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Madeira Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

*No foreseen direct economic impact of the proposed ordinance.*

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

*No foreseen impact on businesses with the proposed ordinance.*

4. Additional information the governing body deems useful (if any):

*This ordinance assures that the City of Madeira Beach uses the same definitions as the Countywide Plan.*



# Memorandum

**Meeting Details:** October 11, 2023, BOC Regular Meeting

**Prepared For:** Honorable Mayor Rostek and Board of Commissioners

**From:** Community Development Department

**Subject:** Ordinance 2023-22 Future Land Use Element to be consistent with Forward Pinellas

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**Background:** The Madeira Beach Comprehensive Plan and the Madeira Beach Code of Ordinances are inconsistent with the Forward Pinellas Countywide Plan. The city must remedy this inconsistency.

**Discussion:** The city is required to be consistent with the Forward Pinellas Countywide Plan. To be consistent with the Countywide Plan, the city must make amendments to the Comprehensive Plan and Code of Ordinances. The upcoming amendments will include clarification of the alternative temporary lodging use standards, clarification of intensity and density standards without using the alternative temporary lodging use standards, update allowed uses terminology to conform with the Countywide Plan definitions and clarify the measurement of intensity and density to be consistent with the Forward Pinellas Countywide Plan.

Ordinance 2023-22 amends the Future Land Use Element in the Madeira Beach Comprehensive Plan to include uses consistent to the Countywide Plan, reformats the Future Land Use Element into a matrix as requested by Forward Pinellas, provides the “by right” density for temporary lodging use, and details the process for the Alternative Temporary Lodging Use Standards as required in the Countywide Plan. The Planning Commission recommended approval of Ordinance 2023-22 on September 11, 2023.

**Recommendation(s):** Planning Commission and staff recommends approval of Ordinance 2023-22.

**Attachments:**

- Ordinance 2023-22 Future Land Use Element to be consistent with Forward Pinellas
- Forward Pinellas Response
- Madeira Beach Comprehensive Plan Future Land Use Map

## 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><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><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><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
<del>Less than 1 acre</del>	<del>75</del>	<del>2.0</del>	<del>0.95</del>
<del>Between one acre and three acres</del>	<del>100</del>	<del>3.0</del>	<del>0.95</del>
<del>Greater than three acres</del>	<del>125</del>	<del>4.0</del>	<del>0.95</del>

~~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:**

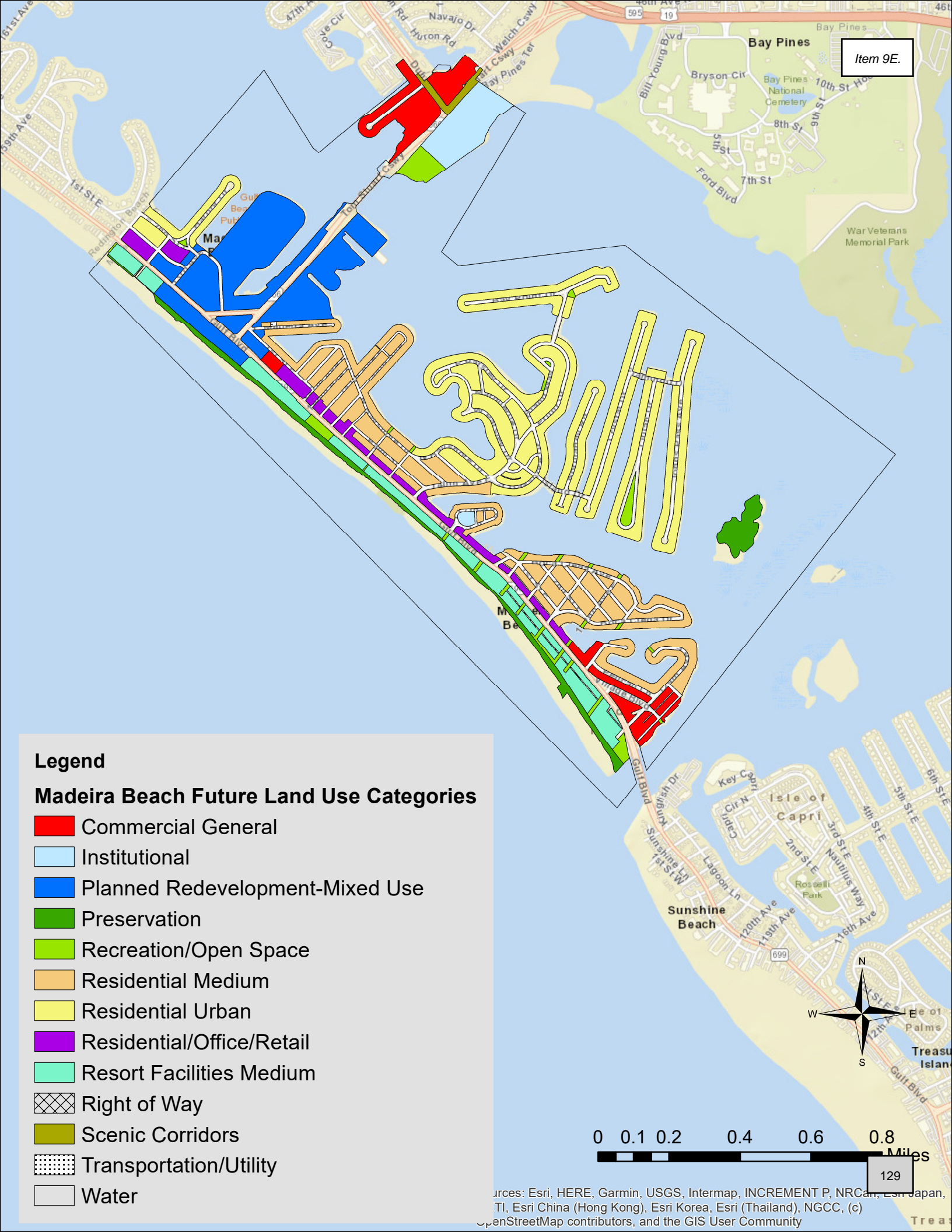
\_\_\_\_\_  
Thomas J. Trask, City Attorney

PASSED ON FIRST READING: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

PASSED ON SECOND READING: \_\_\_\_\_

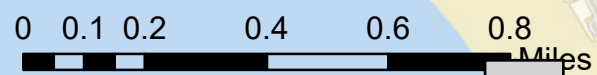
Item 9E.



**Legend**

**Madeira Beach Future Land Use Categories**

- Commercial General
- Institutional
- Planned Redevelopment-Mixed Use
- Preservation
- Recreation/Open Space
- Residential Medium
- Residential Urban
- Residential/Office/Retail
- Resort Facilities Medium
- Right of Way
- Scenic Corridors
- Transportation/Utility
- Water



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, Swisstopo, Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community





July 5, 2023

Andrew Morris  
Planner/GIS Technician  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, FL 33708

**RE: Review of proposed amendments to Comprehensive Plan and Land Development Regulations**

Dear Andrew:

Thank you for forwarding the above-referenced amendments for a review for consistency with the Countywide Rules. We appreciate the effort that City staff has taken to bring your regulations into consistency with the Rules, and your continued coordination with us. We have reviewed the proposed amendments and found only a few minor consistency issues that remain to be addressed. We are also recommending a few other edits for internal consistency and clarity. Our findings are as follows:

*FLU category matrix*

- For internal consistency, under the Preservation category, Water Supply needs to be added as a permitted use since there is an associated intensity standard.
- The second footnote, relating to Alternative Temporary Lodging Standards in the Resort Facilities High category, needs to indicate that the required development agreement must follow all required standards in the Countywide Rules, similar to the first footnote for other categories.

*LDR Chapter 82 – Definitions*

- Newly added definitions for various land uses are consistent with the Countywide Rules.
- While the formulas applied to density, floor area ratio, and impervious surface ratio are substantively consistent with the Rules, the City uses the term “gross land area” where the Rules use “net land area.” Recommend amending the terminology to match the Rules.

*LDR Chapter 110 – Zoning*

- In the R-3 Medium Density Multifamily Residential zoning district, Institutional is not listed as a permitted use, but an acreage limitation for that use is included under “Special requirements.” It should either be added as a permitted use or the acreage limitation should be deleted.



- Conversely, under the C-1 Tourist Commercial district, Institutional is listed as a special exception use, but there is no acreage limitation. A five-acre maximum needs to be added for consistency with the Retail & Services category of the Countywide Plan Map.
- The zoning districts list certain separate land uses, such as personal service and office support, that are combined into a single definition, such as Personal Service/Office Support. For internal consistency, suggest that use of the terms be made uniform.
- Maximum density/intensity standards for each zoning district are listed under the “Minimum building site area requirements” section. For clarity, recommend moving them to the “Maximum lot coverage” section or another appropriate heading.

We recognize that the consistency process is an ongoing one and if either the City or Forward Pinellas staff has failed to note a matter governed by the consistency process in the course of this review, we will be happy to work with you to resolve any such matter as may be necessary.

If you have any questions, please feel free to call me at 727-464-8220 or email me at [lfisher@forwardpinellas.org](mailto:lfisher@forwardpinellas.org).

Sincerely,



Linda Fisher, AICP  
Principal Planner

# NOTICE OF PUBLIC HEARING CITY OF MADEIRA BEACH BOARD OF COMMISSIONERS ON PROPOSED AMENDMENT TO THE CITY OF MADEIRA BEACH COMPREHENSIVE PLAN

Item 9E.

In accordance with the City of Madeira Beach Code of Ordinances, the City of Madeira Beach City Charter Section 7.3B, and Florida Statutes §166.041(3)(a) and 163.3184(11):

**NOTICE IS HEREBY GIVEN**, that the BOARD OF COMMISSIONERS of the City of Madeira Beach, will conduct a Public Hearing for the review of proposed Ordinance 2023-22 on Wednesday, October 11, 2023, at 6:00 p.m. The meeting will be held in the Patricia Shontz Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708. The title of said Ordinance is as follows:

## ORDINANCE 2023-22

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING OBJECTIVE 4.1.1 AND POLICIES 4.1.1.1, 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; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. A copy of the proposed Ordinance is available for inspection in the Community Development Office at 300 Municipal Drive, Madeira Beach, FL 33708 between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. If you would like more information regarding the proposed Ordinance, please contact the Community Development Department at (727) 391-9951, Ext. 244 or [Planning@madeirabeachfl.gov](mailto:Planning@madeirabeachfl.gov).

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 accommodations to participate in this meeting should contact the Community Development Department no later than 48 hours prior to the meeting at (727) 391-9951, Ext. 244 or fax a written request to (727) 399-1131.

132

# Business Impact Estimate

Proposed ordinance's title/reference:

Ordinance 2023-22 Future Land Use Element to be consistent with Forward Pinellas

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

*Ordinance 2023-22 amends the Future Land Use Element in the Madeira Beach Comprehensive Plan to include uses consistent to the Countywide Plan, reformats the Future Land Use Element into a matrix as requested by Forward Pinellas, provides the "by right" density for temporary lodging use, and details the process for the Alternative Temporary Lodging Use Standards as required in the Countywide Plan.*

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Madeira Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

*No foreseen direct economic impact of the proposed ordinance.*

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

*No foreseen impact on businesses with the proposed ordinance.*

4. Additional information the governing body deems useful (if any):

*This ordinance assures that the Madeira Beach Comprehensive Plan is consistent with the Countywide Plan in intensity, density, allowed uses and terminology.*



# Memorandum

**Meeting Details:** October 11, 2023, BOC Regular Meeting

**Prepared For:** Honorable Mayor Rostek and Board of Commissioners

**From:** Community Development Department

**Subject:** Ordinance 2023-26: R-3 Medium Density Multifamily Residential Zoning District to be consistent with the Countywide Plan

**Background:** The Madeira Beach Comprehensive Plan and the Madeira Beach Code of Ordinances are inconsistent with the Forward Pinellas Countywide Plan. The city must remedy this inconsistency.

**Discussion:** The city is required to be consistent with the Forward Pinellas Countywide Plan. To be consistent with the Countywide Plan, the city must make amendments to the Comprehensive Plan and Code of Ordinances. The upcoming amendments will include clarification of the alternative temporary lodging use standards, clarification of intensity and density standards without using the alternative temporary lodging use standards, update allowed uses terminology to conform with the Countywide Plan definitions and clarify the measurement of intensity and density to be consistent with the Forward Pinellas Countywide Plan.

Ordinance 2023-26 amends the R-3 Medium Density Multifamily Residential Zoning District to include uses consistent to the Countywide Plan, provide the “by right” density for temporary lodging use, detail that stand-alone restaurant or retail commercial use must have frontage on Gulf Blvd, and details the process for the Alternative Temporary Lodging Use Standards as required in the Countywide Plan.

The Planning Commission recommended approval of Ordinance 2023-26 on September 11, 2023.

**Recommendation(s):** Planning Commission and staff recommends approval of Ordinance 2023-26.

**Attachments:**

- Ordinance 2023-26: R-3 Medium Density Multifamily Residential Zoning District to be consistent with the Countywide Plan
- Forward Pinellas Response
- Zoning Map

**ORDINANCE 2023-26**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 4 (R-3, MEDIUM DENSITY MULTIFAMILY RESIDENTIAL) OF ARTICLE V (DISTRICTS) OF CHAPTER 110 (ZONING) OF THE CITY'S LAND DEVELOPMENT CODE TO AMEND THE PURPOSE AND INTENT OF THE R-3 DISTRICT; ADD VACATION RENTAL, TEMPORARY LODGING AND INSTITUTIONAL AS PERMITTED USES; ADD RETAIL COMMERCIAL AND PERSONAL SERVICE USES AS AN ACCESSORY USE; REVISE THE SPECIAL EXCEPTION USES FOR STANDALONE RETAIL COMMERCIAL AND PERSONAL SERVICE USES; ADD RETAIL COMMERCIAL TO BUILDING SITE REQUIREMENTS AND MAXIMUM DENSITY FOR RESIDENTIAL DWELLING, VACATION RENTAL UNITS AND TEMPORARY LODGING UNITS IN SECTION 110-230; ADD SETBACK REQUIREMENTS FOR TEMPORARY LODGING AND RETAIL COMMERCIAL; AMEND MAXIMUM LOT COVERAGE PROVISIONS; AMEND BUFFERING REQUIREMENTS FOR TEMPORARY LODGING; ADD SPECIAL REQUIREMENTS FOR TEMPORARY LODGING, ALTERNATIVE TEMPORARY LODGING USE STANDARDS AND STAND-ALONE RESTAURANTS AND RETAIL COMMERCIAL USES; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, City Staff has reviewed the current provisions of Division 4 (R-3, Medium Density Multifamily Residential) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach and recommends amending same; and

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

**WHEREAS**, the Planning Commission has recommended approval of the proposed changes; and

**WHEREAS**, the recommendations of staff have been found meritorious by the Board of Commissioners; 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 Division 4 (R-3, Medium Density Multifamily Residential) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach, Florida, is hereby amended to read as follows:

*DIVISION 4. R-3, MEDIUM DENSITY MULTIFAMILY RESIDENTIAL*

**Sec. 110-226. Definition; purpose and intent.**

The R-3, medium density multifamily residential district provides for medium density development for ~~both permanent and tourist~~ residential, vacation rental, and temporary lodging facilities at locations where public facilities are adequate to support such intensity. The R-3, medium density multifamily residential district correlates with the resort facilities medium (RFM) future land use category of the City of Madeira Beach Comprehensive Plan, and Resort (R) plan category in the Countywide Plan.

**Sec. 110-227. Permitted uses.**

The permitted uses in the R-3, medium density multifamily residential district are as follows:

- (1) Single-family.
- (2) Duplex.
- (3) Triplex.
- (4) Multifamily.
- (5) Vacation Rental.
- ~~(5)(6)~~ Tourist dwelling units. Temporary Lodging.
- ~~(6)~~ (7) Restaurants, excluding drive-in restaurants (provided that the provisions of subsection Section 110-236(f) are met).
- ~~(7)~~ (8) Publicly owned or operated parks and recreation areas.
- (9) Institutional.

**Sec. 110-228. Accessory uses.**

The accessory uses in the R-3, medium density multifamily residential district are as follows:

- (1) Home occupation.
- (2) Private garages and carports.
- (3) Swimming pools or cabanas used as bath houses.
- (4) Residential docks.
- (5) Essential services.
- (6) Wireless communication antennas as regulated by article VI, division 12, subdivisions I, II and IV of this chapter.
- (7) Retail commercial and personal service/office support uses.

**Sec. 110-229. Special exception uses.**

Upon application for a special exception to the special magistrate and favorable action thereon, the following uses may be permitted in the R-3, medium density multifamily residential district:

- (1) Retail commercial and personal service/office support uses as a stand-alone use (provided that the provisions of subsection Section 110-236(f) are met) only ancillary to a permitted use.
- (2) Public service facilities.
- (3) Commercial recreation and entertainment facilities.

**Sec. 110-230. ~~Minimum b~~ Building site area requirements.**

The minimum building site area requirements in the R-3, medium density multifamily residential district are as follows:

- (1) Lot size:
  - a. Single-family: 4,000 square feet.
  - b. Duplex, triplex: 3,000 square feet per dwelling unit.
  - c. Multifamily: 2,420 square feet per dwelling unit.
  - d. Restaurants and retail commercial: 5,000 square feet.
  - e. 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, duplex, triplex: 40 feet.
  - b. Multifamily and hotel temporary lodging: 60 feet.
  - c. Restaurants: 60 feet.
- (3) Lot depth: All permitted uses 80 feet.



(4) The density is a maximum of 18 residential dwelling units, 18 vacation rental units, or 50 temporary lodging units per acre. Alternative Temporary Lodging Use Standards are allowed as detailed in subsection 110-236(e).

### **Sec. 110-231. Setback requirements.**

The following minimum setbacks shall apply in the R-3, medium density multifamily residential district. Vacation rentals are built to residential standards:

- (1) Front yard:
  - a. Single-family, duplex and triplex: 20 feet, measured from right-of-way to structure.
  - b. Multifamily, ~~hotel~~ temporary lodging, and retail commercial restaurants: 25 feet.
- (2) Rear yard: 25 feet, unless otherwise provided in the land development regulations, and then the more restrictive requirement shall apply.
- (3) Waterfront yard: For lots with a waterfront yard on the Gulf of Mexico, the setback shall be landward of to the county coastal construction control line.
- (4) Side yard setbacks:
  - a. Single-family, duplex and triplex dwellings:
    1. For lots less than 50 feet in width, the minimum side yard setback shall be five feet.
    2. For lots 50 feet or greater in width, the minimum total side yard setback shall be 15 feet with a minimum of seven feet on either side.
  - b. Multifamily, ~~hotels~~ temporary lodging, and retail commercial restaurants: The minimum side yard setback shall be ten feet provided that the provisions of section 110-236 are met.

### **Sec. 110-232. Maximum building height.**

No building in the R-3, medium density multifamily residential district shall exceed 44 feet in height.

### **Sec. 110-233. Maximum lot coverage.**

The maximum lot coverage in the R-3, medium density multifamily residential district is as follows:

- ~~(1) Residential use: Floor area ratio (FAR) 1.0. The maximum area of a lot or parcel to be covered by structures shall be 40 percent.~~
- ~~(2) Multifamily, hotel, and related uses: The density shall be a maximum of 18 residential dwelling units or temporary lodging units as shown in the table below. A combination of both residential and tourist dwelling units may be permissible provided that the provisions of subsection 110-236(b) are met.~~

<del>Land Area of the Development Site</del>	<del>Units/Acre</del>	<del>FAR</del>	<del>ISR</del>
<del>Less than one acre</del>	<del>45</del>	<del>1.0</del>	<del>0.85</del>
<del>One to three acres</del>	<del>60</del>	<del>1.5</del>	<del>0.85</del>
<del>Greater than three acres</del>	<del>75</del>	<del>2.0</del>	<del>0.85</del>

~~(3)~~ (1) Other c Commercial uses/nonresidential: Floor area ratio (FAR) 0.55.

~~(4)~~ (2) Public service facilities: Floor area ratio (FAR) 0.65.

~~(5)~~ (3) Public owned parks and recreation facilities: Floor area ratio (FAR) 0.25.

**Sec. 110-234. Impervious surface ratio (ISR).**

The impervious surface ratio (ISR) in the R-3, medium density multifamily residential district for all uses is 0.85.

**Sec. 110-235. Buffering requirements.**

Buffering requirements in the R-3, medium density multifamily residential district are as follows:

- (1) Parking lots/garages for ~~tourist dwellings~~ temporary lodging and commercial nonresidential uses shall be designed to minimize their impacts to any adjacent residential uses as established in the land development regulations.
- (2) During the development process, existing curb cuts shall be reoriented, if necessary, to minimize the negative impact on adjacent properties.
- (3) All development within this category will meet or exceed the buffering/landscape requirements as outlined in chapter 106, article II.

**Sec. 110-236. Special requirements.**

- (a) No structure in the R-3, medium density multifamily residential district shall be constructed that is greater than 250 feet in width. If two structures are proposed on the same lot or parcel, the buildings shall be separated by a minimum of ten feet.
- (b) 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 net land area of the property.
- (c) 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.
- (d) When a proposed multifamily, temporary lodging or non-residential commercial use in the R-3, medium density multifamily residential district abuts a single-family, duplex, or triplex, an additional five-foot setback is required along the length of the entire shared lot line. This additional setback will be utilized to provide additional landscaped screening.

(e) In the RFM future land use category, Alternative Temporary Lodging Use Standards allows 60 temporary lodging units per acre and a FAR of 2.0. 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 Forward Pinellas Countywide Rules to use the Alternative Temporary Lodging Use Standards.

(f) Stand-alone restaurant or retail commercial use must have frontage on Gulf Boulevard.

**Secs. 110-237—110-255. Reserved.**

**Section 2.** 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 3.** Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

**Section 4.** 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 5.** The Codifier shall codify the substantive amendments to the Land Development Code of the City of Madeira Beach contained in Section 1 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 6.** Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption.

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: \_\_\_\_\_



July 5, 2023

Andrew Morris  
Planner/GIS Technician  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, FL 33708

**RE: Review of proposed amendments to Comprehensive Plan and Land Development Regulations**

Dear Andrew:

Thank you for forwarding the above-referenced amendments for a review for consistency with the Countywide Rules. We appreciate the effort that City staff has taken to bring your regulations into consistency with the Rules, and your continued coordination with us. We have reviewed the proposed amendments and found only a few minor consistency issues that remain to be addressed. We are also recommending a few other edits for internal consistency and clarity. Our findings are as follows:

*FLU category matrix*

- For internal consistency, under the Preservation category, Water Supply needs to be added as a permitted use since there is an associated intensity standard.
- The second footnote, relating to Alternative Temporary Lodging Standards in the Resort Facilities High category, needs to indicate that the required development agreement must follow all required standards in the Countywide Rules, similar to the first footnote for other categories.

*LDR Chapter 82 – Definitions*

- Newly added definitions for various land uses are consistent with the Countywide Rules.
- While the formulas applied to density, floor area ratio, and impervious surface ratio are substantively consistent with the Rules, the City uses the term “gross land area” where the Rules use “net land area.” Recommend amending the terminology to match the Rules.

*LDR Chapter 110 – Zoning*

- In the R-3 Medium Density Multifamily Residential zoning district, Institutional is not listed as a permitted use, but an acreage limitation for that use is included under “Special requirements.” It should either be added as a permitted use or the acreage limitation should be deleted.

- Conversely, under the C-1 Tourist Commercial district, Institutional is listed as a special exception use, but there is no acreage limitation. A five-acre maximum needs to be added for consistency with the Retail & Services category of the Countywide Plan Map.
- The zoning districts list certain separate land uses, such as personal service and office support, that are combined into a single definition, such as Personal Service/Office Support. For internal consistency, suggest that use of the terms be made uniform.
- Maximum density/intensity standards for each zoning district are listed under the “Minimum building site area requirements” section. For clarity, recommend moving them to the “Maximum lot coverage” section or another appropriate heading.

We recognize that the consistency process is an ongoing one and if either the City or Forward Pinellas staff has failed to note a matter governed by the consistency process in the course of this review, we will be happy to work with you to resolve any such matter as may be necessary.

If you have any questions, please feel free to call me at 727-464-8220 or email me at [lfisher@forwardpinellas.org](mailto:lfisher@forwardpinellas.org).

Sincerely,



Linda Fisher, AICP  
Principal Planner

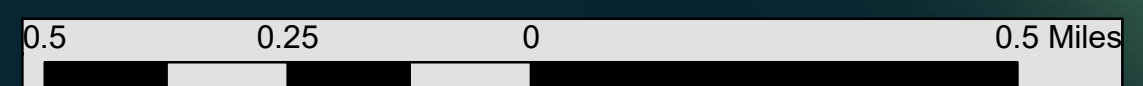


# City of Madeira Beach Zoning and Street Names Map

## Madeira Beach Zoning

### Zoning Categories

- C-1
- C-2
- C-3
- C-4
- P-SP
- PD
- R-1
- R-2
- R-3
- Madeira Beach Parcels
- Roads



Source: Esri, Maxar, GeoEye, Earthstar  
Geographics, CNES/Airbus DS, USDA, USGS, community



Item 9F.



# Business Impact Estimate

Proposed ordinance's title/reference:

Ordinance 2023-26 R-3 Zoning to be consistent with Forward Pinellas

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.



1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

*Ordinance 2023-26 amends the R-3 Medium Density Multifamily Residential Zoning District to include uses consistent to the Countywide Plan, provide the “by right” density for temporary lodging use, detail that stand-alone restaurant or retail commercial use must have frontage on Gulf Blvd, and details the process for the Alternative Temporary Lodging Use Standards as required in the Countywide Plan..*

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Madeira Beach’s regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

*No foreseen direct economic impact of the proposed ordinance.*

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

*No foreseen impact on businesses with the proposed ordinance.*

4. Additional information the governing body deems useful (if any):

*This ordinance assures that the Madeira Beach Land Development Regulations are consistent with the Countywide Plan in intensity, density, allowed uses and terminology.*



# Memorandum

**Meeting Details:** October 11, 2023, BOC Regular Meeting

**Prepared For:** Honorable Mayor Rostek and Board of Commissioners

**From:** Community Development Department

**Subject:** Ordinance 2023-27: C-1 Tourist Commercial Zoning District to be consistent with the Countywide Plan

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**Background:** The Madeira Beach Comprehensive Plan and the Madeira Beach Code of Ordinances are inconsistent with the Forward Pinellas Countywide Plan. The city must remedy this inconsistency.

**Discussion:** The city is required to be consistent with the Forward Pinellas Countywide Plan. To be consistent with the Countywide Plan, the city must make amendments to the Comprehensive Plan and Code of Ordinances. The upcoming amendments will include clarification of the alternative temporary lodging use standards, clarification of intensity and density standards without using the alternative temporary lodging use standards, update allowed uses terminology to conform with the Countywide Plan definitions and clarify the measurement of intensity and density to be consistent with the Forward Pinellas Countywide Plan.

Ordinance 2023-27 amends the C-1 Tourist Commercial Zoning District to include uses consistent to the Countywide Plan, provide the “by right” density for temporary lodging use, and details the process for the Alternative Temporary Lodging Use Standards as required in the Countywide Plan. The Planning Commission recommended approval of Ordinance 2023-27 on September 11, 2023.

**Recommendation(s):** Planning Commission and staff recommends approval of Ordinance 2023-27.

**Attachments:**

- Ordinance 2023-27: C-1 Tourist Commercial Zoning District to be consistent with the Countywide Plan
- Zoning Map
- Forward Pinellas Response

**ORDINANCE 2023-27**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 5 (C-1, TOURIST COMMERCIAL) OF ARTICLE V (DISTRICTS) OF CHAPTER 110 (ZONING) OF THE CITY'S LAND DEVELOPMENT CODE TO AMEND THE PURPOSE AND INTENT OF THE C-1 DISTRICT; REVISE PERMITTED USES TO INCLUDE RESIDENTIAL, VACATION RENTAL, PERSONAL SERVICE, OFFICE, OFFICE SUPPORT, RETAIL COMMERCIAL, BUSINESS SERVICE, COMMERCIAL AND TEMPORARY LODGING; DELETE COMMERCIAL, RECREATION AND ENTERTAINMENT FACILITIES AS SPECIAL EXCEPTION USES; ADD INSTITUTIONAL AND COMMERCIAL RECREATION AS SPECIAL EXCEPTION USES; ADD RETAIL COMMERCIAL AND RESIDENTIAL DWELLING UNITS TO BUILDING SITE REQUIREMENTS AND MAXIMUM DENSITY FOR VACATION RENTAL UNITS AND TEMPORARY LODGING UNITS IN SECTION 110-260; REVISE REFERENCE FOR PERMITTED USES OF SIDE YARDS IN SETBACK REQUIREMENTS; AMEND MAXIMUM LOT COVERAGE PROVISIONS; ADD SPECIAL REQUIREMENTS FOR ALTERNATIVE TEMPORARY LODGING USE STANDARDS AND INSTITUTIONAL USES OTHER THAN PUBLIC EDUCATIONAL FACILITIES; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, City Staff has reviewed the current provisions of Division 5 (C-1, Tourist Commercial) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach and recommends amending same; and

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

**WHEREAS**, the Planning Commission has recommended approval of the proposed changes; and

**WHEREAS**, the recommendations of staff have been found meritorious by the Board of Commissioners; 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 Division 5 (C-1, Tourist Commercial) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach, Florida, is hereby amended to read as follows:

*DIVISION 5. C-1, TOURIST COMMERCIAL*

**Sec. 110-256. Definition; purpose and intent.**

The C-1, tourist commercial district provides for various tourist and commercial facilities of medium intensity which conveniently supply the needs of the neighborhood as well as the city. The C-1, tourist commercial district correlates with the commercial general (CG) future land use category of the City of Madeira Beach Comprehensive Plan and Retail and Services (R&S) plan category in the Countywide Plan. Services are rendered and commodities are sold which are needed daily and purchased at frequent intervals. The purpose of this district is to recognize the unique commercial, marine, tourist and historic value of this area. It is the intent of the comprehensive land use plan to retain the nautical theme and important character of the waterfront area and of John's Pass Village.

**Sec. 110-257. Permitted uses.**

The permitted uses in the C-1, tourist commercial district are as follows:

- (1) ~~Dwelling units~~ Residential and vacation rental located ~~on the second floor~~ above first floor ~~commercial or office units~~ commercial use within this district.
- (2) ~~Business offices and financial uses~~ Personal service, office, and office support, not including ~~excluding~~ drive-through windows.
- (3) ~~Retail and personal services.~~ Retail commercial, business service, and commercial, excluding drive-through windows,
- (4) Restaurants, excluding drive-through windows.
- (5) ~~Tourist dwelling units.~~ Temporary lodging located above first floor commercial use.

**Sec. 110-258. Accessory uses.**

The accessory uses in the C-1, tourist commercial district are as follows:

- (1) Swimming pools or cabanas used as bath houses.
- (2) Essential services.
- (3) Nonresidential signs.
- (4) Off-street parking and loading.

### Sec. 110-259. Special exception uses.

Upon application for a special exception to the special magistrate and favorable action thereon, the following uses may be permitted in the C-1, tourist commercial district:

- (1) Institutional as a religious use such as cChurches, synagogues or other houses of worship.
- (2) Private social, recreational or fraternal clubs and organizations.
- (3) Publicly owned or operated parks or recreation areas.
- (4) ~~Commercial, recreation or entertainment facilities.~~ Commercial recreation.
- (5) Auditoriums.
- (6) Stand-alone parking lots and parking garages as a principal use.

### Sec. 110-260. ~~Minimum b~~ Building site area requirements.

The minimum building site area requirements in the C-1, tourist commercial district are as follows:

- (1) Lot size:
  - a. ~~Retail and other c~~ Commercial uses: 4,000 square feet.
  - b. Residential d Dwelling units and vacation rental units above first floor ~~commercial~~: 3,000 square feet per ~~dwelling~~ unit.
- (2) Lot width: All permitted uses 40 feet.
- (3) Lot depth: All permitted uses 80 feet.
- (4) Maximum: The density ~~shall be is~~ a maximum of 15 residential dwelling units, 15 vacation rental units, per acre or a maximum of 60 or 40 temporary lodging units per acre. ~~A combination of both residential dwelling units and temporary lodging units may be permissible provided that the provisions of subsections 110-265(e) and (f) are met. Alternative Temporary Lodging Use Standards are allowed as detailed in subsection 110-265(g).~~

### Sec. 110-261. Setback requirements.

The following minimum setbacks shall apply in the C-1, tourist commercial district:

- (1) Front yard: None. (See the special requirement in subsection 110-265(b).)
- (2) Rear yard: 25 feet.
- (3) Side yard: All permitted uses ten feet—one side only. (See the special requirements s in ~~sub~~section 110-265~~(e)~~.)

### Sec. 110-262. Maximum building height.

For all uses in the C-1, tourist commercial district the maximum building height shall be 34 feet.

**Sec. 110-263. Maximum lot coverage.**

The maximum lot coverage in the C-1, tourist commercial district is as follows:

- (1) ~~Nonresidential/e~~ Commercial uses: Floor area ratio (FAR) 0.55.
- (2) Public owned parks and recreation facilities: Floor area ratio (FAR) 0.25.
- ~~(3) Temporary lodging uses: Floor area ratio (FAR) 1.2, provided that the provision of subsections 110-265(d) are met.~~

**Sec. 110-264. Impervious surface ratio (ISR).**

The impervious surface ratio (ISR) in the C-1, tourist commercial district for all uses is 0.85.

**Sec. 110-265. Special requirements.**

- (a) The C-1, tourist commercial district does not permit the storage of commercial vehicles.
- (b) All properties located within the C-1, tourist commercial district abutting Gulf Boulevard will be required to provide a setback on Gulf Boulevard of 25 feet.
- (c) No single commercial structure in the C-1, tourist commercial district may be wider than 120 feet, paralleling to the right-of-way without providing a visual appearance of multiple buildings in increments of 40 feet.
- (d) 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.
- (e) Mechanical units shall be on the roof and not visible or shielded from public right-of-way.
- (f) Walls constructed or renovated on the property lines must comply with the current Florida Building Codes including occupancy ratings and current fire codes.
- ~~(g) In the CG future land use category, Alternative Temporary Lodging Use Standards allows 60 temporary lodging units per acre and a FAR of 1.2. 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 Forward Pinellas Countywide Rules to use the Alternative Temporary Lodging Use Standards.~~
- ~~(h) Institutional, other than public educational facilities shall not exceed a maximum area of five acres.~~

**Secs. 110-266—110-285. Reserved.**

**Section 2.** 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 3.** Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

**Section 4.** 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 5.** The Codifier shall codify the substantive amendments to the Land Development Code of the City of Madeira Beach contained in Section 1 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 6.** Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption.

**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: \_\_\_\_\_





July 5, 2023

Andrew Morris  
Planner/GIS Technician  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, FL 33708

**RE: Review of proposed amendments to Comprehensive Plan and Land Development Regulations**

Dear Andrew:

Thank you for forwarding the above-referenced amendments for a review for consistency with the Countywide Rules. We appreciate the effort that City staff has taken to bring your regulations into consistency with the Rules, and your continued coordination with us. We have reviewed the proposed amendments and found only a few minor consistency issues that remain to be addressed. We are also recommending a few other edits for internal consistency and clarity. Our findings are as follows:

*FLU category matrix*

- For internal consistency, under the Preservation category, Water Supply needs to be added as a permitted use since there is an associated intensity standard.
- The second footnote, relating to Alternative Temporary Lodging Standards in the Resort Facilities High category, needs to indicate that the required development agreement must follow all required standards in the Countywide Rules, similar to the first footnote for other categories.

*LDR Chapter 82 – Definitions*

- Newly added definitions for various land uses are consistent with the Countywide Rules.
- While the formulas applied to density, floor area ratio, and impervious surface ratio are substantively consistent with the Rules, the City uses the term “gross land area” where the Rules use “net land area.” Recommend amending the terminology to match the Rules.

*LDR Chapter 110 – Zoning*

- In the R-3 Medium Density Multifamily Residential zoning district, Institutional is not listed as a permitted use, but an acreage limitation for that use is included under “Special requirements.” It should either be added as a permitted use or the acreage limitation should be deleted.

- Conversely, under the C-1 Tourist Commercial district, Institutional is listed as a special exception use, but there is no acreage limitation. A five-acre maximum needs to be added for consistency with the Retail & Services category of the Countywide Plan Map.
- The zoning districts list certain separate land uses, such as personal service and office support, that are combined into a single definition, such as Personal Service/Office Support. For internal consistency, suggest that use of the terms be made uniform.
- Maximum density/intensity standards for each zoning district are listed under the “Minimum building site area requirements” section. For clarity, recommend moving them to the “Maximum lot coverage” section or another appropriate heading.

We recognize that the consistency process is an ongoing one and if either the City or Forward Pinellas staff has failed to note a matter governed by the consistency process in the course of this review, we will be happy to work with you to resolve any such matter as may be necessary.

If you have any questions, please feel free to call me at 727-464-8220 or email me at [lfisher@forwardpinellas.org](mailto:lfisher@forwardpinellas.org).

Sincerely,



Linda Fisher, AICP  
Principal Planner

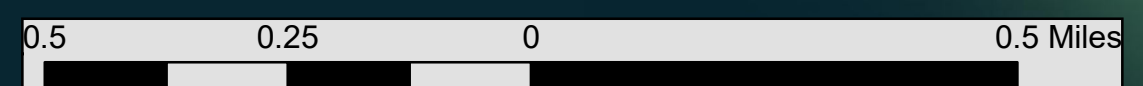


# City of Madeira Beach Zoning and Street Names Map

## Madeira Beach Zoning

### Zoning Categories

- C-1
- C-2
- C-3
- C-4
- P-SP
- PD
- R-1
- R-2
- R-3
- Madeira Beach Parcels
- Roads





# Business Impact Estimate

Proposed ordinance's title/reference:

Ordinance 2023-27 C-1 Zoning to be consistent with Forward Pinellas

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

*Ordinance 2023-27 amends the C-1 Tourist Commercial Zoning District to include uses consistent to the Countywide Plan, provide the “by right” density for temporary lodging use, and details the process for the Alternative Temporary Lodging Use Standards as required in the Countywide Plan.*

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Madeira Beach’s regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

*No foreseen direct economic impact of the proposed ordinance.*

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

*No foreseen impact on businesses with the proposed ordinance.*

4. Additional information the governing body deems useful (if any):

*This ordinance assures that the Madeira Beach Land Development Regulations are consistent with the Countywide Plan in intensity, density, allowed uses and terminology.*



# Memorandum

**Meeting Details:** October 11, 2023, Board of Commissioners

**Prepared For:** Honorable Mayor Rostek and Board of Commissioners

**From:** Community Development Department

**Subject:** Ordinance 2023-28: C-2 John's Pass Marine Commercial Zoning District to be consistent with the Countywide Plan

---

**Background:** The Madeira Beach Comprehensive Plan and the Madeira Beach Code of Ordinances are inconsistent with the Forward Pinellas Countywide Plan. The city must remedy this inconsistency.

**Discussion:** The city is required to be consistent with the Forward Pinellas Countywide Plan. To be consistent with the Countywide Plan, the city must make amendments to the Comprehensive Plan and Code of Ordinances. The upcoming amendments will include clarification of the alternative temporary lodging use standards, clarification of intensity and density standards without using the alternative temporary lodging use standards, update allowed uses terminology to conform with the Countywide Plan definitions and clarify the measurement of intensity and density to be consistent with the Forward Pinellas Countywide Plan.

Ordinance 2023-28 amends the C-2 John's Pass Marine Commercial Zoning District to include uses consistent to the Countywide Plan and cleans up the structure separation inconsistency. The Planning Commission recommended approval of Ordinance 2023-28 on September 11, 2023.

**Recommendation(s):** Planning Commission and staff recommends approval of Ordinance 2023-28.

**Attachments:**

- Ordinance 2023-28: C-2 Zoning District to be consistent with the Countywide Plan
- Zoning Map
- Forward Pinellas Response

## ORDINANCE 2023-28

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 6 (C-2, JOHN'S PASS MARINE COMMERCIAL) OF ARTICLE V (DISTRICTS) OF CHAPTER 110 (ZONING) OF THE CITY'S LAND DEVELOPMENT CODE TO AMEND THE PURPOSE AND INTENT OF THE C-2 DISTRICT; DELETE RETAIL AND ADD COMMERCIAL, COMMERCIAL RECREATION AND RETAIL COMMERCIAL AS PERMITTED USES; DELETE THE C-2, JOHN'S PASS MARINE COMMERCIAL DISTRICT SPECIAL REQUIREMENTS; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, City Staff has reviewed the current provisions of Division 6 (C-2, John's Pass Marine Commercial) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach and recommends amending same; and

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

**WHEREAS**, the Planning Commission has recommended approval of the proposed changes; and

**WHEREAS**, the recommendations of staff have been found meritorious by the Board of Commissioners; 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 Division 6 (C-2, John's Pass Marine Commercial) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach, Florida, is hereby amended to read as follows:

*DIVISION 6. C-2, JOHN'S PASS MARINE COMMERCIAL*

**Sec. 110-286. Definition; purpose and intent.**

The purpose of the C-2, John's Pass marine commercial district is to recognize the unique commercial, marine, tourist and historic value of this area. The C-2, John's Pass marine commercial district correlates with the commercial general (CG) future land use category of the City of Madeira Beach Comprehensive Plan and the Retail and Services (R&S) plan category of the Countywide Plan. It is the intent of the comprehensive land use plan to retain the nautical theme and important character of the waterfront area and of John's Pass Village.

**Sec. 110-287. Principal permitted uses.**

The permitted uses in the C-2, John's Pass marine commercial district are as follows:

- (1) ~~Retail~~ Commercial recreation, office and personal service/office support use uses.
- (2) Commercial fishing activities.
- (3) Charter and party boat operations.
- (4) Restaurants and retail commercial, excluding drive-in windows.
- (5) ~~Commercial docks~~ Working waterfront.

**Sec. 110-288. Accessory uses.**

The accessory uses in the C-2, John's Pass marine commercial district are as follows:

- (1) Off-street parking.
- (2) Nonresidential signs.
- (3) Essential services.
- (4) Other customary accessory uses ancillary to the principal uses.

**Sec. 110-289. Special exception uses.**

There are no special exception uses permitted in the C-2, John's Pass marine commercial district.

**Sec. 110-290. ~~Minimum~~ b Building site area requirements.**

The minimum building site area requirements in the C-2, John's Pass marine commercial district are as follows:

- (1) Lot size: All uses within this district is 2,000 square feet.
- (2) Lot width: 40 feet.
- (3) Lot depth: 50 feet.



**Sec. 110-291. Setback requirements.**

The following minimum setbacks shall apply in the C-2, John's Pass marine commercial district:

- (1) Front yard: 20 feet, measured from right-of-way to the structure.
- (2) Rear yard or waterfront yard: None, however access to the "tie-backs" supporting seawalls shall be provided for maintenance.
- (3) Side yard: five feet on one side.

**Sec. 110-292. Maximum building height.**

For all uses in the C-2, John's Pass marine commercial district the maximum building height shall be 34 feet.

**Sec. 110-293. Maximum lot coverage.**

The maximum lot coverage in the C-2, John's Pass marine commercial district is as follows:

Nonresidential/commercial uses: Floor area ratio (FAR) 0.55.

**Sec. 110-294. Impervious surface ratio (ISR).**

The impervious surface ratio (ISR) in the C-2, John's Pass marine commercial district for all uses is 0.85.

**Sec. 110-295. Special requirements.**

- ~~(a) No structure in the C-2, John's Pass marine commercial district may be wider than 60 feet in width parallel to the front yard right-of-way without a minimum of a ten-foot separation between structures. Overall structure width shall also take into consideration adjacent properties in the 60-foot measurement.~~
- (ba) Due to the unique character of the C-2, John's Pass marine commercial district, a nautical theme should be emphasized within all renovations or new construction.
- (eb) Mechanical units must be located on the roof and not visible or shielded from public right-of-way.
- (dc) Walls constructed or renovated on the property lines must comply with the current Florida Building Codes including occupancy ratings and current fire codes.

**Secs. 110-296—110-315. Reserved.**

**Section 2.** 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 3.** Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

**Section 4.** 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 5.** The Codifier shall codify the substantive amendments to the Land Development Code of the City of Madeira Beach contained in Section 1 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 6.** Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption.

**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: \_\_\_\_\_

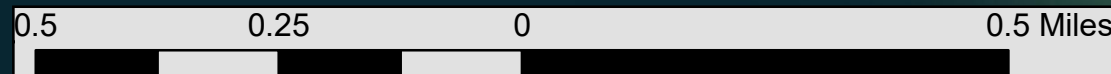


# City of Madeira Beach Zoning and Street Names Map

## Madeira Beach Zoning

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- C-1
- C-2
- C-3
- C-4
- P-SP
- PD
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- R-2
- R-3
- Madeira Beach Parcels
- Roads



Item 9H.

166





July 5, 2023

Andrew Morris  
Planner/GIS Technician  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, FL 33708

**RE: Review of proposed amendments to Comprehensive Plan and Land Development Regulations**

Dear Andrew:

Thank you for forwarding the above-referenced amendments for a review for consistency with the Countywide Rules. We appreciate the effort that City staff has taken to bring your regulations into consistency with the Rules, and your continued coordination with us. We have reviewed the proposed amendments and found only a few minor consistency issues that remain to be addressed. We are also recommending a few other edits for internal consistency and clarity. Our findings are as follows:

*FLU category matrix*

- For internal consistency, under the Preservation category, Water Supply needs to be added as a permitted use since there is an associated intensity standard.
- The second footnote, relating to Alternative Temporary Lodging Standards in the Resort Facilities High category, needs to indicate that the required development agreement must follow all required standards in the Countywide Rules, similar to the first footnote for other categories.

*LDR Chapter 82 – Definitions*

- Newly added definitions for various land uses are consistent with the Countywide Rules.
- While the formulas applied to density, floor area ratio, and impervious surface ratio are substantively consistent with the Rules, the City uses the term “gross land area” where the Rules use “net land area.” Recommend amending the terminology to match the Rules.

*LDR Chapter 110 – Zoning*

- In the R-3 Medium Density Multifamily Residential zoning district, Institutional is not listed as a permitted use, but an acreage limitation for that use is included under “Special requirements.” It should either be added as a permitted use or the acreage limitation should be deleted.

- Conversely, under the C-1 Tourist Commercial district, Institutional is listed as a special exception use, but there is no acreage limitation. A five-acre maximum needs to be added for consistency with the Retail & Services category of the Countywide Plan Map.
- The zoning districts list certain separate land uses, such as personal service and office support, that are combined into a single definition, such as Personal Service/Office Support. For internal consistency, suggest that use of the terms be made uniform.
- Maximum density/intensity standards for each zoning district are listed under the “Minimum building site area requirements” section. For clarity, recommend moving them to the “Maximum lot coverage” section or another appropriate heading.

We recognize that the consistency process is an ongoing one and if either the City or Forward Pinellas staff has failed to note a matter governed by the consistency process in the course of this review, we will be happy to work with you to resolve any such matter as may be necessary.

If you have any questions, please feel free to call me at 727-464-8220 or email me at [lfisher@forwardpinellas.org](mailto:lfisher@forwardpinellas.org).

Sincerely,



Linda Fisher, AICP  
Principal Planner

# Business Impact Estimate

Proposed ordinance's title/reference:

Ordinance 2023-28 C-2 Zoning to be consistent with Forward Pinellas

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
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- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

*Ordinance 2023-28 amends the C-2 John's Pass Marine Commercial Zoning District to include uses consistent to the Countywide Plan and cleans up the structure separation inconsistency..*

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Madeira Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

*No foreseen direct economic impact of the proposed ordinance.*

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

*No foreseen impact on businesses with the proposed ordinance.*

4. Additional information the governing body deems useful (if any):

*This ordinance assures that the Madeira Beach Land Development Regulations are consistent with the Countywide Plan in intensity, density, allowed uses and terminology.*





# Memorandum

**Meeting Details:** October 11, 2023, BOC Regular Meeting

**Prepared For:** Honorable Mayor Rostek and Board of Commissioners

**From:** Community Development Department

**Subject:** Ordinance 2023-29: C-3 Retail Commercial Zoning District to be consistent with the Countywide Plan

---

**Background:** The Madeira Beach Comprehensive Plan and the Madeira Beach Code of Ordinances are inconsistent with the Forward Pinellas Countywide Plan. The city must remedy this inconsistency.

**Discussion:** The city is required to be consistent with the Forward Pinellas Countywide Plan. To be consistent with the Countywide Plan, the city must make amendments to the Comprehensive Plan and Code of Ordinances. The upcoming amendments will include clarification of the alternative temporary lodging use standards, clarification of intensity and density standards without using the alternative temporary lodging use standards, update allowed uses terminology to conform with the Countywide Plan definitions and clarify the measurement of intensity and density to be consistent with the Forward Pinellas Countywide Plan.

Ordinance 2023-29 amends the C-3 Retail Commercial Zoning District to include uses consistent to the Countywide Plan, provide the “by right” density for temporary lodging use, and details the process for the Alternative Temporary Lodging Use Standards as required in the Countywide Plan.

The Planning Commission recommended approval of Ordinance 2023-29 on September 11, 2023.

**Recommendation(s):** Planning Commission and staff recommends approval of Ordinance 2023-29.

**Attachments:**

- Ordinance 2023-29: C-3 Retail Commercial Zoning District to be consistent with the Countywide Plan
- Zoning Map
- Forward Pinellas Response

## ORDINANCE 2023-29

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 7 (C-3, RETAIL COMMERCIAL) OF ARTICLE V (DISTRICTS) OF CHAPTER 110 (ZONING) OF THE CITY'S LAND DEVELOPMENT CODE TO AMEND THE PURPOSE AND INTENT OF THE C-3 DISTRICT; DELETE BUSINESS OFFICE, FINANCIAL SERVICE USES AND TOURIST DWELLING UNITS AS PERMITTED USES; ADD RETAIL COMMERCIAL, COMMERCIAL, OFFICE SUPPORT, BUSINESS SERVICE, MULTIFAMILY RESIDENTIAL, VACATION RENTAL AND TEMPORARY LODGING AS PERMITTED USES; DELETE ENTERTAINMENT FACILITIES, BUSINESS AND FINANCIAL SERVICES AND MEDICAL MARIJUANA DISPENSARIES AS SPECIAL EXCEPTION USES; ADD INSTITUTIONAL AS RELIGIOUS USE, RETAIL COMMERCIAL AND BUSINESS SERVICES AS SPECIAL EXCEPTION USES; DELETE TOURIST DWELLING AND MULTIFAMILY UNITS FROM BUILDING SITE REQUIREMENTS; ADD VACATION RENTAL AND TEMPORARY LODGING UNITS, MULTIFAMILY AND VACATION RENTAL UNITS LOT SIZE REQUIREMENTS, AND REVISE LOT WIDTH REQUIREMENTS FOR RESIDENTIAL, VACATION RENTAL UNITS AND TEMPORARY LODGING UNITS WITHIN BUILDING SITE REQUIREMENTS IN SECTION 110-320; REVISE THE DENSITY REQUIREMENTS FOR RESIDENTIAL OR VACATION RENTAL DWELLING UNITS; ADD REFERENCE TO ALTERNATIVE TEMPORARY LODGING USE STANDARDS IN CG AND R/O/R FUTURE LAND USE CATEGORIES; AMEND MAXIMUM LOT COVERAGE TO ALLOW FOR NONRESIDENTIAL/COMMERCIAL USE ONLY; DELETE TOURIST DWELLINGS AND ADD TEMPORARY LODGING TO BUFFERING REQUIREMENTS; ADD REQUIREMENTS FOR VACATION RENTALS AND TEMPORARY LODGING UNITS IN SPECIAL REQUIREMENTS; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, City Staff has reviewed the current provisions of Division 7 (C-3, Retail Commercial) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach and recommends amending same; and

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

**WHEREAS**, the Planning Commission has recommended approval of the proposed changes; and

**WHEREAS**, the recommendations of staff have been found meritorious by the Board of Commissioners; 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 Division 7 (C-3, Retail Commercial) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach, Florida, is hereby amended to read as follows:

*DIVISION 7. C-3, RETAIL COMMERCIAL*

**Sec. 110-316. Definition; purpose and intent.**

The C-3, retail commercial district provides service to both permanent and transient residents where a full range of urban services and a high degree of accessibility is required. The C-3, retail commercial district correlates with the commercial general (CG) future land use category and the residential office retail (R/O/R) future land use category of the City of Madeira Beach Comprehensive Plan and Retail and Services (R&S) plan category in the Countywide Plan.

**Sec. 110-317. Permitted uses.**

The permitted uses in the C-3, retail commercial district are as follows:

- (1) Retail commercial, and personal service/office support. ~~uses.~~
- (2) ~~Business-e~~ Office and business service. ~~and financial service uses.~~
- (3) Multifamily residential and vacation rental. ~~dwellings.~~
- (4) ~~Tourist dwelling units.~~ Temporary lodging.
- (5) Restaurants.
- (6) Adult entertainment establishments (article VI, division 13 of this chapter).

### Sec. 110-318. Accessory uses.

The accessory uses in the C-3, retail commercial district are as follows:

- (1) Off-street parking and loading/unloading.
- (2) Nonresidential signs.
- (3) Essential services.
- (4) Other accessory uses customarily permitted.
- (5) Boat slips associated with a permitted business use, not for rental or commercial marine activities.

### Sec. 110-319. Special exception uses.

Upon application for a special exception to the special magistrate and favorable action thereon, the following uses may be permitted in the C-3, retail commercial district:

- (1) Service stations.
- (2) Commercial recreation ~~and entertainment facilities~~ provided that such facilities shall not be permissible when the underlying future land use category is R/O/R.
- (3) Institutional as religious use such as cChurches, synagogues or other houses of worship.
- (4) Public service facilities.
- (5) Drive-in or drive-through retail commercial, and personal service, ~~business and financial services.~~
- (6) Private fraternal, social and recreational clubs.
- (7) Outdoor storage areas, provided that the outdoor storage use is an accessory, is limited to areas in the CG land use category, and does not exceed 20 percent of the area of the building which is the principal use on the site.
- (8) Single-family or duplex.
- (9) Private schools.
- (10) Exhibition of reptiles by permit.
- ~~(11) Medical marijuana dispensaries.~~

### Sec. 110-320. ~~Minimum building~~ Building site area requirements.

The minimum building site area requirements in the C-3, retail commercial district are as follows:

- (1) Lot size:
  - a. For all uses except multifamily/, vacation rental and temporary lodging ~~tourist dwelling~~ units: 4,000 square feet.
  - b. Duplex and triplex units: 3,000 square feet per dwelling unit.

- c. ~~Multi-family dwelling~~ Multifamily and vacation rental units and above: 2,420 square feet per dwelling unit.
  - d. Public service facilities: Shall not exceed a maximum area of five 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. All permitted uses except multifamily, vacation rental and temporary lodging ~~/tourist dwelling~~ units: 40 feet.
  - b. Multifamily, vacation rental and temporary lodging ~~/tourist dwelling~~ units: 60 feet.
- (3) Lot depth: All permitted uses: 80 feet.
- (4) Within the CG future land use category in the Comprehensive Plan, the density ~~shall be~~ is a maximum of 15 residential dwelling units, 15 vacation rental units, or ~~60~~ 40 temporary lodging units per acre. ~~A combination of both residential dwelling units and temporary lodging units may be permissible provided that the provisions of subsections 110-326 are met.~~ Alternative Temporary Lodging Use Standards are allowed as detailed in subsection 110-326(f).
- (5) Within the R/O/R future land use category, the density ~~shall be~~ is a maximum of 18 residential dwelling units, 18 vacation rental units, or ~~45~~ 40 temporary lodging units per acre. ~~A combination of both residential dwelling units and temporary lodging units may be permissible provided that the provisions of subsections 110-326(d) are met.~~ Alternative Temporary Lodging Use Standards are allowed as detailed in subsection 110-326(g).

**Sec. 110-323. Maximum lot coverage.**

The maximum lot coverage in the C-3, retail commercial 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 is 40 percent.~~
- ~~(2) Temporary lodging units: Floor area ratio (FAR) as set forth in the following table, provided that the requirements of subsection 110-326(d) are met:~~

<del>Land use category</del>	<del>FAR</del>
<del>Commercial general</del>	<del>1.2</del>
<del>Residential/office/retail</del>	<del>1.0</del>

- ~~(3)(1) Commercial general and public service facilities: Floor area ratio (FAR) 0.55; Residential/office/retail: Floor area ratio (FAR) 0.55. Commercial use: Floor area ratio (FAR) 0.55.~~

**Sec. 110-324. Impervious surface ratio (ISR).**

- (a) The impervious surface ratio (ISR) in the C-3, retail commercial district for all uses, other than temporary lodging units, is 0.70.
- (b) The impervious surface ratio (ISR) for temporary lodging units is 0.85.

**Sec. 110-325. Buffering requirements.**

- (a) Parking lots/garages for ~~tourist dwellings~~ temporary lodging and nonresidential uses in the C-3, retail 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-3, retail commercial district shall be reoriented, if necessary, to minimize the negative impact on adjacent properties.
- (c) All development within the C-3, retail commercial district in this category will meet or exceed the buffering/landscape requirements as outlined in chapter 106, article II.

**Sec. 110-326. Special requirements.**

- (a) In the C-3, retail commercial district residential dwelling units, vacation rental units, and temporary lodging units are permitted ~~on the second floor~~ above first-floor commercial or office units ~~within this district~~.
- (b) No structure in the C-3, retail 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. ~~There shall be by a minimum of a ten-foot feet. Separation between structures.~~
- (c) When a proposed ~~non-residential~~ nonresidential use in the C-3, retail commercial district abuts a residential use an additional five-foot setback is required along the length of the entire shared lot line. This additional setback will be utilized to provide additional landscaped screening.
- (d) 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.
- (e) 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.
- (f) In the CG future land use category, Alternative Temporary Lodging Use Standards allows 60 temporary lodging units per acre and a FAR of 1.2. 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 Forward Pinellas Countywide Rules to use the Alternative Temporary Lodging Use Standards.

(g) In the R/O/R future land use category, Alternative Temporary Lodging Use Standards allows 60 temporary lodging units per acre and a FAR of 1.2. 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 Forward Pinellas Countywide Rules to use the Alternative Temporary Lodging Use Standards.

**Secs. 110-327—110-345. Reserved.**

**Section 2.** 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 3.** Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

**Section 4.** 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 5.** The Codifier shall codify the substantive amendments to the Land Development Code of the City of Madeira Beach contained in Section 1 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 6.** Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption.

**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: \_\_\_\_\_

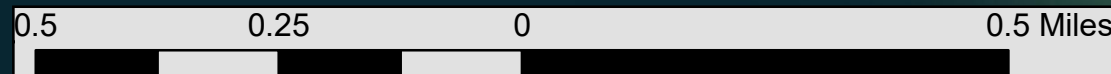


# City of Madeira Beach Zoning and Street Names Map

## Madeira Beach Zoning

### Zoning Categories

- C-1
- C-2
- C-3
- C-4
- P-SP
- PD
- R-1
- R-2
- R-3
- Madeira Beach Parcels
- Roads



Item 91.

179





July 5, 2023

Andrew Morris  
Planner/GIS Technician  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, FL 33708

**RE: Review of proposed amendments to Comprehensive Plan and Land Development Regulations**

Dear Andrew:

Thank you for forwarding the above-referenced amendments for a review for consistency with the Countywide Rules. We appreciate the effort that City staff has taken to bring your regulations into consistency with the Rules, and your continued coordination with us. We have reviewed the proposed amendments and found only a few minor consistency issues that remain to be addressed. We are also recommending a few other edits for internal consistency and clarity. Our findings are as follows:

*FLU category matrix*

- For internal consistency, under the Preservation category, Water Supply needs to be added as a permitted use since there is an associated intensity standard.
- The second footnote, relating to Alternative Temporary Lodging Standards in the Resort Facilities High category, needs to indicate that the required development agreement must follow all required standards in the Countywide Rules, similar to the first footnote for other categories.

*LDR Chapter 82 – Definitions*

- Newly added definitions for various land uses are consistent with the Countywide Rules.
- While the formulas applied to density, floor area ratio, and impervious surface ratio are substantively consistent with the Rules, the City uses the term “gross land area” where the Rules use “net land area.” Recommend amending the terminology to match the Rules.

*LDR Chapter 110 – Zoning*

- In the R-3 Medium Density Multifamily Residential zoning district, Institutional is not listed as a permitted use, but an acreage limitation for that use is included under “Special requirements.” It should either be added as a permitted use or the acreage limitation should be deleted.

- Conversely, under the C-1 Tourist Commercial district, Institutional is listed as a special exception use, but there is no acreage limitation. A five-acre maximum needs to be added for consistency with the Retail & Services category of the Countywide Plan Map.
- The zoning districts list certain separate land uses, such as personal service and office support, that are combined into a single definition, such as Personal Service/Office Support. For internal consistency, suggest that use of the terms be made uniform.
- Maximum density/intensity standards for each zoning district are listed under the “Minimum building site area requirements” section. For clarity, recommend moving them to the “Maximum lot coverage” section or another appropriate heading.

We recognize that the consistency process is an ongoing one and if either the City or Forward Pinellas staff has failed to note a matter governed by the consistency process in the course of this review, we will be happy to work with you to resolve any such matter as may be necessary.

If you have any questions, please feel free to call me at 727-464-8220 or email me at [lfisher@forwardpinellas.org](mailto:lfisher@forwardpinellas.org).

Sincerely,



Linda Fisher, AICP  
Principal Planner

# Business Impact Estimate

Proposed ordinance's title/reference:

Ordinance 2023-29 C-3 Zoning to be consistent with Forward Pinellas

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

*Ordinance 2023-29 amends the C-3 Retail Commercial Zoning District to include uses consistent to the Countywide Plan, provide the “by right” density for temporary lodging use, and details the process for the Alternative Temporary Lodging Use Standards as required in the Countywide Plan.*

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Madeira Beach’s regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

*No foreseen direct economic impact of the proposed ordinance.*

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

*No foreseen impact on businesses with the proposed ordinance.*

4. Additional information the governing body deems useful (if any):

*This ordinance assures that the Madeira Beach Land Development Regulations are consistent with the Countywide Plan in intensity, density, allowed uses and terminology.*



# Memorandum

**Meeting Details:** October 11, 2023, BOC Regular Meeting

**Prepared For:** Honorable Mayor Rostek and Board of Commissioners

**From:** Community Development Department

**Subject:** Ordinance 2023-30: C-4 Marine Commercial Zoning District to be consistent with the Countywide Plan

**Background:** The Madeira Beach Comprehensive Plan and the Madeira Beach Code of Ordinances are inconsistent with the Forward Pinellas Countywide Plan. The city must remedy this inconsistency.

**Discussion:** The city is required to be consistent with the Forward Pinellas Countywide Plan. To be consistent with the Countywide Plan, the city must make amendments to the Comprehensive Plan and Code of Ordinances. The upcoming amendments will include clarification of the alternative temporary lodging use standards, clarification of intensity and density standards without using the alternative temporary lodging use standards, update allowed uses terminology to conform with the Countywide Plan definitions and clarify the measurement of intensity and density to be consistent with the Forward Pinellas Countywide Plan.

Ordinance 2023-30 amends the C-4 John's Pass Marine Commercial Zoning District to include uses consistent to the Countywide Plan, provide the "by right" density for temporary lodging use, and details the process for the Alternative Temporary Lodging Use Standards as required in the Countywide Plan.

The Planning Commission recommended approval of Ordinance 2023-30 on September 11, 2023.

**Recommendation(s):** Planning Commission and staff recommends approval of Ordinance 2023-30.

**Attachments:**

- Ordinance 2023-30: C-4 Marine Commercial Zoning District to be consistent with the Countywide Plan
- Zoning Map
- Forward Pinellas Response



## ORDINANCE 2023-30

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 8 (C-4, MARINE COMMERCIAL) OF ARTICLE V (DISTRICTS) OF CHAPTER 110 (ZONING) OF THE CITY'S LAND DEVELOPMENT CODE TO AMEND THE PURPOSE AND INTENT OF THE C-4 DISTRICT; DELETE RESTAURANTS, TOURIST DWELLING UNITS AND RETAIL AS PERMITTED USES; ADD RETAIL COMMERCIAL, TEMPORARY LODGING UNITS, COMMERCIAL/BUSINESS SERVICE USE AND RESIDENTIAL AND VACATION RENTAL UNITS AS PERMITTED USES; DELETE ENTERTAINMENT FACILITIES AND FINANCIAL SERVICES AND ADD COMMERCIAL, BUSINESS SERVICE AND INSTITUTIONAL AS RELIGIOUS USE AS SPECIAL EXCEPTION USES; DELETE TOURIST DWELLING AND ADD TEMPORARY LODGING AND VACATION RENTAL UNITS TO BUILDING SITE REQUIREMENTS AND MAXIMUM DENSITY IN SECTION 110-350; ADD REFERENCE TO ALTERNATIVE TEMPORARY LODGING USE STANDARDS IN CG AND R/O/R FUTURE LAND USE CATEGORIES; DELETE TOURIST DWELLING UNITS AND ADD TEMPORARY LODGING UNITS IN BUILDING SETBACK REQUIREMENTS; AMEND MAXIMUM LOT COVERAGE PROVISIONS TO DELETE REFERENCE TO TEMPORARY LODGING USES; AMEND BUFFERING REQUIREMENTS FOR TEMPORARY LODGING; ADD SPECIAL REQUIREMENTS FOR VACATION RENTALS AND TEMPORARY LODGING UNITS; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, City Staff has reviewed the current provisions of Division 8 (C-4, Marine Commercial) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach and recommends amending same; and

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

**WHEREAS**, the Planning Commission has recommended approval of the proposed changes; and

**WHEREAS**, the recommendations of staff have been found meritorious by the Board of Commissioners; 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 Division 8 (C-4, Marine Commercial) of Article V (Districts) of Chapter 110 (Zoning) of the Land Development Code of the City of Madeira Beach, Florida, is hereby amended to read as follows:

*DIVISION 8. C-4, MARINE COMMERCIAL*

**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) future land use category and the residential office retail (R/O/R) future land use of the City of Madeira Beach Comprehensive Plan and Retail and Services (R&S) plan category in the Countywide Plan.

**Sec. 110-347. Permitted uses.**

The permitted uses in the C-4, marine commercial district are as follows:

- (1) Marina and commercial docks.
- (2) Boat repair and sales.
- (3) ~~Restaurants.~~ Retail Commercial.
- (4) ~~Tourist dwelling units.~~ Temporary lodging units.
- (5) ~~Retail Commercial/Business Service Use,~~ offices and personal service ~~uses.~~
- (6) Commercial fishing activities and working waterfront.
- (7) Charter and party boat operations.
- (8) Adult entertainment establishments (article VI, division 13 of this chapter).
- (9) Residential dwelling units and vacation rental dwelling units located ~~on the second floor~~ above first floor commercial or office units within this district.

### Sec. 110-348. Accessory uses.

The accessory uses in the C-4, marine commercial district are as follows:

- (1) Off-street parking.
- (2) Marine and boat storage.
- (3) Essential services.
- (4) Other accessory uses, customarily incidental to the permitted use.
- (5) Wireless communication antennas as regulated by article VI, division 12, subdivisions I, II and IV of this chapter.
- (6) Wireless communication towers shall be allowed, through special permit granted by the board of commissioners, as an alternative to prohibiting towers and only in the event substantial proof is submitted by an applicant which demonstrates that no existing tower, structure, or building can accommodate the applicant's proposed antenna. Wireless communication towers must further comply with the provisions of article VI, division 12, subdivisions I, II and IV of this chapter.

### Sec. 110-349. Special exception uses.

Upon application for a special exception to the special magistrate and favorable action thereon, the following uses may be permitted in the C-4, marine commercial district:

- (1) Service stations.
- (2) Commercial, ~~recreation~~ ~~and entertainment facilities~~.
- (3) Public administration and service facilities.
- (4) Drive-in or drive-through retail commercial, personal service, and business service. and financial services.
- (5) Institutional as religious use such as cChurches, synagogues and other houses of worship.
- (6) Outdoor storage areas provided that the outdoor storage use is an accessory, is limited to areas in the CG land use category, and does not exceed 20 percent of the area of the building which is the principal use on the site.

### Sec. 110-350. ~~Minimum~~ b Building site area requirements.

The minimum building site area requirements in the C-4, marine commercial district are as follows:

- (1) Lot size:
  - a. All permitted uses except ~~tourist dwelling~~ temporary lodging units: 4,000 square feet.
  - b. Residential dwellings and vacation rental units above first floor commercial: 3,000 square feet per unit.

- c. Public service facilities: Shall not exceed a maximum area of five 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. All permitted uses except ~~tourist dwellings~~ temporary lodging: 40 feet.
  - b. ~~Tourist dwellings~~ Temporary lodging: 60 feet.
- (3) Lot depth: All permitted uses 80 feet.
- (4) Within the CG future land use category, the density ~~shall be~~ is a maximum of 15 residential dwelling units, 15 vacation rental units, or ~~60~~ 40 temporary lodging units. ~~A combination of both residential and tourist dwelling units may be permissible provided that the provisions of subsections 110-355(c) and (e) are met. Alternative Temporary Lodging Use Standards are allowed as detailed in subsection 110-356(e).~~
- (5) Within the R/O/R future land use category, the density is a maximum of 18 residential dwelling units, 18 vacation rental units, or 40 temporary lodging units. Alternative Temporary Lodging Use Standards are allowed as detailed in subsection 110-356(f).

#### **Sec. 110-351. Building setback requirements.**

The following minimum setbacks shall apply in the C-4, marine commercial district:

- (1) Front yard: 25 feet.
- (2) Rear yard: 18 feet.
- (3) Side yard:
  - a. Minimum of ten feet except as provided in the land development regulations.
  - b. ~~Tourist dwelling~~ Temporary lodging units:
    - 1. For lots between 60 and 80 feet in width, the minimum side yard setback shall be ten feet.
    - 2. For lot widths greater than 80 feet, the minimum side yard setback shall be as follows: A total of 33 percent of the lot width shall be reserved for side yard setbacks. In no event shall one side be less than the following:
      - i. Lots less than 120 feet: ten feet.
      - ii. Lots less than 240 feet: 15 feet.
      - iii. Lots 240 feet or greater: 20 feet.

**Sec. 110-352. Maximum building height.**

For all uses in the C-4, marine commercial district the maximum building height shall be 34 feet.

**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 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.

**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.

**Sec. 110-355. Buffering requirements.**

- (a) Parking lots/garages for ~~tourist dwellings~~ temporary lodging 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.

**Sec. 110-356. Special requirements.**

- (a) In the C-4, marine commercial district residential dwelling units, vacation rental units, and temporary lodging units are permitted 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) In the CG future land use category, Alternative Temporary Lodging Use Standards allows 60 temporary lodging units per acre and a FAR of 1.2. 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 Forward Pinellas Countywide Rules to use the Alternative Temporary Lodging Use Standards.
- (f) In the R/O/R future land use category, Alternative Temporary Lodging Use Standards allows 60 temporary lodging units per acre and a FAR of 1.2. 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 Forward Pinellas Countywide Rules to use the Alternative Temporary Lodging Use Standards.

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**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: \_\_\_\_\_





July 5, 2023

Andrew Morris  
Planner/GIS Technician  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, FL 33708

**RE: Review of proposed amendments to Comprehensive Plan and Land Development Regulations**

Dear Andrew:

Thank you for forwarding the above-referenced amendments for a review for consistency with the Countywide Rules. We appreciate the effort that City staff has taken to bring your regulations into consistency with the Rules, and your continued coordination with us. We have reviewed the proposed amendments and found only a few minor consistency issues that remain to be addressed. We are also recommending a few other edits for internal consistency and clarity. Our findings are as follows:

*FLU category matrix*

- For internal consistency, under the Preservation category, Water Supply needs to be added as a permitted use since there is an associated intensity standard.
- The second footnote, relating to Alternative Temporary Lodging Standards in the Resort Facilities High category, needs to indicate that the required development agreement must follow all required standards in the Countywide Rules, similar to the first footnote for other categories.

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- Newly added definitions for various land uses are consistent with the Countywide Rules.
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*LDR Chapter 110 – Zoning*

- In the R-3 Medium Density Multifamily Residential zoning district, Institutional is not listed as a permitted use, but an acreage limitation for that use is included under “Special requirements.” It should either be added as a permitted use or the acreage limitation should be deleted.

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We recognize that the consistency process is an ongoing one and if either the City or Forward Pinellas staff has failed to note a matter governed by the consistency process in the course of this review, we will be happy to work with you to resolve any such matter as may be necessary.

If you have any questions, please feel free to call me at 727-464-8220 or email me at [lfisher@forwardpinellas.org](mailto:lfisher@forwardpinellas.org).

Sincerely,



Linda Fisher, AICP  
Principal Planner

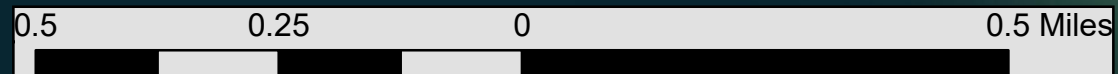


# City of Madeira Beach Zoning and Street Names Map

## Madeira Beach Zoning

### Zoning Categories

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- C-4
- P-SP
- PD
- R-1
- R-2
- R-3
- Madeira Beach Parcels
- Roads



Item 9J.

194



# Business Impact Estimate

Proposed ordinance's title/reference:

Ordinance 2023-30 C-4 Zoning to be consistent with Forward Pinellas

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

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<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

*Ordinance 2023-30 amends the C-4 John's Pass Marine Commercial Zoning District to include uses consistent to the Countywide Plan, provide the "by right" density for temporary lodging use, and details the process for the Alternative Temporary Lodging Use Standards as required in the Countywide Plan. .*

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- (a) An estimate of direct compliance costs that businesses may reasonably incur;
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*No foreseen direct economic impact of the proposed ordinance.*

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

*No foreseen impact on businesses with the proposed ordinance.*

4. Additional information the governing body deems useful (if any):

*This ordinance assures that the Madeira Beach Land Development Regulations are consistent with the Countywide Plan in intensity, density, allowed uses and terminology.*

# MEMORANDUM



**TO:** Honorable Mayor and Board of Commissioners  
**FROM:** Robin I. Gomez, City Manager  
**DATE:** October 2, 2023  
**RE:** City Attorney Agreement

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## Background

At the September 13, 2023, Commission Regular meeting, the City Commission selected Thomas J. Trask of the firm Trask Daigneault LLP to serve as the City Attorney for the City of Madeira Beach. Enclosed is an agreement stipulating the services and related costs for the services of the City Attorney for a period of three (3) years beginning October 1, 2023. City Commission to vote on the City Attorney agreement.

## Fiscal Impact

2. FIRM shall be paid a monthly retainer of \$7,500.00 for the first 40 hours of billable retainer time to perform the general work of the City Attorney. Any billable retainer time in excess of 40 hours will be billed at the hourly rate of \$225.00. Except as provided in the next paragraph, the general work of the City Attorney shall include all duties of the City Attorney including, but not limited to, attending meetings of the Board of Commissioners, handling all inquiries from the Board of Commissioners and CITY staff, conducting necessary research, preparing opinions, reviewing and drafting ordinances, resolutions and contracts. It is the intent of this agreement that all services performed by FIRM for the CITY as the City Attorney shall be compensated by the retainer except for those services set forth in paragraph 3 of this agreement.

3. Matters billable separately and not included within retainer.

a. For the following services, which are separate and distinct from the services performed under the retainer, FIRM shall be compensated at the rate of \$225.00 per hour for attorney services and \$90.00 per hour for paralegal services:

i. Litigation services. Litigation services is defined as the representation of the CITY or CITY employees or boards in any mediation, arbitration, administrative, civil, criminal, judicial or quasi-judicial proceeding (excluding quasi-judicial proceedings conducted by the Board of Commissioners). Litigation services include any pre-suit mediation or arbitration and time expended in an effort to avoid litigation, and processing administrative fine or lien settlement requests.

- ii. Attendance at meetings of CITY boards and committees (other than the Board of Commissioners) and necessary legal services in support of those boards and committees, including special magistrate hearings.
- iii. Real estate services.
- iv. Collective bargaining negotiations.
- v. Special projects or ordinances. A special project or ordinance is a complex and complicated matter requiring extensive time, involvement, research, preparation and review by FIRM. The negotiation and preparation of Development Agreements shall be considered a special project. Special projects or ordinances must be approved by the Board of Commissioners.
- vi. Bond and bank loan opinions. Bond and bank loan opinions shall be billed separately on a set fee basis based on the size of the loan or bond issuance.
- vii. Travel for services outside of those to be provided under the retainer.

4. The CITY shall pay all costs incurred or advanced by FIRM in representing the CITY pursuant to this Agreement. Such costs include, but are not limited to, court filing fees, deposition charges, court reporter fees, witness fees, expert witness fees, photocopying charges, postage, courier charges, computer research fees, and other out-of-pocket costs.

**Recommendation**

Approve the enclosed agreement.



## **AGREEMENT BETWEEN THE CITY OF MADEIRA BEACH AND TRASK DAIGNEAULT, LLP FOR CITY ATTORNEY SERVICES**

THIS AGREEMENT is entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, between the **CITY OF MADEIRA BEACH** ("CITY") and Thomas J. Trask, Esquire of **TRASK DAIGNEAULT, LLP** ("FIRM"). In consideration of the mutual promises and covenants set forth in this agreement, the parties agree as follows:

1. The CITY retains FIRM to perform all the services of the City Attorney as set forth in the Charter and Ordinances of the CITY and in this Agreement.
  
2. FIRM shall be paid a monthly retainer of \$7,500.00 for the first 40 hours of billable retainer time to perform the general work of the City Attorney. Any billable retainer time in excess of 40 hours will be billed at the hourly rate of \$225.00. Except as provided in the next paragraph, the general work of the City Attorney shall include all duties of the City Attorney including, but not limited to, attending meetings of the Board of Commissioners, handling all inquiries from the Board of Commissioners and CITY staff, conducting necessary research, preparing opinions, reviewing and drafting ordinances, resolutions and contracts. It is the intent of this agreement that all services performed by FIRM for the CITY as the City Attorney shall be compensated by the retainer except for those services set forth in paragraph 3 of this agreement.
  
3. Matters billable separately and not included within retainer.
  - a. For the following services, which are separate and distinct from the services performed under the retainer, FIRM shall be compensated at the rate of \$225.00 per hour for attorney services and \$90.00 per hour for paralegal services:
    - i. **Litigation services.** Litigation services is defined as the representation of the CITY or CITY employees or boards in any mediation, arbitration, administrative, civil, criminal, judicial or quasi-judicial proceeding (excluding quasi-judicial proceedings conducted by the Board of Commissioners). Litigation services include any pre-suit mediation or arbitration and time expended in an effort to avoid litigation, and processing administrative fine or lien settlement requests.
    - ii. Attendance at meetings of CITY boards and committees (other than the Board of Commissioners) and necessary legal services in support of those boards and committees, including special magistrate hearings.
    - iii. Real estate services.
    - iv. Collective bargaining negotiations.
    - v. Special projects or ordinances. A special project or ordinance is a complex and complicated matter requiring extensive time, involvement, research, preparation and review by FIRM. The negotiation and preparation of Development Agreements shall be considered a special project. Special projects or ordinances must be approved by the Board of Commissioners.

vi. Bond and bank loan opinions. Bond and bank loan opinions shall be billed separately on a set fee basis based on the size of the loan or bond issuance.

vii. Travel for services outside of those to be provided under the retainer.

4. The CITY shall pay all costs incurred or advanced by FIRM in representing the CITY pursuant to this Agreement. Such costs include, but are not limited to, court filing fees, deposition charges, court reporter fees, witness fees, expert witness fees, photocopying charges, postage, courier charges, computer research fees, and other out-of-pocket costs.

5. The CITY understands that there may be legal matters, including matters which would otherwise be covered under the retainer, which are beyond the expertise of FIRM and that it is in the best interest of the CITY that such matters be handled by an attorney with the appropriate expertise and qualifications. If there is any legal matter, including matters which would otherwise be included under the retainer, which FIRM believes is outside the expertise of FIRM, FIRM, with consent from the Board of Commissioners, may refer that matter to an attorney with specialized expertise in the appropriate area of the law, and the CITY shall be responsible for compensating such attorney for his or her fees and costs.

6. FIRM will bill the CITY on a monthly basis for all legal fees under this Agreement, and the CITY shall pay these invoices in accordance with the Prompt Payment Act.

7. This Agreement is terminable by either party without cause on thirty (30) days written notice to the other party.

8. In the event the Board of Commissioners votes to terminate FIRM'S services under this Agreement, FIRM shall be entitled to be compensated according to the terms of this Agreement for all services rendered during the thirty-day notice period. Thereafter, FIRM shall be compensated for any continued legal services at the hourly rate of \$275.00 per hour for attorney services and \$125.00 per hour for paralegal services, plus out-of-pocket costs, for any continued legal representation of CITY, including retainer services.

9. All notices and communications required under this Agreement shall be in writing and shall be deemed to have been duly given when delivered personally or by registered or certified mail to the following persons:

For the City: Robin Gomez, City Manager  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, FL 33708

For the Firm: Thomas J. Trask, Esquire  
Trask Daigneault, LLP  
1001 S. Ft. Harrison Ave, Suite 201  
Clearwater, FL 33756

Either party may change the person or address to which notices and other communications are to be sent by giving written notice of the change in the manner specified in this paragraph.

10. This Agreement shall be effective as of October 1, 2023, and will continue for a period of three (3) years therefrom, unless terminated, renewed or extended by the parties.

The parties have caused this Agreement to be executed on the date set forth in the introductory paragraph.

**CITY OF MADEIRA BEACH**

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

Attest: \_\_\_\_\_  
Clara VanBlargan, City Clerk

**TRASK DAIGNEAULT, LLP**

By:  \_\_\_\_\_  
Thomas J. Trask, Esquire



## MEMORANDUM

**Date:** October 2, 2023

**To:** Board of Commissioners

**From:** Robin I. Gomez, City Manager

**Subject:** FY 24 PINELLAS COUNTY SHERIFF'S OFFICE CONTRACT FOR LAW ENFORCEMENT SERVICES

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### **Background**

The City of Madeira Beach procures full-time law enforcement services for all residents, businesses, and visitors from the Pinellas County Sheriff's Office. The enclosed agreement details the arrangement for services and all related costs.

### **Discussion:**

As in prior years the City's proposed contract with the Pinellas County Sheriff's Office provides for the following to be provided by the PCSO:

1. Patrol - 365 days/24 hours per day - 2 deputies with patrol automobile, back-up deputies as needed
2. Community Policing - 1 deputy, 40 hours per week to perform proactive patrols, make personal contacts with residents & businesses to explain crime prevention techniques and solve community crime problems, and over-all project a positive and interactive law enforcement presence in the City
3. Code Enforcement - 1 deputy, 40 hours per week to perform various code enforcement activities including observations, investigations, and remedial efforts to maintain the City's community property standards, to collect and report enforcement data and activity, and to prepare all processes specific to remediating code violations including special magistrate cases
4. School Crossing Guards - 3 guards to ensure pedestrian safety in and around Madeira Fundamental school
5. All other law enforcement services as needed and/or requested by the City including, but not limited to, criminal investigations, K-9, SWAT, mobile command, marine, and other such

specialized services to enforce laws. The City will pay for the services on an equal monthly basis.

The City will pay for the services on an equal monthly basis.

FY 2023 Cost: \$1,575,420.00, a 7.91%, \$115,524 increase over FY 23

Explanations of cost increases mainly due to rising fuel costs and pay increases:

-Labor increase of 8.0% equates to \$82,330.00 increase, 71.3% of total \$115,524.00 increase

-Mileage increase to \$1.0456 per mile (10.2% increase) equates to \$11,887.00 increase or 10.3% of total \$115,524.00 increase

-8% increase in School Crossing Guard Costs, equates to \$2,262 increase or 2% of total \$115,524 increase

-Supervision, Equipment, and AIC increase of \$1,884, 2.6% or 1.6% of total \$115,524 increase

List of prior annual costs:

FY 2023 Cost: \$1,459,896, a 4.62% \$64,428 increase over FY 22

FY 2022 Cost: \$1,395,468, a 3.29%, \$44,484 increase over FY 21

FY 2021 Cost: \$1,350,984, a 2.66%, \$35,004 increase over FY 20

FY 2020 Cost: \$1,315,980

FY 20 to Proposed FY 24 cumulative increase: 19.7%, \$259,440

**Recommendation:**

Approve law enforcement services agreement

CONTRACT FOR LAW ENFORCEMENT SERVICES

THIS AGREEMENT is made and entered into by and between the CITY OF MADEIRA BEACH, FLORIDA, a municipal corporation of the State of Florida, hereinafter referred to as "CITY"; and BOB GUALTIERI<sup>2</sup>, as Sheriff, Pinellas County, Florida, hereinafter referred to as "SHERIFF".

WITNESSETH:

WHEREAS, the CITY is a municipality within the boundaries of Pinellas County, Florida and wishes to purchase municipal law enforcement services for that area of land within its municipal boundaries in addition to those required to be provided by the SHERIFF prior to the execution of this Agreement; and

WHEREAS, the CITY is desirous of providing a high level of competent law enforcement service in conjunction and in harmony with its fiscal policies of sound, economical management; and

WHEREAS, the CITY has requested that the SHERIFF furnish law enforcement protection to its inhabitants and citizens; and

WHEREAS, the CITY desires that the SHERIFF furnish law enforcement protection on a full-time basis and duly perform any and all necessary and appropriate functions, actions, and responsibilities of a law enforcement force for the CITY; and

WHEREAS, the SHERIFF has indicated his desire and willingness to accept and fulfill the responsibilities hereinbefore mentioned; and

WHEREAS, the CITY desires to retain its ability to determine whether law enforcement services shall be provided by a City Police Department, by contract with another law enforcement agency or otherwise; and

WHEREAS, the SHERIFF is an independent constitutional officer of the State of Florida; and

WHEREAS, it is further the desire of the CITY that the full, complete and entire responsibility for law enforcement within the CITY be turned over to and be performed by the SHERIFF;

NOW, THEREFORE, in consideration of the mutual promises contained herein and given by each party to the other, the parties do hereby covenant and agree as follows:

1. That the recitations set forth above are incorporated herein by reference in their entirety.
2. PURPOSE: The purpose of this Agreement shall be to provide the citizens of the CITY with high quality law enforcement services by the Sheriff's Office.

It is expressly acknowledged and agreed that all services provided by the SHERIFF under the terms of this Agreement are completely paid for by the consideration paid by the CITY under the terms of this Agreement and are completely separate and in addition to any and all ad valorem taxes or any other revenues paid by or received on behalf of the citizens of the CITY to the Pinellas County Board of County Commissioners. In light thereof, the SHERIFF shall continue to have the obligation to provide normal services to the same degree that such services are provided to the rest of Pinellas County and the CITY is not to be charged extra for these normal services.

**PATROL SERVICES:**

The SHERIFF hereby agrees to provide all necessary and appropriate law enforcement



services in and for the CITY by providing two (2) deputies with patrol automobile for twenty-four (24) consecutive hours each day, seven (7) days a week, to serve as law enforcement officers of the CITY. It is the obligation of the SHERIFF to ensure that two or more deputies are present within the city limits of the CITY at all such times except under emergency circumstances when backup assistance may be required from other Sheriff's deputies or municipal law enforcement officers.

#### COMMUNITY POLICING:

The SHERIFF further agrees to furnish one (1) deputy specifically for performing community oriented policing services. Said deputy shall be provided forty (40) hours per week excepting holiday leave, vacation leave, required training, court appearances, authorized sick leave, and such other absences as may be authorized by the SHERIFF or his designee. The specific hours of work of the community policing deputy shall be determined by his or her supervisor after consultation with the CITY.

- a. The Community Deputy will perform interactive and proactive foot and bicycle patrols whenever transportation by a patrol vehicle is not necessary.
- b. The Community Deputy will actively make personal contacts with both citizens and businesses to solve community crime problems.
- c. The Community Deputy will meet with community leaders to explain crime prevention techniques.
- d. The Community Deputy shall utilize business cards, voice mail, and cellular phones to ensure citizen contact regarding public safety concerns.

The SHERIFF further agrees to furnish one (1) deputy specifically for performing code enforcement services. This community policing deputy will also be provided forty (40) hours per

week excepting holiday leave, vacation leave, required training, court appearances, authorized sick leave, and such other absences as may be authorized by the SHERIFF or his designee. The specific hours of work of this community policing deputy shall be determined by his or her supervisor after consultation with the CITY.

- a. The Community Policing Deputy/Code Enforcement will investigate and take enforcement actions for violations of the CITY'S Code of Ordinances.
- b. The Community Policing Deputy will track and prepare statistical reports for the CITY concerning the numbers and types of violations issued on a monthly basis.
- c. The Community Policing Deputy will interact with both citizens and businesses to address and resolve code violation related issues.
- d. The Community Policing Deputy will, in conjunction with the CITY'S attorney, prepare and present code violation cases before the CITY'S Special magistrate as necessary.
- e. The Community Policing Deputy will, in conjunction with the CITY'S administrative/clerical staff, prepare citations, send notices of violations and Special Magistrate hearings, and perform other related administrative tasks.
- f. The Community Policing Deputy shall utilize business cards, voice mail and cellular phones to facilitate citizen contact regarding code violation concerns and questions.

While the CITY anticipates the code violation related work will occupy all or most of this Community Policing Deputy's time, this Deputy will also assist and work with the other Community Policing Deputy, if and when time allows and the need arises. Likewise, the other

Community Policing Deputy may, from time to time as the need arises, assist this Community Policing Deputy with work related to the enforcement of the City's Code of Ordinances.

The CITY agrees that it will provide the following at its expense:

- a. Both Community Policing Deputies will be provided with the necessary code enforcement training, which currently consists of four (4) separate courses.
- b. The Community Policing Deputy performing full-time code enforcement service will be provided the assistance of CITY administrative and clerical staffs, who will perform research, prepare and send out notices and correspondence and other like administrative and clerical tasks.
- c. Office space and the appropriate equipment needed for the performance of the Community Policing Deputies' administrative duties will be provided.

**SCHOOL CROSSING GUARDS:**

The SHERIFF further agrees to furnish three (3) school crossing guards. The hours of service of the school crossing guards shall be determined by the SHERIFF based on the hours of operation of the school or schools served.

3. **POWER OF CITY TO DIRECT SERVICES.** The SHERIFF shall confer with the Mayor and the City Commission and/or City Manager regarding law enforcement or code enforcement problems within the CITY and shall accept from the City Commission general policy direction on how these services are delivered and to what portion of the municipality a particular type or level of service shall be delivered to counteract law enforcement or code enforcement problems within the CITY. The SHERIFF shall comply with the request of the CITY regarding such matters unless such decisions will represent a danger to the deputies providing such service or to other members of the Sheriff's Office, will be violative of the law, good law enforcement

practices, the rules and regulations of the Pinellas County Sheriff's Office, or detrimental to the citizens of the CITY or the County. In the event that such concern arises, the SHERIFF will meet and confer with the Mayor and the City Commission, as is appropriate, on policy matters regarding the delivery of services and attempt to resolve any dispute or misunderstanding between them.

4. NO PLEDGE OF AD VALOREM TAXES. The parties agree that this Agreement does not constitute a general indebtedness of the CITY within the meaning of any constitutional, statutory, or charter provision or limitation and it is expressly agreed by the parties that the SHERIFF will not ever have the right to require or compel the exercise of ad valorem taxing power of the CITY or taxation of any real or personal property therein for the payment of any monetary obligations due under the terms of this Agreement and it is further agreed between the parties that this Agreement and any funds called for to be paid hereunder shall not constitute a lien upon any real or personal property of the CITY, or any part thereof, and that the obligation for monetary payments called for to be made hereunder shall be deemed to exist for less than a year at any point in time and shall be entirely subject to the legislative budgetary discretion of the CITY.

5. AUTHORITY TO ACT. The CITY does hereby vest in each sworn law enforcement officer of the SHERIFF, who from time to time may be assigned to the CITY, to the extent allowed by law, the law enforcement powers of the CITY which are necessary to implement and carry forth the services, duties and responsibilities imposed upon the SHERIFF hereby, for the limited purpose of giving official and lawful status and validity to the performance thereof by such sworn law enforcement officers. Every sworn law enforcement officer of the SHERIFF so empowered hereby and engaged in the performance of the services, duties, and responsibilities described and contemplated herein shall be deemed to be a sworn law enforcement officer of the CITY while performing such services, duties and responsibilities which constitute municipal

functions and are within the scope of this Agreement. Accordingly, such sworn law enforcement officers of the SHERIFF are hereby vested with the power to enforce the ordinances of the CITY, to make arrests incident to the enforcement thereof, and to do such other things and perform such other acts as are necessary with respect thereto.

6. INDEMNIFICATION OF CITY. The SHERIFF will defend and pay any litigation or judgment against the CITY, its agents or employees, arising out of the acts or omissions of the SHERIFF, his deputy sheriffs, or other members of the Sheriff's Office performing services under this Agreement. Lawsuits and claims that may be filed from time to time hereunder shall be handled by the SHERIFF in accordance with normal procedures. The SHERIFF shall defend such lawsuits or claims and pay judgments or settlements in accordance with law.

Nothing contained herein shall be construed to limit or modify the provisions of Florida Statute 768.28 as it applies to the CITY and the SHERIFF. Nothing herein shall abrogate or expand the sovereign immunity enjoyed by the SHERIFF and the CITY pursuant to the provisions of Chapter 768, Florida Statutes, nor shall any third party receive any benefit whatsoever from the indemnification provided herein.

7. INDEPENDENT CONTRACTOR. The SHERIFF, for the purposes of this Agreement, is and shall remain an independent contractor; provided, however, such independent contractor status shall not diminish the power and authority vested in the SHERIFF and his sworn officers.

8. SOVEREIGN IMMUNITY. The parties hereto agree that nothing contained herein shall in any way waive the sovereign immunity that both parties enjoy presently under the

Constitution and statutes of the State of Florida and particularly with respect to Chapter 768, Florida Statutes.

9. PROVISION OF SERVICES. The SHERIFF shall provide each deputy who serves in the CITY pursuant to this Agreement with a patrol automobile and all other necessary or appropriate equipment, except as provided above in Paragraph 2, Community Policing section.

10. PERSONNEL. The SHERIFF shall be responsible for the appointment, training, assignment, discipline and dismissal of all his law enforcement personnel performing services under this Agreement. The parties shall mutually cooperate to carry out the terms and conditions of this Agreement. Should the CITY or its designee believe that any deputy assigned to the CITY pursuant to the terms of this Agreement is failing to perform in a satisfactory manner, the CITY or its designee shall notify the Commander of the Patrol Operations Bureau of the Pinellas County Sheriff's Office. The parties shall work together to reach a mutually satisfactory resolution of the matter. However, it is understood that under this Agreement, the SHERIFF shall retain the sole authority to transfer, counsel, or discipline any deputy or other member of the Pinellas County Sheriff's Office. The SHERIFF is in compliance with Florida Statute §448.095 which references the use of E-Verify.

11. ENFORCEMENT OF LAWS. The SHERIFF shall discharge his responsibility under this Agreement by the enforcement of all state laws, county ordinances applicable within the CITY and the ordinances of the CITY. The SHERIFF shall bring appropriate charges for violations of all laws and ordinances. The SHERIFF shall ensure that deputies assigned to the CITY will have a general familiarity with the code of ordinances of the CITY. The CITY will provide adequate copies of its ordinances for this purpose at no cost to the SHERIFF.

12. FINES AND FORFEITURES. All fines and forfeitures rendered in any court as a

result of charges made by the SHERIFF shall be distributed according to general law and the rules of the court.

13. RECORDS. The SHERIFF shall maintain Uniform Crime Reporting records regarding crimes committed within the CITY. These records shall include the number and type of crimes committed, the number of arrests made for each type of crime, and any other information as required by law. A computer printout reflecting a summary of overall activity by event type shall be furnished to the CITY each month.

14. NOTICE. Notice as required to be given hereunder shall be given to the following persons:

- A. The Sheriff of Pinellas County  
Bob Gualtieri, Sheriff  
P. O. Drawer 2500  
Largo, FL 33779-2500
  
- B. City of Madeira Beach  
Attention: Mayor  
300 Municipal Drive  
Madeira Beach, FL 33708

15. TERM. This Agreement shall take effect on October 1, 202~~32~~, and continue in effect thereafter through September 30, 202~~43~~, unless hereafter extended upon such terms and conditions as the parties hereto may later agree.

16. TERMINATION: Any party may terminate this Agreement without cause or further liability to the other parties, except as to the indemnification provided herein, upon written notice to the other parties given not less than ninety (90) days prior to the requested termination date. The required notice is deemed delivered when a copy is delivered to the other party and a receipt therefore signed by the other party.

The parties agree that where the Agreement is not terminated as provided for herein, the



terms of this Agreement shall automatically continue for 120 days beyond September 30, 202~~4~~<sup>3</sup>, in the event a replacement contract has not yet been completely executed. The CITY shall continue to pay to the SHERIFF on a monthly basis the amount due per this Agreement, until such time as a replacement contract has been approved. The parties further agree that an increase, if any, in the cost of service, shall be retroactively applied for services rendered from October 1, 202~~4~~<sup>3</sup>, to the approval and execution of the replacement contract, and shall be paid by the CITY to the SHERIFF immediately for the services already provided.

17. CONTRACT COSTS. The CITY shall pay to the SHERIFF, as payment in full for all of the services herein agreed to be performed by the SHERIFF of Pinellas County, the sum of ONE MILLION FIVE HUNDRED SEVENTY-FIVE THOUSAND FOUR HUNDRED TWENTY DOLLARS AND NO CENTS (\$1,575,420.00). ~~ONE MILLION FOUR HUNDRED FIFTY NINE THOUSAND EIGHT HUNDRED NINETY SIX DOLLARS AND NO CENTS (\$1,459,896.00)~~. Payment shall be made in twelve monthly installments of ONE HUNDRED THIRTY-ONE THOUSAND TWO HUNDRED EIGHTY-FIVE DOLLARS AND NO CENTS (\$131,285.00). ~~ONE HUNDRED TWENTY ONE THOUSAND SIX HUNDRED FIFTY EIGHT DOLLARS AND NO CENTS (\$121,658.00)~~. Payment shall be made on the first day of each month beginning on the 1st day of October 202~~3~~<sup>2</sup>. (see Attachment 1.)

18. THIRD PARTIES. In no event shall any of the terms of this Agreement confer upon any third person, corporation or entity other than the parties hereto any right or cause of action or damages against the parties to this Agreement arising from the performance of the obligation and responsibilities of the parties herein or for any other reason.

19. ENTIRE AGREEMENT. This Agreement reflects the full and complete understanding of the parties and may be modified or amended only by a document in writing

executed by the parties hereto and with the same formality of this Agreement.

20. **NON-ASSIGNABILITY.** The SHERIFF shall not assign or delegate the obligations, responsibilities or benefits imposed hereby or contained herein to any third party or in any manner contract for the provision of the services required to be performed herein by a third party without the express written consent of the CITY, which consent must have been agreed to by the CITY at a public meeting and which consent may be withheld within the sole discretion of the CITY.

21. **LIAISON.** A close liaison shall be maintained between the CITY and the SHERIFF. The SHERIFF agrees to make available to the CITY a specific member or members of the command staff who shall be available twenty-four (24) hours per day to act as liaison between the CITY and the SHERIFF. The Mayor and Commissioners and the SHERIFF, or their designees, shall meet and confer with each other on a regularly scheduled basis to discuss the administration of this Agreement. The SHERIFF or his designee shall, upon request of the City Commission, be present at City Commission meetings for discussion of the provision of law or code enforcement services within the CITY, for budget preparation purposes, or for any other purpose as the City Commission shall request from time to time. The SHERIFF, or his designee, shall be responsible for submitting appropriate staffing or information to the City Commission as is necessary for it to conduct its legislative business. Any request for the presence of the SHERIFF or his designee, or for the production of any information or staffing, shall be communicated solely through the Mayor and Commissioners or the City Manager.

IN WITNESS WHEREOF the parties to this Agreement have caused the same to be signed by their duly authorized representatives this \_\_\_\_ day of \_\_\_\_\_, 202~~32~~.

ATTEST:

CITY OF MADEIRA BEACH

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:

(CITY SEAL)

\_\_\_\_\_  
CITY ATTORNEY

SHERIFF, PINELLAS COUNTY, FLORIDA

\_\_\_\_\_  
BOB GUALTIERI, Sheriff



# MEMORANDUM

TO: Honorable Mayor and Board of Commissioners  
 VIA: Robin Gomez, City Manager  
 FROM: Clara VanBlargan, City Clerk  
 DATE: October 4, 2023  
**RE: Appointment to Planning Commission**

## Background

The Planning Commission consists of seven members. A term expired on September 30, 2023 and one application has been received by the deadline to fill the vacancy. The new three-year term will expire on September 30, 2026.

Applicant: Elizabeth Watkins Holloway

The applicant has been invited to attend the meeting.

Members must be residents and qualified City of Madeira Beach voters. Districts do not apply. Appointments will be made, consistent with the Charter, Sec. 12.2, and based on demonstrated experience and qualifications in the subject matter from one or more of the following areas, whenever possible (City Code Sec. 2-77):

- Architect or landscape architect
- Civil engineer
- Real estate sales or land development
- Professional experience in natural or environmental sciences
- Professional urban planner

Planning Commission members are responsible for filing a Form 1, Statement of Financial Interests, with the Florida Commission on Ethics within 30 days of appointment, annually during their term of office, and a Form 1F, Final Statement of Financial Interests, within 60 days of leaving office. Penalties apply if not filed on time. A Form 1 is attached and can also be downloaded at

[https://ethics.state.fl.us/Documents/Forms/Form%201\\_2022i.pdf?cp=202343](https://ethics.state.fl.us/Documents/Forms/Form%201_2022i.pdf?cp=202343).

**Current members:**

<u>Seat</u>	<u>Term expiring</u>
Mike Noble	09/30/2023
Michael Wyckoff	09/30/2026

John Connolly	09/30/2024
Chuck Dillon	09/30/2026
John Meagher	09/30/2024
Matthew LaRue	09/30/2025
Housh Ghovae	09/30/2025

**Fiscal Impact**

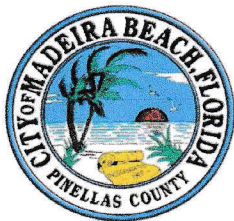
Advisory board members serve without compensation but may be reimbursed for travel, mileage, and per diem expenses as authorized by the Board of Commissioners or as otherwise provided by law.

**Recommendation**

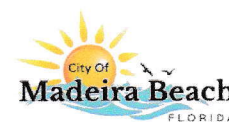
The recommendation for the Board of Commissioners is to appoint Elizabeth Watkins Holloway to serve on the Planning Commission for a three-year term expiring on 9/30/2026.

**Attachments**

- Application
- City Charter, Section 12.2 – City Planning Commission
- City Code, Division 2 – Planning Commission
- Form 1, Financial Disclosure, and Instructions



**CITY OF MADEIRA BEACH, FLORIDA**  
300 MUNICIPAL DRIVE, MADEIRA BEACH FL 33706  
TELEPHONE: 727-391-9951



**APPLICATION FOR APPOINTMENT TO BOARD**

Please indicate your preference of board:

Civil Service Commission

Planning Commission

Other \_\_\_\_\_

Are you a Madeira Beach Resident?

Yes  No

Are you a qualified registered voter of Madeira Beach?

Yes  No

Are you available for: Daytime meetings

Yes  No

Evening meetings

Yes  No

Name: Elizabeth Watkins Holloway Phone: 704.604.3418

Address: 14830 N. Bayshore Drive, Madeira Beach, FL 33708

Email: elizabethwatkinsholloway@centurycommunities.com

Present Occupation: Regional Counsel

If retired, what was your last occupation? \_\_\_\_\_

Please list any experience, special education, skills, or talents that would be beneficial to the appointment you are seeking:

**Educational Background**

I have a Juris Doctorate from Capital Law University and have been practicing law for over twenty (20) years in both residential and commercial real estate. For the past five (5) years, I have been in-house counsel for a public homebuilder handling twelve (12) states on matters ranging from development land contracts to human resource matters.

**Experience**

In my career as Regional Counsel for a Top-Ten National Homebuilder, I have been involved with building, planning and permitting departments in multiple states and regions. I have reviewed both local municipalities ordinances and state regulated code requirements to interpret their meanings and assure compliance on the local and state levels

**Why would you like to be considered as a candidate for service on this Board?**

I want to be able to ensure that Madeira Beach incurs measured growth while still maintaining its unique characteristics that makes it a desirable place to live.





## DIVISION 2. - PLANNING COMMISSION

Item 12A.

*Footnotes:*

--- (5) ---

**Charter reference**— *Planning commission, § 12.2.*

## Sec. 2-76. - Intent.

The intent of this division is to create a local government planning commission that shall serve in an advisory capacity to the board of commissioners. The planning commission shall consider all requests for amendments to the comprehensive plan, the land use plan map, amendments to the land development regulations and the official zoning map and other matters as may be specifically requested by the board of commissioners to be studied by the commission. The planning commission shall serve as the city's local planning agency and land development regulations commission as provided for in Florida Statutes ch. 163.

The local planning agency shall review all amendments to the land development code and the official zoning map.

(Code 1983, § 2-302; Ord. No. 974, § 1, 9-24-02; Ord. No. 1048, § 2, 7-12-05; Ord. No. 1050, § 2, 8-9-05; Ord. No. 1065, § 2, 11-22-05; Ord. No. 2021-04, § 1, 4-14-21)

## Sec. 2-77. - Organization.

- (a) The planning commission shall be appointed pursuant to the Charter upon the tally of votes cast by the board of commissioners. There shall be seven members. The term of office for each person appointed shall be staggered so that not more than three terms expire within any one year. Any planning commission member may be reappointed upon the tally of votes cast by the board of commissioners. Appointments to fill vacancies shall be for the unexpired term of office.
- (b) Qualifications of the members of the planning commission shall be as provided in the Charter and in this Code at the time of their appointment and throughout the term of office. Any member who is no longer qualified to be a member shall be automatically removed, and that vacancy filled as provided in this section.
- (c) Members of the planning commission shall be suspended or removed for cause upon the filing of written charges by the mayor. The written charges shall be served by hand delivery or certified mail upon the member being charged. The member being charged shall have 15 days to appeal the charges to the board of commissioners. If the charges are appealed, the member being charged shall be afforded a prompt public hearing on the matter. The member shall be retained, suspended or be removed by majority vote of the board of commissioners.

(d)

The failure of any member of the planning commission to attend three consecutive meetings of the planning commission or failure to attend four meetings of the planning commission in any contiguous 12-month period shall be cause for removal. However, the board of commissioners may take into consideration the reason for such absences, and may excuse the member for a reason deemed valid by the board of commissioners.

- (e) Appointments shall be made, consistent with the Charter section 12.2 and on the basis of demonstrated experience and qualifications in the subject matter from one or more of the following areas, whenever possible:
- Architecture or landscape architecture.
  - Civil engineering.
  - Real estate sales or land development.
  - Professional experience in natural or environmental sciences.
  - Professional urban planning.
- (f) The members of the planning commission shall, in October of each year, elect a chairman, first vice-chairman and a second vice-chairman from among its members who shall be voting members.
- (g) Members of the planning commission shall meet each month, as necessary. In addition, the planning commission, by request of the chairman, or the city staff, may schedule special meetings or workshops as needed, provided a quorum has indicated that they can attend such meeting. All meetings of the planning commission shall be public.
- (h) The presence of four or more members shall constitute a quorum.
- (i) Planning commission members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by board of commissioners or as otherwise provided by law.

(Code 1983, § 2-303; Ord. No. 974, § 1, 9-24-02; Ord. No. 1028, § 1, 8-24-04; Ord. No. 2014-15, § 1, 12-9-14; Ord. No. 2017-05, § 1, 3-7-17; Ord. No. 2021-04, § 2, 4-14-21)

**Charter reference**— Creation of planning commission, membership, terms and qualifications of members, § 12.2.

Sec. 2-78. - Conduct of hearing.

- (a) *Application*. An application for a zoning change or land use change shall be submitted 30 days prior to the scheduled meeting.
- (b) *Application filing fee*. Application fees are listed in the fees and collection procedure manual.

- (c) *Notification.* When and at such time as an application is made, the application shall be filed with the community development department who shall post a ten-day notice, or meet the Florida Statutory requirements, whichever is greater, of the time and place when the local planning agency shall consider the subject matter on the application. At the time of posting, all property owners of record, on the tax roll of the year within which the case is being heard, within 300 feet in any direction of the property, which is the subject matter of the application, shall be notified and the notice shall be posted on the property itself setting forth the date, time and place of the hearing. Note: Failure to notify all of the abutting property owners, as shown on the records of the Pinellas County Property Appraiser's Office, shall not constitute grounds for re-advertising the public hearing or conducting additional public hearings and shall not affect any action or proceeding of the application. For all other meetings and workshops not involving an application that must meet specified notification requirements, a minimum of three days' notice must be given.
- (d) *Public hearing.* At the hearing any interested person may be heard upon the subject matter. The procedures established in article I, division 2 shall govern the local planning agency's conduct of public hearings for a site specific rezoning, which is by definition a quasi-judicial matter.
- (e) *Recommendations.* The planning commission or the local planning agency, by majority vote, shall submit its recommendation with respect to the application to the board of commissioners with the written reasons therefore.
- (f) *Written records.* Minutes shall be kept of all hearings by the planning commission and the local planning agency, and all hearings shall be open to the public. The written record shall include the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The minutes of all proceedings, and recommendations of the planning commission and the local planning agency shall be made public record on file with the city clerk.

(Code 1983, § 2-304; Ord. No. 974, § 1, 9-24-02; Ord. No. 1044, § 3, 5-24-05; Ord. No. 1050, § 2, 8-9-05; Ord. No. 2014-15, § 2, 12-9-14; Ord. No. 2021-04, § 3, 4-14-21)

#### Sec. 2-79. - Rules of procedure.

The planning commission shall have the power to establish rules and regulations for its own operation not inconsistent with the provisions of this Code.

(Code 1983, § 2-305; Ord. No. 974, § 1, 9-24-02; Ord. No. 1044, § 3, 5-24-05)

#### Sec. 2-80. - Application for amendment; modification of zoning ordinances.

- (a) Any interested person or property owner in the city may file a written application to the local planning agency upon payment of the filing fee provided in the fees and collection procedure manual, for the purpose of amending, supplementing, changing, or modifying any rule,

regulation, or other restriction provided in the zoning ordinances of the city, including a request to change the boundaries of the zoning district or districts of the city.

- (b) The applicant shall provide for reimbursement of all expenses incurred by the city, deemed necessary by the city manager or his/her designee, to review and process an amendment to the zoning code;

Expenses may include, but are not limited to any technical, engineering, planning, landscaping, surveying, legal or architectural services, and advertising.

Within 30 days of the date of receipt of any invoice for such services, the applicant shall reimburse the city for such costs. Failure by the applicant to make such reimbursement when due shall delay the release of a development permit until paid.

- (c) The local planning agency shall make a recommendation pertaining to the application, and the recommendation shall be transmitted to the board of commissioners. The board of commissioners may either accept or reject the recommendation of the local planning agency or take such further action, as it may deem proper in the matter. The procedures established in article I, division 2 shall govern the board of commissioners' conduct of public hearings for a site specific rezoning, which is by definition a quasi-judicial matter.

(Code 1983, § 2-306; Ord. No. 974, § 1, 9-24-02; Ord. No. 1044, § 3, 5-24-05; Ord. No. 1050, § 2, 8-9-05; Ord. No. 1072, § 1, 3-28-06)

**Charter reference**— Amendments to zoning ordinance, §§ 12.7, 12.8.

Sec. 2-81. - Amendment or modification of zoning regulations by board of commissioners; referral to local planning agency.

The board of commissioners may from time to time on its own motion repeal, amend, supplement, change or modify any zoning ordinance of the city, including the changing of boundaries of any zoning district or districts in the city, including the regulations and restrictions and such shall first be referred to the local planning agency for its recommendation and report back to the board of commissioners. If no recommendation is submitted by the local planning agency within a period of 60 days from the time of the request for its recommendation, the board of commissioners may act upon the matter and pass such ordinance as it may deem necessary to effect its desires.

(Code 1983, § 2-309; Ord. No. 974, § 2, 9-24-02; Ord. No. 1050, § 2, 8-9-05)

**Editor's note**— Ord. No. 1050, § 2, adopted August 9, 2005, changed the title of § 2-81 from "Amendment or modification of zoning regulations by board of commissioners; referral to planning commission" to "Amendment or modification of zoning regulations by board of commissioners; referral to local planning agency."

**Charter reference**— Comprehensive plan and land development amendments submitted to planning commission, § 12.4C.

Sec. 2-82. - Authority to initiate amendments to zoning regulations and zoning boundaries.

The local planning agency, city board of commissioners, city staff, or property owners may, of its own initiative, make such recommendations and proposals as it may deem necessary pertaining to matters of repeal, amendment, supplement, change, or modification of any zoning ordinance, or the boundaries of any zoning district of the city, so long as all of the requirements of public notice and hearing are adhered to, as provided in this Code.

(Code 1983, § 2-310; Ord. No. 974, § 2, 9-24-02; Ord. No. 1044, § 3, 5-24-05; Ord. No. 1050, § 2, 8-9-05)

**Editor's note**— Ord. No. 974, § 2, adopted September 24, 2002, changed the title of § 2-82 from "Authority to institute amendments to zoning regulations" to "Authority to initiate amendments to zoning regulations and zoning boundaries." See note at § 2-81.

Sec. 2-83. - Conflict of interest provisions.

- (a) No member of the local planning agency shall communicate with another member of the local planning agency concerning their intent on any issue or potential issue which is or may be placed before them except at their scheduled meetings.
- (b) No member of the local planning agency shall communicate with any party, witness, representative of a party, or interceding person concerning any issues except at their scheduled meetings or as otherwise specified in article I, division 2 for ex-parte communications.
- (c) Failure on the part of a member of the local planning agency to comply with the provisions of this section shall constitute grounds for removal of such member from the local planning agency.

(Code 1983, § 2-312; Ord. No. 974, § 2, 9-24-02; Ord. No. 1044, § 3, 5-24-05; Ord. No. 1050, § 2, 8-9-05)

**Editor's note**— See note at § 2-81.

**State Law reference**— Public meetings, Florida Statutes § 286.011; ex parte communications, Florida Statutes § 286.0115.

Secs. 2-84—2-100. - Reserved.

Section 12.2 - City Planning Commission.

There shall be a City Planning Commission consisting of seven (7) members appointed by the Board of Commissioners for terms of three (3) years. Said appointments to be made from the electors of the City. Members of the City Planning Commission shall hold no other City office or City employment. The City Planning Commission may make recommendations to the City Manager and the Board of Commissioners on all matters affecting the physical development of the City, shall be consulted on the comprehensive plan and the implementation thereof and shall exercise all other responsibilities as may be provided by law or may be assigned to them by the Board of Commissioners from time to time.

Please print or type your name, mailing address, agency name, and position below:

**FOR OFFICE USE ONLY:**

LAST NAME -- FIRST NAME -- MIDDLE NAME :

MAILING ADDRESS :

CITY : ZIP : COUNTY :

NAME OF AGENCY :

NAME OF OFFICE OR POSITION HELD OR SOUGHT :

CHECK ONLY IF  CANDIDATE OR  NEW EMPLOYEE OR APPOINTEE

**\*\*\*\* THIS SECTION MUST BE COMPLETED \*\*\*\***

**DISCLOSURE PERIOD:**

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR CALENDAR YEAR ENDING DECEMBER 31, 2022.

**MANNER OF CALCULATING REPORTABLE INTERESTS:**

FILERS HAVE THE OPTION OF USING REPORTING THRESHOLDS THAT ARE ABSOLUTE DOLLAR VALUES, WHICH REQUIRES FEWER CALCULATIONS, OR USING COMPARATIVE THRESHOLDS, WHICH ARE USUALLY BASED ON PERCENTAGE VALUES (see instructions for further details). CHECK THE ONE YOU ARE USING (**must check one**):

**COMPARATIVE (PERCENTAGE) THRESHOLDS** OR  **DOLLAR VALUE THRESHOLDS**

**PART A -- PRIMARY SOURCES OF INCOME** [Major sources of income to the reporting person - See instructions]  
(If you have nothing to report, write "none" or "n/a")

NAME OF SOURCE OF INCOME	SOURCE'S ADDRESS	DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY

**PART B -- SECONDARY SOURCES OF INCOME** [Major customers, clients, and other sources of income to businesses owned by the reporting person - See instructions]  
(If you have nothing to report, write "none" or "n/a")

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

**PART C -- REAL PROPERTY** [Land, buildings owned by the reporting person - See instructions]  
(If you have nothing to report, write "none" or "n/a")


**You are not limited to the space on the lines on this form. Attach additional sheets, if necessary.**

**FILING INSTRUCTIONS** for when and where to file this form are located at the bottom of page 2.

**INSTRUCTIONS** on who must file this form and how to fill it out begin on page 3.



**PART D — INTANGIBLE PERSONAL PROPERTY** [Stocks, bonds, certificates of deposit, etc. - See instructions]  
 (If you have nothing to report, write "none" or "n/a")

Item 12A.

TYPE OF INTANGIBLE	BUSINESS ENTITY TO WHICH THE PROPERTY RELATES

**PART E — LIABILITIES** [Major debts - See instructions]  
 (If you have nothing to report, write "none" or "n/a")

NAME OF CREDITOR	ADDRESS OF CREDITOR

**PART F — INTERESTS IN SPECIFIED BUSINESSES** [Ownership or positions in certain types of businesses - See instructions]  
 (If you have nothing to report, write "none" or "n/a")

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2
NAME OF BUSINESS ENTITY		
ADDRESS OF BUSINESS ENTITY		
PRINCIPAL BUSINESS ACTIVITY		
POSITION HELD WITH ENTITY		
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS		
NATURE OF MY OWNERSHIP INTEREST		

**PART G — TRAINING** For elected municipal officers, appointed school superintendents, and commissioners of a community redevelopment agency created under Part III, Chapter 163 required to complete annual ethics training pursuant to section 112.3142, F.S.

I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.

IF ANY OF PARTS A THROUGH G ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

**SIGNATURE OF FILER:**

Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**CPA or ATTORNEY SIGNATURE ONLY**

If a certified public accountant licensed under Chapter 473, or attorney in good standing with the Florida Bar prepared this form for you, he or she must complete the following statement:

I, \_\_\_\_\_, prepared the CE Form 1 in accordance with Section 112.3145, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

CPA/Attorney Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**FILING INSTRUCTIONS:**

If you were mailed the form by the Commission on Ethics or a County Supervisor of Elections for your annual disclosure filing, return the form to that location. To determine what category your position falls under, see page 3 of instructions.

**Local officers/employees** file with the Supervisor of Elections of the county in which they permanently reside. (If you do not permanently reside in Florida, file with the Supervisor of the county where your agency has its headquarters.) Form 1 filers who file with the Supervisor of Elections may file by mail or email. Contact your Supervisor of Elections for the mailing address or email address to use. Do not email your form to the Commission on Ethics, it will be returned.

**State officers or specified state employees** who file with the Commission on Ethics may file by mail or email. To file by mail, send the completed form to P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 325 John Knox Rd, Bldg E, Ste 200, Tallahassee, FL 32303. To file with the Commission by email, scan your completed form and any attachments as a pdf (do not use any other format), send it to CEForm1@leg.state.fl.us and retain a copy for your records. Do not file by both mail and email. Choose only one filing method. Form 6s will not be accepted via email.

**Candidates** file this form together with their filing papers.

**MULTIPLE FILING UNNECESSARY:** A candidate who files a Form 1 with a qualifying officer is not required to file with the Commission or Supervisor of Elections.

**WHEN TO FILE: Initially,** each local officer/employee, state officer, and specified state employee must file **within 30 days** of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

**Candidates** must file at the same time they file their qualifying papers.

**Thereafter,** file by July 1 following each calendar year in which they hold their positions.

**Finally,** file a final disclosure form (Form 1F) within 60 days of leaving office or employment. Filing a CE Form 1F (Final Statement of Financial Interests) does not relieve the filer of filing a CE Form 1 if the filer was in his or her position on December 31, 2022.

## NOTICE

Item 12A.

**Annual Statements of Financial Interests are due July 1. If the annual form is not filed or postmarked by September 1, an automatic fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500. Failure to file also can result in removal from public office or employment. [s. 112.3145, F.S.]**

**In addition, failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: disqualification from being on the ballot, impeachment, removal or suspension from office or employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding \$10,000. [s. 112.317, F.S.]**

## WHO MUST FILE FORM 1:

1) Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.

2) Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding members of solely advisory bodies, but including judicial nominating commission members; Directors of Enterprise Florida, Scripps Florida Funding Corporation, and Career Source Florida; and members of the Council on the Social Status of Black Men and Boys; the Executive Director, Governors, and senior managers of Citizens Property Insurance Corporation; Governors and senior managers of Florida Workers' Compensation Joint Underwriting Association; board members of the Northeast Fla. Regional Transportation Commission; board members of Triumph Gulf Coast, Inc; board members of Florida Is For Veterans, Inc.; and members of the Technology Advisory Council within the Agency for State Technology.

3) The Commissioner of Education, members of the State Board of Education, the Board of Governors, the local Boards of Trustees and Presidents of state universities, and the Florida Prepaid College Board.

4) Persons elected to office in any political subdivision (such as municipalities, counties, and special districts) and any person appointed to fill a vacancy in such office, unless required to file Form 6.

5) Appointed members of the following boards, councils, commissions, authorities, or other bodies of county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; community college or junior college district boards of trustees; boards having the power to enforce local code provisions; boards of adjustment; community redevelopment agencies; planning or zoning boards having the power to recommend, create, or modify land planning or zoning within a political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards, and except for representatives of a military installation acting on behalf of all military installations within that jurisdiction; pension or retirement boards empowered to invest pension or retirement funds or determine entitlement to or amount of pensions or other retirement benefits, and the Pinellas County Construction Licensing Board.

6) Any appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.

7) Persons holding any of these positions in local government: mayor; county or city manager; chief administrative employee or finance director of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county

or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding \$35,000 for the local governmental unit.

8) Officers and employees of entities serving as chief administrative officer of a political subdivision.

9) Members of governing boards of charter schools operated by a city or other public entity.

10) Employees in the office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.

11) The following positions in each state department, commission, board, or council: Secretary, Assistant or Deputy Secretary, Executive Director, Assistant or Deputy Executive Director, and anyone having the power normally conferred upon such persons, regardless of title.

12) The following positions in each state department or division: Director, Assistant or Deputy Director, Bureau Chief, and any person having the power normally conferred upon such persons, regardless of title.

13) Assistant State Attorneys, Assistant Public Defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel, Public Counsel, full-time state employees serving as counsel or assistant counsel to a state agency, administrative law judges, and hearing officers.

14) The Superintendent or Director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.

15) State agency Business Managers, Finance and Accounting Directors, Personnel Officers, Grant Coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding \$35,000.

16) The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.

17) Each member of the governing body of a "large-hub commercial service airport," as defined in Section 112.3144(1)(c), Florida Statutes, except for members required to comply with the financial disclosure requirements of s. 8, Article II of the State Constitution.

## INSTRUCTIONS FOR COMPLETING FORM 1:

**INTRODUCTORY INFORMATION** (Top of Form): If your name, mailing address, public agency, and position are already printed on the form, you do not need to provide this information unless it should be changed. To change any of this information, write the correct information on the form, and contact your agency's financial disclosure coordinator. You can find your coordinator on the Commission on Ethics website: [www.ethics.state.fl.us](http://www.ethics.state.fl.us).

**NAME OF AGENCY:** The name of the governmental unit which you serve or served, by which you are or were employed, or for which you are a candidate.

**DISCLOSURE PERIOD:** The "disclosure period" for your report is the calendar year ending December 31, 2022.

**OFFICE OR POSITION HELD OR SOUGHT:** The title of the office or position you hold, are seeking, or held during the disclosure period even if you have since left that position. If you are a candidate for office or are a new employee or appointee, check the appropriate box.

**PUBLIC RECORD:** The disclosure form and everything attached to it is a public record. Your social security number, bank account, debit, charge, and credit card numbers are not required and you should redact them from any documents you file. If you are an active or former officer or employee listed in Section 119.071, F.S., whose home address is exempt from disclosure, the Commission will maintain that confidentiality if you submit a written and notarized request.

228

# MANNER OF CALCULATING REPORTABLE INTEREST

Item 12A.

Filers have the option of reporting based on either thresholds that are comparative (usually, based on percentage values) or that are based on absolute dollar values. The instructions on the following pages specifically describe the different thresholds. Check the box that reflects the choice you have made. You must use the type of threshold you have chosen for each part of the form. In other words, if you choose to report based on absolute dollar value thresholds, you cannot use a percentage threshold on any part of the form.

## IF YOU HAVE CHOSEN DOLLAR VALUE THRESHOLDS THE FOLLOWING INSTRUCTIONS APPLY

### PART A — PRIMARY SOURCES OF INCOME

[Required by s. 112.3145(3)(b)1, F.S.]

Part A is intended to require the disclosure of your principal sources of income during the disclosure period. You do not have to disclose any public salary or public position(s). The income of your spouse need not be disclosed; however, if there is joint income to you and your spouse from property you own jointly (such as interest or dividends from a bank account or stocks), you should disclose the source of that income if it exceeded the threshold.

Please list in this part of the form the name, address, and principal business activity of each source of your income which exceeded \$2,500 of gross income received by you in your own name or by any other person for your use or benefit.

"Gross income" means the same as it does for income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples include: compensation for services, income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, social security, distributive share of partnership gross income, and alimony if considered gross income under federal law, but not child support.

Examples:

- If you were employed by a company that manufactures computers and received more than \$2,500, list the name of the company, its address, and its principal business activity (computer manufacturing).
- If you were a partner in a law firm and your distributive share of partnership gross income exceeded \$2,500, list the name of the firm, its address, and its principal business activity (practice of law).
- If you were the sole proprietor of a retail gift business and your gross income from the business exceeded \$2,500, list the name of the business, its address, and its principal business activity (retail gift sales).
- If you received income from investments in stocks and bonds, list each individual company from which you derived more than \$2,500. Do not aggregate all of your investment income.
- If more than \$2,500 of your gross income was gain from the sale of property (not just the selling price), list as a source of income the purchaser's name, address and principal business activity. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed as "sale of (name of company) stock," for example.
- If more than \$2,500 of your gross income was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and its principal business activity.

### PART B — SECONDARY SOURCES OF INCOME

[Required by s. 112.3145(3)(b)2, F.S.]

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. It is not for reporting income from second jobs. That kind of income should be reported in Part A "Primary Sources of Income," if it meets the reporting threshold. You will not have anything to report unless, during the disclosure period:

- (1) You owned (either directly or indirectly in the form of an equitable

or beneficial interest) more than 5% of the total assets or capital stock of a business entity (a corporation, partnership, LLC, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and,**

- (2) You received more than \$5,000 of your gross income during the disclosure period from that business entity.

If your interests and gross income exceeded these thresholds, then for that business entity you must list every source of income to the business entity which exceeded 10% of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, and the source's principal business activity.

Examples:

- You are the sole proprietor of a dry cleaning business, from which you received more than \$5,000. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of the uniform rental company, its address, and its principal business activity (uniform rentals).
- You are a 20% partner in a partnership that owns a shopping mall and your partnership income exceeded the above thresholds. List each tenant of the mall that provided more than 10% of the partnership's gross income and the tenant's address and principal business activity.

### PART C — REAL PROPERTY

[Required by s. 112.3145(3)(b)3, F.S.]

In this part, list the location or description of all real property in Florida in which you owned directly or indirectly at any time during the disclosure period in excess of 5% of the property's value. You are not required to list your residences. You should list any vacation homes if you derive income from them.

Indirect ownership includes situations where you are a beneficiary of a trust that owns the property, as well as situations where you own more than 5% of a partnership or corporation that owns the property. The value of the property may be determined by the most recently assessed value for tax purposes, in the absence of a more accurate fair market value.

The location or description of the property should be sufficient to enable anyone who looks at the form to identify the property. A street address should be used, if one exists.

### PART D — INTANGIBLE PERSONAL PROPERTY

[Required by s. 112.3145(3)(b)3, F.S.]

Describe any intangible personal property that, at any time during the disclosure period, was worth more than \$10,000 and state the business entity to which the property related. Intangible personal property includes things such as cash on hand, stocks, bonds, certificates of deposit, vehicle leases, interests in businesses, beneficial interests in trusts, money owed you (including, but not limited to, loans made as a candidate to your own campaign), Deferred Retirement Option Program (DROP) accounts, the Florida Prepaid College Plan, and bank accounts in which you have an ownership interest. Intangible personal property also includes investment products held in IRAs, brokerage accounts, and the Florida College Investment Plan. Note that the product contained in a brokerage account, IRA, or the Florida College Investment Plan is your asset—not the account or plan itself. Things like automobiles and houses you own, jewelry, and paintings are not intangible property. Intangibles relating to the same business entity may be aggregated; for example, CDs and savings accounts with the same bank. Property owned as tenants by the entirety or as joint tenants with right of survivorship, including bank accounts owned in such a manner, should be valued at 100%. The value of a leased vehicle is the vehicle's present value minus the lease residual (a number found on the lease document).



## PART E — LIABILITIES

[Required by s. 112.3145(3)(b)4, F.S.]

List the name and address of each creditor to whom you owed more than \$10,000 at any time during the disclosure period. The amount of the liability of a vehicle lease is the sum of any past-due payments and all unpaid prospective lease payments. You are not required to list the amount of any debt. You do not have to disclose credit card and retail installment accounts, taxes owed (unless reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, or contingent liabilities. A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" and are jointly liable or jointly and severally liable, then it is not a contingent liability.

## PART F — INTERESTS IN SPECIFIED BUSINESSES

[Required by s. 112.3145(7), F.S.]

The types of businesses covered in this disclosure include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies, utility companies, entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

Disclose in this part the fact that you owned during the disclosure

period an interest in, or held any of certain positions with the businesses listed above. You must make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period more than 5% of the total assets or capital stock of one of the types of business entities listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during the disclosure period, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list the name of the business, its address and principal business activity, and the position held with the business (if any). If you own(ed) more than a 5% interest in the business, indicate that fact and describe the nature of your interest.

## PART G — TRAINING CERTIFICATION

[Required by s. 112.3142, F.S.]

If you are a Constitutional or elected municipal officer, appointed school superintendent, or a commissioner of a community redevelopment agency created under Part III, Chapter 163 whose service began before March 31 of the year for which you are filing, you are required to complete four hours of ethics training which addresses Article II, Section 8 of the Florida Constitution, the Code of Ethics for Public Officers and Employees, and the public records and open meetings laws of the state. You are required to certify on this form that you have taken such training.

Item 12A.

# IF YOU HAVE CHOSEN COMPARATIVE (PERCENTAGE) THRESHOLDS THE FOLLOWING INSTRUCTIONS APPLY

## PART A — PRIMARY SOURCES OF INCOME

[Required by s. 112.3145(3)(a)1, F.S.]

Part A is intended to require the disclosure of your principal sources of income during the disclosure period. You do not have to disclose any public salary or public position(s), but income from these public sources should be included when calculating your gross income for the disclosure period. The income of your spouse need not be disclosed; however, if there is joint income to you and your spouse from property you own jointly (such as interest or dividends from a bank account or stocks), you should include all of that income when calculating your gross income and disclose the source of that income if it exceeded the threshold.

Please list in this part of the form the name, address, and principal business activity of each source of your income which exceeded 5% of the gross income received by you in your own name or by any other person for your benefit or use during the disclosure period.

"Gross income" means the same as it does for income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples include: compensation for services, income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, social security, distributive share of partnership gross income, and alimony if considered gross income under federal law, but not child support.

Examples:

— If you were employed by a company that manufactures computers and received more than 5% of your gross income from the company, list the name of the company, its address, and its principal business activity (computer manufacturing).

— If you were a partner in a law firm and your distributive share of partnership gross income exceeded 5% of your gross income, then list the name of the firm, its address, and its principal business activity (practice of law).

— If you were the sole proprietor of a retail gift business and your gross income from the business exceeded 5% of your total gross income, list the name of the business, its address, and its principal business activity (retail gift sales).

— If you received income from investments in stocks and

bonds, list each individual company from which you derived more than 5% of your gross income. Do not aggregate all of your investment income.

— If more than 5% of your gross income was gain from the sale of property (not just the selling price), list as a source of income the purchaser's name, address, and principal business activity. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed as "sale of (name of company) stock," for example.

— If more than 5% of your gross income was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and its principal business activity.

## PART B — SECONDARY SOURCES OF INCOME

[Required by s. 112.3145(3)(a)2, F.S.]

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. It is not for reporting income from second jobs. That kind of income should be reported in Part A, "Primary Sources of Income," if it meets the reporting threshold. You will **not** have anything to report **unless** during the disclosure period:

(1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) more than 5% of the total assets or capital stock of a business entity (a corporation, partnership, LLC, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and,**

(2) You received more than 10% of your gross income from that business entity; **and,**

(3) You received more than \$1,500 in gross income from that business entity.

If your interests and gross income exceeded these thresholds, then for that business entity you must list every source of income to the business entity which exceeded 10% of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, and the source's principal business activity.

230

**Examples:**

— You are the sole proprietor of a dry cleaning business, from which you received more than 10% of your gross income—an amount that was more than \$1,500. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of the uniform rental company, its address, and its principal business activity (uniform rentals).

— You are a 20% partner in a partnership that owns a shopping mall and your partnership income exceeded the thresholds listed above. You should list each tenant of the mall that provided more than 10% of the partnership's gross income, and the tenant's address and principal business activity.

**PART C — REAL PROPERTY**

[Required by s. 112.3145(3)(a)3, F.S.]

In this part, list the location or description of all real property in Florida in which you owned directly or indirectly at any time during the disclosure period in excess of 5% of the property's value. You are not required to list your residences. You should list any vacation homes, if you derive income from them.

Indirect ownership includes situations where you are a beneficiary of a trust that owns the property, as well as situations where you own more than 5% of a partnership or corporation that owns the property. The value of the property may be determined by the most recently assessed value for tax purposes, in the absence of a more accurate fair market value.

The location or description of the property should be sufficient to enable anyone who looks at the form to identify the property. A street address should be used, if one exists.

**PART D — INTANGIBLE PERSONAL PROPERTY**

[Required by s. 112.3145(3)(a)3, F.S.]

Describe any intangible personal property that, at any time during the disclosure period, was worth more than 10% of your total assets, and state the business entity to which the property related. Intangible personal property includes things such as cash on hand, stocks, bonds, certificates of deposit, vehicle leases, interests in businesses, beneficial interests in trusts, money owed you (including, but not limited to, loans made as a candidate to your own campaign), Deferred Retirement Option Program (DROP) accounts, the Florida Prepaid College Plan, and bank accounts in which you have an ownership interest. Intangible personal property also includes investment products held in IRAs, brokerage accounts, and the Florida College Investment Plan. Note that the product contained in a brokerage account, IRA, or the Florida College Investment Plan is your asset—not the account or plan itself. Things like automobiles and houses you own, jewelry, and paintings are not intangible property. Intangibles relating to the same business entity may be aggregated; for example, CD's and savings accounts with the same bank.

Calculations: To determine whether the intangible property exceeds 10% of your total assets, total the fair market value of all of your assets (including real property, intangible property, and tangible personal property such as jewelry, furniture, etc.). When making this calculation, do not subtract any liabilities (debts) that may relate to the property. Multiply the total figure by 10% to arrive at the disclosure threshold. List only the intangibles that exceed this threshold amount. The value of a leased vehicle is the vehicle's present value minus the lease residual (a number which can be found on the lease document). Property that is only jointly owned property should be valued according to the percentage of your joint ownership. Property owned as tenants by the entirety or as joint tenants with right of survivorship, including bank accounts owned in such a manner, should be valued at 100%. None of your calculations or the value of the property have to be disclosed on the form.

Example: You own 50% of the stock of a small corporation that is worth \$100,000, the estimated fair market value of your home and other property (bank accounts, automobile, furniture, etc.) is \$200,000. As your total assets are worth \$250,000, you must disclose intangibles worth over \$25,000. Since the value of the stock exceeds this threshold, you should list "stock" and the name of the corporation. If your accounts with a particular bank exceed \$25,000, you should list "bank accounts" and bank's name.

**PART E — LIABILITIES**

[Required by s. 112.3145(3)(b)4, F.S.]

List the name and address of each creditor to whom you owed any amount that, at any time during the disclosure period, exceeded your net worth. You are not required to list the amount of any debt or your net worth. You do not have to disclose: credit card and retail installment accounts, taxes owed (unless reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, or contingent liabilities. A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" and are jointly liable or jointly and severally liable, it is not a contingent liability.

Calculations: To determine whether the debt exceeds your net worth, total all of your liabilities (including promissory notes, mortgages, credit card debts, judgments against you, etc.). The amount of the liability of a vehicle lease is the sum of any past-due payments and all unpaid prospective lease payments. Subtract the sum total of your liabilities from the value of all your assets as calculated above for Part D. This is your "net worth." List each creditor to whom your debt exceeded this amount unless it is one of the types of indebtedness listed in the paragraph above (credit card and retail installment accounts, etc.). Joint liabilities with others for which you are "jointly and severally liable," meaning that you may be liable for either your part or the whole of the obligation, should be included in your calculations at 100% of the amount owed.

Example: You owe \$15,000 to a bank for student loans, \$5,000 for credit card debts, and \$60,000 (with spouse) to a savings and loan for a home mortgage. Your home (owned by you and your spouse) is worth \$80,000 and your other property is worth \$20,000. Since your net worth is \$20,000 (\$100,000 minus \$80,000), you must report only the name and address of the savings and loan.

**PART F — INTERESTS IN SPECIFIED BUSINESSES**

[Required by s. 112.3145(7), F.S.]

The types of businesses covered in this disclosure include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies, utility companies, entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

Disclose in this part the fact that you owned during the disclosure period an interest in, or held any of certain positions with, the types of businesses listed above. You are required to make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period more than 5% of the total assets or capital stock of one of the types of business entities listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during the disclosure period, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list the name of the business, its address and principal business activity, and the position held with the business (if any). If you own(ed) more than a 5% interest in the business, indicate that fact and describe the nature of your interest.

**PART G — TRAINING CERTIFICATION**

[Required by s. 112.3142, F.S.]

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**From:** [disclosure](#)  
**To:** [VanBlargan, Clara](#)  
**Subject:** RE: [e] Form 6 - Planning Commission members  
**Date:** Wednesday, October 4, 2023 5:42:21 PM

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Good afternoon, Clara.

No, law is only changing the form requirement to Form 6 for mayors and elected members of the governing body for a municipality. All other boards, like the Planning Commission members are still required to file Form 1.

If you have any questions or need further assistance, please do not hesitate to contact me.

Sincerely,  
Kim

*Kimberly R. Holmes*  
Program Administrator  
Financial Disclosure Section  
Florida Commission on Ethics  
P.O. Drawer 15709  
Tallahassee, FL 32317-5709  
(850) 488-7864  
(850) 488-3077 (Fax)  
[www.ethics.state.fl.us](http://www.ethics.state.fl.us)

**Physical address:**  
**325 John Knox Road**  
**Building E, Suite 200**  
**Tallahassee, FL 32303**

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**From:** VanBlargan, Clara <cvanblargan@madeirabeachfl.gov>  
**Sent:** Wednesday, October 04, 2023 2:43 PM  
**To:** disclosure <disclosure@leg.state.fl.us>  
**Subject:** Form 6 - Planning Commission members

Will Planning Commission Members be required to file the Form 6 beginning 2024?

Clara

Disclaimer: Under Florida law (Florida Statute 668.6076), email addresses are public records. If you do not want your email address released in response to a public records request, please do not send electronic mail to the City of Madeira Beach. Instead, contact the appropriate department/division.

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**City Charter - Section 3.3 Nomination of Board of Commissioners.**

- (A) *Filing.* Every person who shall desire to become a candidate for nomination under the provisions of this Charter to the office of Mayor and District-Commissioner, shall qualify to become such candidate by filing with the City Clerk during the candidate qualifying period held during the first two full weeks in December, excluding weekends, beginning at Noon on Monday, the first day of the qualifying period and ending at Noon on Friday, the last day of the qualifying period. Under no circumstances shall the City Clerk accept any nomination petitions or filing fees after the close of the filing period as stated herein. Every person's application is to have his/her name printed upon the ballot as a candidate for nomination to the office for which he/she aspires, in which application, he/she shall declare from the district he/she is a candidate or so declare if he/she is a candidate for Mayor. All applications shall be accompanied by an affidavit the candidate is an elector and a resident of the City of Madeira Beach, Florida, for one (1) year immediately prior to the date of said application and has been a resident of said district for which he/she declares himself/herself to be a candidate for a period of six (6) months prior to the date of said application. With said application shall be filed a petition which shall indicate prominently the district from which the Petitioner is a candidate, or if he/she be a candidate for Mayor.
- (B) *District Commissioners.* Should any District Commissioner desire to become a candidate for the office of Mayor, said District Commissioner shall resign his/her office of District Commissioner not less than ten days before the qualifying period for the election in which he/she desires to become a candidate for Mayor. Provided, however, such compulsory resignation shall not apply to a District Commissioner whose term as commissioner expires at or before the time he/she would take office as Mayor, if elected. The resignation shall be filed in the office of the City Clerk. The vacancy created by such resignation shall be filled as provided in 2.2(C) of said Charter.