PLANNING COMMISSION MEETING AGENDA

Monday, July 06, 2026 at 6:00 PM
Commission Chambers, 300 Municipal Drive, Madeira Beach, FL 33708

This Meeting will be televised on Spectrum Channel 640 and YouTube Streamed on the City's Website.

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1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

Public participation is encouraged. If you are addressing the Planning Commission, step to the podium and state your name and address for the record. Please limit your comments to three (3) minutes and do not include any topic that is on the agenda.

Public comment on agenda items will be allowed when they come up.

For any quasi-judicial hearings that might be on the agenda, an 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 a notice of intent to be a party with the Community Development Director, not less than five days prior to the hearing.

4. APPROVAL OF MINUTES

A. Approval of Minutes

5. NEW BUSINESS

A. Resolution 2026-06, Moratorium on collection of mobility fee and Kimley-Horn Impact Fee Evaluation

B. Landscaping Regulations – Discussion

C. Nonconformities and Business Tax Receipt Requirements – Discussion

6. OLD BUSINESS

7. ADMINISTRATIVE/STAFF PRESENTATION

8. PLANNING COMMISSION DISCUSSION

9. NEXT MEETING

Next meeting is scheduled for Monday, August 3, 2026 at 6:00 p.m.

10. INFORMATIONAL MATERIALS

11. ADJOURNMENT

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

Any person who decides to appeal any decision of the Planning Commission 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 Marci Forbes, Community Development Director at 727-391-9951, ext. 244 or email a written request to mforbes@madeirabeachfl.gov.

THE CITY OF MADEIRA BEACH, FLORIDA
LOCAL PLANNING AGENCY / PLANNING COMMISSION
Madeira Beach City Hall, Patricia Shontz Commission Chambers
300 Municipal Drive, Madeira Beach, FL 33708
www.madeirabeachfl.gov | 727.391.9951
June 1, 2026 - MINUTES

Planning Commission Meeting Minutes

Call to Order

Chairman Wyckoff called the meeting to order at 6:00 PM.

Roll Call

Present: Chairman Wyckoff, Commissioner Cloud, Commissioner Holloway, Commissioner Noble, Commissioner Connolly, Commissioner Marr, and Commissioner LaRue.
Absent: None noted.
A quorum was established.

Public Comment

Chairman Wyckoff opened public comment for items not on the agenda. The City Attorney reviewed the quasi-judicial process. No conflicts of interest or ex parte communications were disclosed.

Approval of Minutes

The May 20, 2026 meeting minutes were presented for approval.

Commissioner LaRue made a motion to approve.

Commissioner Meagher seconded

Motion passed unanimously.

New Business

The first new business item was postponed at the applicant’s request.

A. Ordinance 2026-05 – Johns Pass Village Hotel Planned Development Rezoning

Request: Rezoning of approximately 1.457 acres from Johns Pass Village Activity Center C-1 to Planned Development district for the Johns Pass Village Hotel project.

The applicant presented a proposed 87-unit hotel redevelopment with restaurant and retail space, event space, parking garage, public parking, public access improvements, public restrooms, green space, sidewalks, crosswalks, and roadway improvements.

Staff stated that the project was consistent with applicable City and County plans and met the main development standards, with requested flexibility for certain design items.

Discussion included clarification regarding:

- Architectural compatibility with Johns Pass Village
- Traffic circulation and access
- Parking impacts and public parking commitments
- Utility relocation and service continuity
- Public access easements and Pelican Lane extension
- Signage for Walt’s Fish Shack and Fisherman’s Alley
- Construction commencement timing

Motion

- Commissioner LaRue made a motion to approve
- Commissioner Noble seconded

Motion passed unanimously.

B. Johns Pass Village Hotel Development Agreement

Request: Recommendation of approval for the development agreement associated with the Johns Pass Village Hotel Planned Development.

The development agreement addressed public improvements, public parking, access easements, roadway improvements, public restrooms, green space, and project commitments.

Public Comment / Affected Party Statement

A representative of Fish Runner LLC / Walt’z Fish Shack expressed concerns about access, parking, signage, utilities, emergency access, construction impacts, and business visibility. The applicant and staff clarified that the access easement was not time-limited and that utilities would be relocated before existing facilities were removed.

Staff/Applicant Response

The applicant stated that the project would include public benefits and agreed to provide directional signage for Walt'z Fish Shack and historical signage for Fisherman's Alley. Staff and the applicant stated the project was consistent with applicable plans, standards, and land development regulations.

Motion

Commissioner Noble made a motion to recommend approval of the development agreement with conditions:

- Add directional signage for Walt's Fish Shack, including signage for access through the garage/easement area to reach the rear parking area.
- Add historical signage identifying Fisherman's Alley on the building.
- Request attorney review and clarification of the construction commencement timetable.

Commissioner Connolly seconded the motion

Motion passed unanimously.

Informational Item

The Commission discussed the proposed vacation of a portion of Fisherman's Alley right-of-way. No Planning Commission vote was required or taken.

Old Business

No old business was discussed.

Staff/Administrative Reports

The development agreement was announced for public hearing before the Board of Commissioners on Wednesday, July 8, 2026, at 6:00 p.m. in the Patricia Shontz Commission Chambers at City Hall.

Commission Discussion

Commissioners discussed architectural context, parking impacts, access, and the need for signage and clarification of construction timing.

Next Meeting

The next Planning Commission meeting is scheduled for Monday, July 6, 2026, at 6:00 p.m.

Adjournment

The meeting was adjourned at 7:41 PM.

____________________________ ____________________

Michael Wyckoff, Chairman Date

____________________________________ ______________________

Lisa Scheuermann, Board Secretary Date

Memorandum

Meeting Details:	July 6, 2026 – Planning Commission Meeting
Prepared For:	Planning Commission
Staff Contact:	Community Development Department
Subject:	Resolution 2026-06, Moratorium on collection of mobility fee and Kimley-Horn Impact Fee Evaluation

Background:

The purpose of this memo is to recommend continuing the one-year moratorium on the collection of the City's local mobility impact fees. This action is necessary to finish evaluating the relationship between the City's local mobility impact fee and Pinellas County's multimodal impact fee, and to determine whether current practices may result in impermissible double charging for the same transportation capacity impacts.

The City of Madeira Beach up until the moratorium imposed a local mobility impact fee on new development to help offset the cost of transportation infrastructure improvements necessitated by growth. Pinellas County also imposes a countywide multimodal impact fee under Chapter 150, Article II of the County Land Development Code.

Per Florida Statutes §163.3180(5)(j), a developer may not be charged twice for the same transportation impact. With the execution of an interlocal agreement between the City and the County to coordinate the administration of the County's multimodal impact fee, it is critical to evaluate whether the continued collection of the City's local mobility impact fee results in an overlapping charge.

Discussion:

City staff recently received and reviewed the Kimley-Horn Impact Fee Evaluation Memo. The memo recommended that the city discontinue its mobility fee and continue to collect and administer only the county's transportation impact fees. City staff would like to discuss the results of the evaluation and get directions from the Board of Commissioners and Planning Commission for the next steps. City Staff recommends continuing the **12-month moratorium** on the collection of the City's **local mobility impact fee**, until such time that land development regulation updates can be addressed and potential impact to the Comprehensive Plan can be

reviewed. During this time, no local mobility impact fees would be assessed or collected for new developm redevelopment.

Fiscal Impact:

While there will be a temporary pause in the collection of the City's local mobility impact fees, the City will retain 50% of the County's multimodal impact fees per the interlocal agreement. This will help mitigate the fiscal impact of the moratorium and provide continued funding for eligible transportation improvements during the review period.

Recommendation(s):

City Staff recommend the Board of Commissioners adopt Resolution 2026-06, Moratorium on collection of mobility fee. The adoption of this resolution would continue the one-year moratorium on the collection of the City's local mobility impact fee, effective upon adoption until July 31, 2027, unless the Board of Commissioners rescind or extend the moratorium by subsequent Resolution.

Attachments/Corresponding Documents:

- Resolution 2026-06, Moratorium on collection of mobility fee
- Kimley-Horn Impact Fee Evaluation Memo

RESOLUTION 2026-06

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA; IMPOSING A TEMPORARY MORATORIUM ON THE IMPOSITION AND COLLECTION OF THE MOBILITY FEE REQUIRED PURSUANT TO CHAPTER 92 (PROPORTIONATE SHARE DEVELOPMENT FEE) OF THE CITY OF MADEIRA BEACH CODE OF ORDINANCES UNTIL JULY 31, 2027; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, on June 25, 2024, Governor Ron DeSantis signed into law an amendment to Florida Statute 163.3180 that provides in part:

> (j)1. If a county and municipality charge the developer of a new development or redevelopment a fee for transportation capacity impacts, the county and municipality must create and execute an interlocal agreement to coordinate the mitigation of their respective transportation capacity impacts.
>
> 2. The interlocal agreement must, at a minimum:
>
> a. Ensure that any new development or redevelopment is not charged twice for the same transportation capacity impacts; and

WHEREAS, the city adopted in 2020, and then amended in 2021, a proportionate share development fee ordinance which includes a mobility fee; and

WHEREAS, at the time that the mobility fee was adopted the city was not collecting the multimodal impact fee authorized by Pinellas County and therefor there was no offset or credit contemplated in the computation of the city's mobility fee; and

WHEREAS, the city wishes to complete its review of the imposition of the mobility fee to confirm that any new development or redevelopment is not charged twice for the same transportation capacity impacts and the Board of Commissioners deems it appropriate to place a moratorium on the imposition and collection of mobility fees on a temporary basis.

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

Section 1. The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of the Board of Commissioners.

Section 2. A temporary moratorium is hereby enacted on the imposition and collection of mobility fees within the City of Madeira Beach. While the temporary moratorium is in effect, the City shall not impose or collect the mobility fee.

Section 3. This Resolution shall take effect upon its adoption, shall be reviewed by the Board of Commissioners no later than January 31, 2027 and shall terminate on July 31, 2027, unless the Board of Commissioners rescinds or extends the moratorium by subsequent Resolution.

Section 4. The provisions of this Resolution are declared to be severable and, if in any section, sentence, clause or phrase of this Resolution shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining section, sentences, clauses and phrases of this Resolution but they shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

Section 5. This Resolution is to be liberally construed to accomplish its objectives.

Section 6. That Resolution 2025-07 is hereby repealed.

INTRODUCED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIAR BEACH, FLORIDA, THIS ____ DAY OF _________, 2026.

____
Anne-Marie Brooks
Mayor

ATTEST:

____
Clara VanBlargan, MMC, MSM,
City Clerk

May 14, 2026

Andrew Morris
Long Range Planner
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

RE: Madeira Beach Impact Fee Evaluation

The City of Madeira Beach's Mobility Fee

The City of Madeira Beach's mobility fee is calculated based on the Level of Service (LOS) ratio of improved municipal mobility assets to total building area. In other words, the fee determines a development's proportionate share of the replacement cost of existing mobility assets. The service area is limited to the municipal limits of the City of Madeira Beach. Although the City's mobility fee is calculated based on the replacement cost of existing assets, the collected fees are used to fund mobility facilities and service improvements identified in the Comprehensive Plan's Capital Improvement Program Schedule of Capital Improvements. The City of Madeira Beach's mobility fee is a flat rate per square foot, across all land use types.

The Madeira Beach mobility fees for two hypothetical developments are shown in **Table 1**.

Table 1. Madeira Beach Hypothetical Development Fee

Land Use	Fee	Size	Cost
Single-Family Dwelling Unit	$2.88 per sq. ft.	2,000 sq. ft.	$5,760
Shopping Center	$2.88 per sq. ft.	60,000 sq. ft.	$172,800

Pinellas County's Impact Fee

The Pinellas County Impact Fee is calculated based on the cost to construct one lane-mile of roadway. The fees are proportionate to the Institute of Transportation Engineers (ITE) trip generation rates by land use, to reflect each land use's unique impact on the County's transportation infrastructure. The service area encompasses the entirety of Pinellas County, including all municipalities and unincorporated areas. Half of the impact fees collected by these municipalities are required to be returned to Pinellas County ("county share"), which will then be used to fund transportation improvement projects within the district in which they are collected. There are thirteen impact fee districts across the county, as shown on the next page in **Figure 1**. The other half of the impact fees collected by the county ("municipal share") are kept by the municipality in which they are collected and are used to fund transportation improvement projects within that municipality.

The Pinellas County impact fees for two hypothetical developments are shown in **Table 2**.

Table 2. Pinellas County Hypothetical Development Fee

Land Use	Fee	Size	Cost
Single-Family Dwelling Unit	$1,679 per dwelling unit	2,000 sq. ft.	$1,679
Shopping Center	$3,396 per 1,000 sq. ft.	60,000 sq. ft.	$203,760

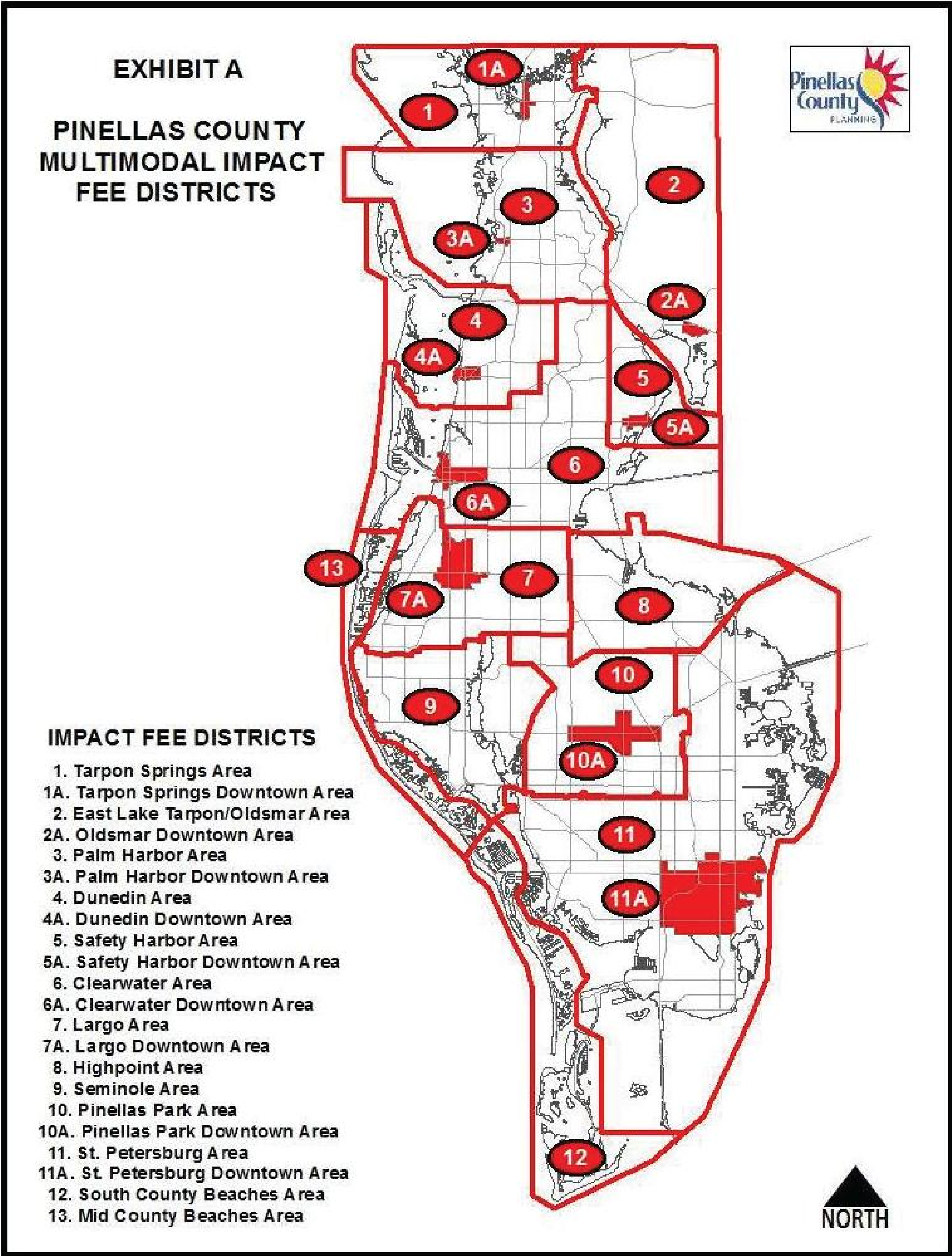

Figure 1. Pinellas County Multimodal Impact Fee Districts

Comparing the Two Fees

Although both the City of Madeira Beach's mobility fee and Pinellas County's impact fees fund transportation improvement projects, the City of Madeira Beach's mobility fee funds specific projects in the City's Capital Improvement Program, whereas Pinellas County's impact fees are used for transportation improvement projects but not necessarily specific projects listed in the county's or a municipality's Capital Improvements Program. Generally, the two fees have different funding priorities (Capital Improvement Program projects vs. capacity expansion projects) but there are types of projects, such as bicycle and pedestrian facilities, that are eligible for funding under both fees.

What does this mean for the City of Madeira Beach?

Based on review of the city's mobility fee, the county's impact fee, the 2025 interlocal agreement, and the applicable Florida Statutes, it is recommended that the city discontinue its mobility fee and continue to collect and administer only the county's transportation impact fees. While Florida Statute 163.3180(5)(j) allows both fees to exist simultaneously provided that an interlocal agreement is in place to prevent double charging, there are two main issues with the city's mobility fee moving forward. First, the overlap in the types of projects that are eligible for funding under each fee does not appear to support the city's position that it is charging new developments for transportation-related impacts that are not already covered under the county's impact fees. Second, Florida Statute 163.3180(5)(j)(2)(b) requires interlocal agreements between a county and a municipality establish a plan-based methodology for determining the legally permissible fee. The methodology used to determine the city's mobility fee is not plan-based but rather is based on the replacement cost of existing municipal mobility assets. If the city desires to move forward with its mobility fee, the methodology and interlocal agreement need to be overhauled to comply with this statutory requirement.

Given that Forward Pinellas is already working to update the county's fee to a plan-based methodology, relying solely on the county's impact fees is the more defensible and cost-effective path. The county's current impact fee methodology is more clearly tied to capacity expansion necessitated by new development, is coordinated countywide through the interlocal agreement, and the update will likely meet the plan-based methodology requirements of current law.

Disclaimer: This analysis reflects the author's professional opinion as a transportation engineer and does not constitute legal advice.

Sincerely,

Mike Woodward, PE

Item 5B.

Memorandum

Meeting Details:	July 6, 2026 – Planning Commission Meeting
Prepared For:	Planning Commission
Staff Contact:	Community Development Department – Joseph Petraglia, Planner II
Subject:	Landscaping Regulations – Discussion

Background:

The City's landscaping regulations have remained largely unchanged since their adoption in the early 1980s. Staff have identified several provisions that are outdated, conflict with other sections of the City Code, have been subject to varying interpretations over time, or have proven difficult to administer and enforce consistently. In addition, evolving landscaping practices and changing site conditions have highlighted areas where the current code may no longer reflect industry standards or the City's desired development outcomes. Staff is seeking policy direction regarding potential updates to the landscaping regulations.

It is important to note that Policy 5.2.4.1 of the city's comprehensive plan states that impervious surfaces must not cover more than 70 percent of any lot, and Policy 5.2.1.2 states that alterations and repairs exceeding 25% of the structure's value should adhere to such stormwater management requirements.

Discussion:

Staff have identified the following key areas for consideration:

1. Residential Landscaping Requirements and Permit Closeout Delays

Current residential landscaping requirements can create challenges for homeowners attempting to obtain final inspections, close permits, or receive Certificates of Occupancy. Based on direction provided at the June 24th board of commissioners workshop meeting and public comment submitted to the city, the proposed ordinance has been revised to significantly reduce the requirement for living ground cover to satisfy minimum landscape area requirements while preserving the living ground cover requirements in landscape buffers and attempting to preserve the chapter's objectives related to aesthetics, tree canopy, and stormwater management.

2. Right-of-Way Landscaping Materials

The City's code currently does not clearly limit the types of materials that may be installed within public rights-of-way. As a result, a variety of decorative materials have been placed in these areas, creating maintenance and operational challenges for Public Works staff. The Board may wish to consider establishing standards that limit

right-of-way landscaping to approved vegetation and groundcover materials while prohibiting materials t may create maintenance, safety, or infrastructure concerns.

3. Artificial Turf and New Landscaping Materials

The current code provides limited guidance regarding the use of artificial turf and other modern landscaping materials, and provides a potential conflict with recent Florida Legislature regarding artificial turf on single-family parcels. Other municipalities, such as the city of Clearwater, have begun adopting ordinances regulating artificial turf and similar materials. Recent legislature adopted by the state has been attached.

4. Intersection Visibility

City code currently has multiple intersection visibility codes that conflict with each other, creating uncertainty for developers and staff. Existing code provisions have been reviewed, and amendments proposed to ensure landscaping requirements are consistent with sight triangles and do not create safety concerns at street intersections to preserve visibility and public safety.

5. Outdated and Conflicting Tree Regulations

Certain tree preservation, replacement, and planting requirements may be inconsistent with current landscaping standards, overlap with other sections of the City Code, or conflict with state law. Staff recommends reviewing these provisions to improve clarity, eliminate conflicts, and ensure regulations are consistent with current best practices and community objectives.

Fiscal Impact:

Any proposed amendments can be implemented using existing departmental resources. Staff anticipate that clarifying and modernizing landscaping requirements may result in minor administrative cost savings by reducing permit review issues, failed landscaping inspections, repeat inspections, and delays associated with permit closeout and certificate of occupancy issuance. No significant fiscal impact is anticipated.

Recommendation(s):

Provide policy direction to staff regarding the identified landscaping regulation issues and authorize preparation of draft ordinance amendments for future Board and Planning Commission consideration.

Attachments/Corresponding Documents:

- Draft Ordinance of Chapter 106 Vegetation, relevant definitions, and conflicting section from Chapter 110
- Chapter 125 Section 572 - Florida Statutes
- DEP Standards for Artificial Turf Effective 5.19.26
- Draft Ordinance of Sec. 110-423 Intersection visibility and relevant definitions
- Chapter 163 Section 045 - Florida Statutes

Chapter 106 VEGETATION[1]

ARTICLE I. IN GENERAL

Secs. 106-1—106-30. Reserved.

ARTICLE II. LANDSCAPING

Sec. 106-31. Purpose.

(a) This article is intended to ensure that all developments or areas proposed to be developed in the city provide a portion of such area devoted to landscape beautification and natural plant growth.

(b) It is intended that the implementation of this article accomplish the following objectives:

(1) Ensure that all new developments ~~have a portion of the area landscaped with ground cover and shrubs or~~ preserve adequate open space and provide trees to enhance the appearance and environmental quality of the city.

(2) Ensure that all new developments have a portion of the land area remain permeable to allow for the retention and treatment of the ten-year, 60-minute stormwater runoff.

(3) Maximize protection from beach erosion by the planting of sea oats and the development of natural dunes.

(4) Promote vehicular and pedestrian safety by clearly delineating and buffering off-street vehicular use areas.

(5) Create a transitional interface between incompatible land uses by providing buffering and screening.

(6) Promote energy conservation by maximizing the cooling and shading effect of trees.

(Code 1983, § 20-507(A))

Sec. 106-32. General landscape requirements.

~~(a) Minimum requirements for landscaping must consist of a combination of g~~Grass, ~~or~~ ground cover, ~~and~~ shrubs, vines, hedges, trees, ~~or~~ palms, ~~. Other material such as~~ rocks, pebbles, sand ~~or decorating fence~~, artificial turf meeting Sec. 106-37, shell, decorative stone, or other similar non-invasive landscape materials may be used to satisfy the landscaping requirements ~~west of Gulf Boulevard~~ of this chapter except as otherwise provided herein. Concrete, asphalt paving, pavers of any kind, including pervious pavers, or ~~pebbles~~ any of the foregoing materials placed on an impervious surface or used for driveways

[1]Cross reference(s)—Buildings and building regulations, ch. 14; environment, ch. 34; streets, sidewalks and other public places, ch. 58; natural resources, ch. 98; zoning, ch. 110.

or parking, will not satisfy landscaping requirements~~ in any location~~. Mulch may be used within planting beds but shall not otherwise be used as a substitute for required landscaped area.

~~(b) When trees are required to meet the landscape requirements, a minimum of 50 percent of the trees shall be native species or hybrids or cultivars of native species.~~

~~(c) Hedges shall be planted and maintained so as to form a continuous, unbroken, solid visual screen. Spacing of plants shall be no more than 30 inches on center, depending on the species.~~

(Code 1983, § 20-507(B))

Sec. 106-33. Residential single-family detached, attached, duplex and triplex.

~~(a)~~ ~~All new s~~Single-family, townhouses, duplexes and triplexes ~~residential developments~~ shall include a minimum of 25 percent of the net land area as landscape area which will include native and/or nonnative "introduced" trees and vegetation. The minimum number of trees will be as prescribed in subsection 106-72(a).

~~(b) No residential lot, excluding the area covered by the principal structure, will be covered by more than 40 percent impervious surface.~~

(Code 1983, § 20-507(C)(1))

Sec. 106-34. Residential multifamily or commercial.

~~(a)~~ ~~All new r~~Residential multifamily (excluding triplex), commercial ~~developments~~ , and off-street parking areas not contained within a building, including standalone parking lots, will require a minimum of ten percent of the net land area as landscape area~~s,~~. Such landscape areas shall be exclusive of perimeter landscape buffers that are required around vehicular use areas. All perimeter landscaping provided in excess of that required may be counted as part of this interior requirement. There shall be a minimum of one tree for each 4,000 square feet or fraction thereof of ~~required landscape~~ net land area in addition to any trees required within perimeter landscape buffers.

~~(b) The lot, excluding the area covered by the principal structure, will be covered by no more than 70 percent impervious surface.~~

(Code 1983, § 20-507(C)(2)(a), (b))

Sec. 106-35. Perimeter landscaping for residential multifamily or commercial.

The perimeter landscaping for residential multifamily or commercial shall be as follows:

(1) The exterior of all vehicular use areas shall be landscaped with a buffer strip which is at least five feet in width. Such buffer strips shall include one tree for each 35 linear feet, or fraction thereof, of perimeter. These trees may be planted in clusters or groupings and not necessarily in an equidistant row planting. If palms are used, they shall consist of no more than 50 percent of the total tree requirement for this section. ~~Hedges or other durable landscape barriers shall be installed in such a manner as to screen the vehicular use area from the public right-of-way, if applicable.~~

(2) When paved ground surfaces are adjacent to properties zoned exclusively for residential use, all land between the paved surface and the property line shall be landscaped~~.~~ with a buffer strip which is ~~The landscaping shall include a buffer strip of~~ at least five feet in width adjacent to the abutting property~~, containing a hedge or other durable screen of landscaping at least five feet in height~~.

(3) All required buffer strips must contain hedges or other durable landscape barriers planted and maintained to form a continuous, unbroken, solid visual screen. Spacing of plants shall be no more than 30 inches on center, depending on the species, and shall be at least five feet in height or the maximum height permitted pursuant to Chapter 110, Article VI, Division 3, whichever is less. ~~Trees or palms having a average mature crown spread of less than 15 feet may be grouped so as to create the equivalent of 15-foot spread. All required trees, other than palms, shall be a minimum of eight feet in height at time of planting. If palms are used, they shall consist of no more than 50 percent of the total tree requirement and shall have a minimum of ten feet of clear wood at planting.~~

(4) Nonliving landscape materials permitted elsewhere in this chapter shall not satisfy the vegetation requirements of required landscape buffers.

(Code 1983, § 20-507(C)(2)(c))

Sec. 106-36. Public rights-of-way. ~~Xeriscape requirements.~~

The exposed ground surface within public rights-of-way shall be limited to sod, ground cover, or other low-growing vegetative cover approved by the city, excluding walkways, sidewalks, or driveways.

Artificial turf may be permitted within public rights-of-way only upon approval by the Public Works Director and after the property owner executes and records, at the owner's expense, an agreement in a form approved by the city acknowledging that the installation is revocable, may be removed by the city at any time, and that all costs of removal and restoration shall be the sole responsibility of the property owner and all successors in interest.

Shrubs, hedges, mulch, rock, shell, gravel, decorative stone, and similar materials shall be prohibited within public rights-of-way unless expressly authorized by the Public Works Director. The Public Works Director may authorize boulders or similar landscape elements to be installed within public rights-of-way for the purpose of preventing unauthorized vehicle parking, provided they do not obstruct drainage, utilities, sight visibility, pedestrian access, or maintenance activities.

~~The xeriscape design principle of plant selection and placement based upon function, water requirements and suitable environmental exposure of plant materials shall be used in all vehicular-use areas. In addition, the following xeriscape techniques shall be required:~~

~~(1) Fifty percent of the plants used in all vehicular-use area landscape designs shall be drought tolerant and located in groupings according to water requirements.~~

~~(2) Seventy-five percent of the plants used in all vehicular-use area landscape designs shall be a combination of native and drought tolerant.~~

~~(3) All plantings shall be grouped in zones according to water requirements and shall be irrigated in zones separating high water use lawn area from drought tolerant zones.~~

~~(4) All irrigation systems shall be automatic with cycling capacity and shall be designed to avoid irrigation of unplanted surfaces.~~

(Code 1983, § 20-507(C)(2)(d))

Sec. 106-37. Artificial Turf ~~Xeriscaping maintenance and enforcement.~~

(a) All artificial turf must comply with established building permit procedures and shall be inspected by the city, except that one installation of 100 square feet or less is allowed on a property provided all other requirements of this code are met, and the surface is counted toward the property's total impervious surface ratio (ISR).

(b) Artificial turf is prohibited from being installed:

(1) Within public rights-of-way without city approval;

(2) Within any drainage facility, stormwater pond, or drainage feature required as part of an approved stormwater management system;

(3) In a manner that restricts access to a septic tank;

(4) Closer than ten feet to the mean high-water line along waterbodies, including canals, except immediately landward of, or on top of a seawall;

(5) Within required perimeter landscape buffers; or

(6) Within tree drip lines, unless a certified arborist, using site specific information and best professional judgment, certifies that installation within that drip line would not be harmful to the tree.

(c) Artificial turf may be counted toward minimum landscape area requirements and shall not be counted toward impervious surface ratio (ISR) calculations only when the applicant demonstrates that the installation:

(1) Be green in color;

(2) Be free of intentionally added PFAS and heavy metals;

(3) Utilize permeable backing and a pervious base designed for positive drainage; and

(4) Be supported by manufacturer specifications demonstrating permeability of at least 10 inches per hour for all layers.

(5) Be installed in accordance with the manufacturer's specifications and installation requirements. Prior to permit closeout, the city may require certification from a licensed engineer, landscape architect, architect, or contractor that the installation complies with the manufacturer's specifications and this section.

(d) Artificial turf shall not adversely impact drainage onto adjacent properties, alter the permitted stormwater management system, or otherwise render the site non-compliant with Chapter 98, Division II or state water quality standards.

~~(a) All property owners and residents utilizing xeriscape techniques shall be responsible for the continued maintenance of all landscaped areas.~~

~~(b) All xeriscape landscaping areas shall present a healthy and neat appearance free of refuse and debris.~~

~~(c) All landscape areas which die from lack of maintenance, disease or other natural occurrence, shall be relandscaped.~~

~~(d) Failure to take corrective action as required by this section shall constitute a violation of the Code and the property owner/resident shall be responsible for any costs or damages and any costs and expenses related to property clearance or the maintenance of any xeriscape landscaping.~~

(Code 1983, § 20-507(C)(3))

Sec. 106-38. Maintenance and protection of landscaping.

(a) The property owner shall be responsible for the maintenance of all landscaped area which shall be maintained in good condition so as to present healthy, neat and orderly appearance free of refuse, debris and leaves, in conformance with section 106-32 regarding general landscape requirements.

(b) Paving, treating or covering minimum required landscape areas in a way that renders it impervious or otherwise contrary to the intent or purpose of this code is prohibited.

(c) All landscape areas and required trees which die from lack of maintenance, disease, or other cause shall be replaced or restored in accordance with this chapter. Dead or dying trees may be removed without replacement, provided a tree removal permit is obtained when required by this chapter and the city determines, based on its inspection or documentation provided by a qualified professional, that corrective actions will not restore the tree and the condition was not caused by the property owner's actions or neglect.

(d) Mulch, shell, and other loose landscape materials shall be adequately contained and maintained to prevent erosion, displacement, or discharge into the municipal separate storm sewer system, drainage facilities, public rights-of-way, sidewalks, and streets.

(e) The property owner shall be responsible for maintaining all landscaping within the intersection visibility triangle, in conformance with section 110-423 to provide unobstructed visibility.

(f) Failure to take corrective action as required by this section shall constitute a violation of the Code and the property owner/resident shall be responsible for any costs or damages and any costs and expenses related to property clearance or the maintenance of any landscaping.

(Code 1983, § 20-507(D))

~~Sec. 106-39. Site distance restrictions at intersections.~~

~~When an access way intersects a public right-of-way or other access way, or when the subject property abuts the intersection of two or more public right-of-ways, all landscaping within the triangular areas described as [or] referred to as the "cross-visibility area," shall provide unobstructed cross-visibility at a level between 36 inches and eight feet. Trees and plant material trimmed in such a manner that cross visibility is not hindered will be allowed, provided they are located so as not to create a traffic hazard, as determined by the city. The site distance restrictions shall be determined by city building official.~~

~~(Code 1983, § 20-507(E); Ord. No. 918, § 4, 12-7-99)~~

Sec. 106-39~~40~~. Screening of backflow preventers.

Backflow preventers shall be screened by dense evergreen shrubbery a minimum of 30 inches in height, planted two feet on center. Such shrubbery shall be planted far enough away from the unit so as to provide a minimum of a three-foot cleared area on two sides of the unit for maintenance purposes.

(Code 1983, § 20-507(F))

Sec. 106-40~~1~~. Existing plant material.

In the instances where healthy plant material exists on a site prior to its development, in part or in whole, ~~for purposes of vehicular-use areas,~~ the ~~city manager~~ Community Development Director or designee may adjust the application of the requirements of this ~~article~~ chapter to allow credit for such plant material (excluding sick or damaged trees, or any trees listed as an undesirable and invasive species ~~included in the prohibited species tree list~~), provided that the ~~city manager~~ Community Development Director or designee finds such adjustment is in keeping with and will preserve the intent of this article.

(Code 1983, § 20-507(G); Ord. No. 1050, § 6, 8-9-05)

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Sec. 106-41~~2~~. Sea oats/sand dunes.

The removal or relocation of sea oats or sand dunes on any property landward of the county coastal construction control line will be coordinated with the ~~building and zoning~~ Community Development ~~d~~Director or their designee prior to the start of work.

(Code 1983, § 20-507(H))

Secs. 106-42~~3~~—106-63~~0~~. Reserved.

ARTICLE III. TREES

Sec. 106-64~~1~~. Purpose.

The purpose of this article is to protect the environment and appearance of the city by controlling the removal of existing trees and mangroves.

(Code 1983, § 20-508(A))

~~Sec. 106-62. Native and Florida-friendly species.~~

~~Species native to the Madeira Beach area include, but are not limited to:~~

~~(1) Native pines—Pinus spp.;~~

~~(2) Native oaks—Quercus spp.;~~

~~(3) Hickories and pecans—Carya spp.;~~

~~(4) Bald and pond cypresses—Taxodium spp.;~~

~~(5) Southern red cedar—Juniperus silicicola;~~

~~(6) Hollies—Ilex spp.;~~

~~(7) Sweetbay—Magnolia virginiana;~~

~~(8) Southern magnolia—Magnolia grandiflora;~~

~~(9) Sweetgum—Liquidambar styraciflua;~~

~~(10) Red maple—Acer rubrum;~~

~~(11) Black Cherry—Prunus serotina;~~

~~(12) Carolina cherry laurel—Prunus caroliniana;~~

~~(13) Persimmon—Diospyros virginiana;~~

~~(14) Black gum—Nyssa sylvatica;~~

~~(15) Loblolly bay—Gordonia lasianthus;~~

~~(16) Wax myrtle (bayberry)—Myrica cerifera;~~

~~(17) Willows—Salix spp.;~~

(18) Elderberry—Sambucus simpsonii;

(19) Slatbrush—Baccharis spp.;

(20) Cabbage (sabal) palm—Sabal palmetto.

(21) All species of palm trees;

(22) In addition to the 21 named species, any other species that are listed as "Florida Native" or "Okay" on the University of Florida IFAS Extension "Florida Friendly Plant List," as updated from time to time.

(Code 1983, § 20-508(B)(1); Ord. No. 1144, § 1, 1-13-09)

Editor's note(s)—Ord. No. 1144, § 1, adopted January 13, 2009, changed the title of section 106-62 from "Native species" to "Native and Florida-friendly species"

Sec. 106-63. Nonnative "introduced" species.

Nonnative "introduced" species included, but not limited to:

(1) Camphor—Cinnamonmum camphora;

(2) Citrus—Citrus spp.;

(3) Eucalyptus—Eucalyptus spp.;

(4) Silk oak—Grevillea robusta;

(5) Jacaranda—Jacaranda acutifolia;

(6) Jerusalem thorn—Parkinsonia aculeata;

(7) Ear tree—Enterolobium cyclocarpum;

(8) Fig tree—Ficus spp.

(Code 1983, § 20-508(B)(2))

Sec. 106-64. Prohibited trees; exotic species, and permit exemptions.

A permit is not required for tThe removal of the following trees and replacement (using species native to the city) is encouraged:

(1) Punk (cajeput) tree—Malaleuca leu codendron;

(2) Brazilian pepper—Schinus terebin thefolius;

(3) Australian pine—Casuarina spp.;

(4) Chinaberry (Melia azedarach);

(5) Ear tree (Enterolobium cyclocarpum);

(6) Eucalyptus (Eucalyptus spp.);

(7) Silk Oak (Grevillea robusta).

(Code 1983, § 20-508(C); Ord. No. 1144, § 1, 1-13-09)

Editor's note(s)—Ord. No. 1144, § 1, adopted January 13, 2009, changed the title of section 106-64 from "Prohibited trees; exotic species" to "Prohibited trees; exotic species, and permit exemptions."

Sec. 106-65. Prohibited acts.

It shall be unlawful to remove, cut down, damage, poison or in any other manner destroy or cause to be destroyed any trees or mangroves, except in accordance with the provisions of this article.

(Code 1983, § 20-508(D))

Sec. 106-66. Emergencies.

In case of emergencies involving natural disasters such as, but not limited to, hurricane, windstorm, flood, freeze or natural disasters, the city manager may allow a reasonable time for the removal and for replacement of damaged trees to meet the requirements of sections 106-71 and 106-72.

(Code 1983, § 20-508(E))

Sec. 106-67. County tree regulations not applicable.

County tree regulations shall not be applicable to real estate within the city limits of the city.

(Code 1983, § 12-128)

Sec. 106-68. Protective barrier requirements; protection during construction.

(a) A protective barrier shall be placed around all trees scheduled to remain on the site:

    (1) At or greater than a six-foot radius of all species of mangroves and cabbage palms;

    (2) At or greater than the full dripline of all native pine trees;

    (3) At or greater than two-thirds of the dripline of all other species.

(b) Whenever a protective barrier is required under the provisions of this article, it shall remain in place until all construction activity is terminated.

(c) Signs, building permits, wires or other attachments of any kind shall not be permitted to be attached to any tree. Guy wires designed to support trees are excluded from this prohibition.

(Code 1983, § 20-508(F))

Sec. 106-69. Tree removal—Permit required.

(a) It shall be unlawful for any person to remove or cause to be removed any tree having a diameter at breast height of four inches or greater without first having procured a ~~no fee~~ permit except on a vacant lot, in conjunction with the demolition, rebuild, or substantial improvement of the principal structure, or on a qualifying single-family residential property where the owner possesses documentation prepared in accordance with F.S. § 163.045.

(b) It shall be unlawful for any person to remove or cause to be removed any mangrove, regardless of size without first having procured the required city, county and state permits.

(Code 1983, § 20-508(G)(1))

Sec. 106-70. Same—Application.

The following information shall be provided when applying for a permit:

(1) A site plan showing the location of all trees and mangroves, the trees proposed to be removed, existing and proposed structures, walks, driveways and parking areas and other improvements.

(2) Where mangroves exist on the tract or lot, an aerial photograph at a scale not smaller than one inch equals 50 feet may be required in lieu of the submission requirements contained above.

(Code 1983, § 20-508(G)(2))

Sec. 106-71. Relocation or replacement—Specifications.

(a) ~~*Species.*~~ The species of the required ~~replacement~~ tree shall be the same as those being requested for removal from the natural environment or shall be selected from the University of Florida IFAS Florida-Friendly Landscaping Guide and shall either be listed as "Florida Native" or have a drought tolerance rating of Medium or higher. ~~listed in section 106-62.~~

(b) ~~*Minimum standards.*~~ All required ~~replacement~~ trees must have a minimum overall height of eight feet at the time of planting and be of a state department of agriculture nursery grade standard (quality) of No. 1 or better.

(c) Trees used to satisfy landscape requirements shall have an average mature crown spread of at least 15 feet. Tree species having a lesser mature crown spread may be grouped to create the equivalent of a 15-foot crown spread. Palms may satisfy tree requirements.

(d) A minimum of three tree species shall be used when more than ten required trees are provided.

~~(c)~~(e) ~~*Waivers of replacement tree specifications.*~~ The city may waive the species or minimum standard specifications if the applicant can demonstrate that the current market conditions are such that replacement trees meeting these specifications are not readily available. Substitute trees allowed under this waiver section must have the approval of the ~~city manager's~~ Community Development Director or their designee.

(Code 1983, § 20-508(H)(1)); Ord. No. 1144, § 1, 1-13-09

Sec. 106-72. Same—Replacement trees.

(a) *Residential uses ~~lots~~.* For all single-family, townhouse, duplex, and triplex ~~residential~~ lots, a minimum number of replacement trees will be required based on the following square footage areas. Any removal of trees will require replacement up to the minimum number. In no instance shall the tree or trees required to be replaced exceed the number of trees existing on the property at the time of granting the tree removal permit except as required for new construction and substantial improvement of the primary structure.

Tree ~~Replacement~~ Requirements for Residential ~~Zones~~

~~Lot Size~~ ~~Square Footage~~ Net Land Area (in Square Feet)	Minimum Replacements
3,500— 6,000	2
6,001— 7,500	3
7,501—10,000	4
10,001—16,000	6
Over 16,000	8

(b) *Nonresidential tracts.* On all other lots ~~retail commercial, tourist commercial, marine commercial, or related nonresidential zoned property~~, a minimum of one tree must be replaced for each permitted tree removed in excess of 25 percent of those protected trees which exist naturally on the site or no less than required under sections 106-3~~3~~4 through 106-35~~6~~; whichever is greater.

Sec. 106-73. Undesirable and invasive species.

The removal of any Tier 1 species identified on the Pinellas County Undesirable Plant Species List, as amended from time to time, shall not require replacement. Such species shall not receive credit toward compliance with the landscape requirements of this chapter and shall not be planted within the limits of the city.

(Code 1983, § 20-508(H)(2))

Chapter 110 - ZONING

ARTICLE VI. - SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 10. - SPECIFIC DEVELOPMENT STANDARDS

Subdivision II. - C-1, C-2, C-3, C-4, C-5, R-2 and R-3 Districts

Sec. 110-670. Reserved. ~~Landscaping/green area.~~

~~(a) One of the purposes of the development controls is to encourage the provision of adequate landscaping/green area in R-3 zones west of Gulf Boulevard. A minimum of ten percent of that portion of the lot located east of the county coastal construction control line as established by the state shall be designated for and maintained as landscaped green area in side and front yards.~~

~~(b) In R-3 zones west of Gulf Boulevard, the green area in side yards shall provide a clear "view area" between three feet and ten feet in height; i.e. bushes or shrubs shall not exceed three feet in height and trees shall be trimmed below ten feet in height. Such landscaped areas may include passive recreation facilities provided, however, that the "view area" is not obstructed.~~

~~(c) In all zones except R-1, all off-street parking areas not contained within the building structure shall have a minimum of ten percent landscaped green area.~~

~~(d) All landscaped areas shall be provided with an adequate water supply.~~

~~(Code 1983, § 20-605(C)(2))~~

Chapter 82

Sec. 82-2 Definitions.

Artificial turf means a manufactured synthetic product designed to simulate the appearance of natural grass and installed as ground cover.

Diameter at breast height (DBH) means the standard measurement of a single-stemmed tree at 4½ feet above grade.

Dripline means an artificial line along the ground which conforms to the perimeter of the crown of a tree as projected vertically to the ground.

Ground cover means plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches in maturity.

Hedges means any installation or placement of plants, structural elements, feature art, ornaments or objects that together form a row, boundary or screen that extends more than three feet before a break (open space) of at least three feet horizontally and six feet vertically. Hedges can be installed in conjunction with or in lieu of fences, except those fences required by the Florida Building Code, and must meet the same height restrictions as fences and walls except in the rear yard where the natural plant material of the hedge may be allowed to grow to natural height.

Impervious surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant to or prevents infiltration by stormwater. It includes surfaces such as limerock, or clay, as well as most conventionally surfaced streets, structures, roofs, sidewalks, parking lots, and other similar surfaces.

Impervious surface ratio (ISR) means the relationship between the total impervious surface area on a site and the net 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 land area. The square footage of the net land area for purposes of determining the ISR shall not include public road right-of-way and shall not include submerged land.

~~*Landscaping* means and shall consist of any of the following combinations of grass or ground cover and shrubs, vines, hedges, trees, or palms. Other material such as rocks, pebbles, sand or decorating fence may be used to satisfy the landscaping requirements west of Gulf Boulevard.~~

Lawn grass means all species normally grown as permanent lawns native to this area of the state. Grass may be sodded, plugged, sprigged or seeded.

Mulch means nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

Native means trees and other vegetation that is indigenous to Central or North Florida.

Shrubs means self-supporting, woody, non-deciduous plant species which are cultivated and selected to provide a physical and visual barrier, and which normally grow to a height of two feet to nine feet, including hedges.

Trees means self-supporting, woody plants, which normally grow to a minimum height of 15 feet~~, have trunks which can be maintained with over five feet of clear wood and have an average mature crown spread of at least 15 feet~~.

Turf means continuous plant coverage consisting of grass species suited to growth in the county.

Item 5B.

The Florida Senate

2025 Florida Statutes

Title XI COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS	Chapter 125 COUNTY GOVERNMENT Entire Chapter	**SECTION 572** **Regulation of synthetic turf.**

125.572 Regulation of synthetic turf.—

(1) As used in this section, the term "synthetic turf" means a manufactured product that resembles natural grass and is used as a surface for landscaping and recreational areas.

(2) The Department of Environmental Protection shall adopt minimum standards for the installation of synthetic turf on single-family residential properties 1 acre or less in size. The standards must take into account material type, color, permeability, stormwater management, potable water conservation, water quality, proximity to trees and other vegetation, and other factors impacting environmental conditions of adjacent properties.

(3) Upon the Department of Environmental Protection adopting rules pursuant to subsection (4), a local government may not:

(a) Adopt or enforce any ordinance, resolution, order, rule, or policy that prohibits, or is enforced to prohibit, a property owner from installing synthetic turf that complies with Department of Environmental Protection standards adopted pursuant to this section which apply to single-family residential property.

(b) Adopt or enforce any ordinance, resolution, order, rule, or policy that regulates synthetic turf which is inconsistent with the Department of Environmental Protection standards adopted pursuant to this section which apply to single-family residential property.

(4) The Department of Environmental Protection shall adopt rules to implement this section.

History.—s. 1, ch. 2025-140.

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CHAPTER 62-308
MINIMUM STANDARDS FOR THE INSTALLATION OF SYNTHETIC TURF ON SPECIFIED PROPERTIES

62-308.100 Synthetic Turf

62-308.100 Synthetic Turf.

(1) Scope.

(a) “Synthetic turf” is defined by s. 125.572(1), F.S.

(b) Pursuant to s. 125.572, F.S., this rule establishes minimum standards for the installation of synthetic turf on single-family residential properties of 1 acre or less in size. Pursuant to s. 125.572(3), F.S., local governments may not regulate synthetic turf in a manner inconsistent with these minimum standards. This rule does not establish nor require any new department-issued permit or authorization for the installation of synthetic turf,

(c) These standards do not modify the property rights of any entity, including any fee simple interests or any less-than-fee interests, such as easements or rights of way.

(2) Material type.

(a) Synthetic turf, including backing material and infill, must not contain heavy metals or intentionally added per- and polyfluoroalkyl substances.

(b) Synthetic turf, including backing materials and infill, must be disposable under normal conditions at any Chapter 62-701, F.A.C., Florida permitted landfill.

(c) Infill material, if used, shall only be clean silica sand, rock, shell, or other natural material, except that coated silica sand may be used provided that any coating used is non-toxic and meets the requirements described in paragraphs (2)(a) and (2)(b). Rubber or any other synthetic infill material is allowed only within the footprint of playground equipment and must also meet the requirements described in paragraphs (2)(a) and (2)(b). Installation shall be designed to prevent washing away of any infill material off the residential property.

(d) Subgrade shall be composed of natural materials, such as crushed rock, or crushed concrete that meets the permeability requirements of this rule. Subgrade materials shall be washed prior to installation to prevent fines from binding.

(3) Color. Green synthetic turf shall be allowed.

(4) Permeability.

(a) Synthetic turf must be permeable and affixed to permeable backing with a pervious subgrade. A local government may establish a quantifiable standard of a maximum of 10 inches per hour for all layers.

(b) Synthetic turf must be installed over a subgrade prepared for positive drainage and evenly graded porous material.

(c) Soil beneath installed subgrade shall not be compacted to the extent that it adversely impacts percolation through the soil.

(5) Stormwater management.

(a) Installation of synthetic turf must be designed and installed to prevent pooling or an increase in the stormwater runoff volume, direction, or rates to adjacent properties and, where possible, runoff shall be directed to on-site pervious areas.

(b) Installation of synthetic turf must not alter the permitted stormwater management system as designed and shall not be installed within a swale, ditch, stormwater pond, or a stormwater pond’s littoral zone.

(6) Potable water conservation.

(a) In-ground irrigation systems cannot be used to irrigate synthetic turf areas.

(b) If any in-ground system is already installed, a local government may require that irrigation heads be removed and pipe capped.

(7) Water quality.

(a) Synthetic turf shall not cause or contribute to violations of state water quality standards.

(b) Buffer zones around natural or man-made waterbodies may be established to protect against erosion and reduce pollution provided that such buffer for synthetic turf is no greater or restrictive than what is applicable to natural turf. Where no buffer zone has been established, synthetic turf shall be installed no closer than 10 feet from a natural or man-made waterbody as measured from the applicable ordinary or mean high water line except where there is a physical barrier between the synthetic turf and the waterbody (such as, but not limited to, a seawall or bulkhead).

(8) Proximity to trees and other vegetation.

(a) Installation of synthetic turf cannot compromise the health of nearby trees, including damage to tree roots, other than those

identified as a noxious weed as defined in Chapter 581, F.S.

(b) Synthetic turf shall not be installed inside tree drip lines, whether on the property or adjacent properties, unless the tree is a noxious weed as defined by Chapter 581, F.S., or unless a certified arborist, using site specific information and best professional judgment, certifies that installation within that drip line would not be harmful to the tree.

(9) Other factors impacting environmental conditions of adjacent properties.

(a) Synthetic turf shall be installed according to manufacturer's specifications.

Standards(c) If installed, synthetic turf must provide for access to the septic tank for routine pumpout.

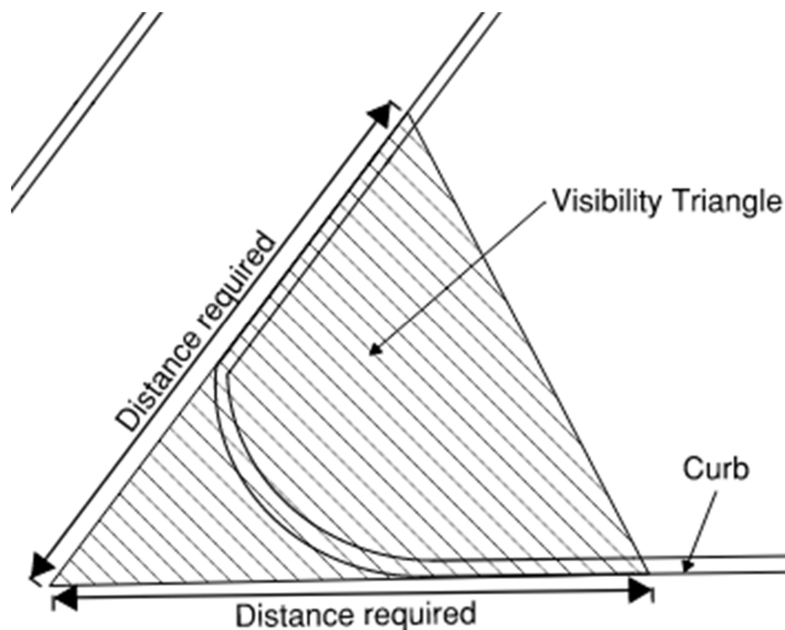
(d) If installed, synthetic turf shall be installed landward of any dune system and shall not be used to replace any existing dune vegetation.

Rulemaking Authority 125.572 FS. Law Implemented 125.572 FS. History–New 5-19-26.

Sec. 110-423. Intersection visibility.

(a) At all street intersections, except as noted in subsection (b) of this section, no obstruction to vision~~(other than an existing building, post, column, or tree) exceeding~~ between 30 ~~36~~ inches and eight feet in height above the established grade of the street ~~at the property line~~ shall be erected or maintained ~~on any lot~~ within the triangle formed by the ~~street lot lines of such lot~~ back of curb from the corner intersection, or along the pavement edge where no curb exists and a line drawn between the points ~~along such street lot lines~~ 25 feet distant from their point of intersection, or 15 feet distant when abutting an alley. Where intersections contain a curved corner radius, measurements shall be taken from the theoretical intersection of the tangent curb lines.

(b) Posts, columns, poles, existing buildings, tree trunks, and properly trimmed plant material shall be permitted within the visibility triangle provided they do not create a traffic hazard as determined by the Community Development Director or their designee. ~~It shall be unlawful for the owner or person in charge of any lot, parcel or piece of land within the city to allow any obstruction to vision in the triangle formed by the lines of two intersecting streets, or street and an alley, and a line joining points on such lines 30 feet distant from their point of intersection by permitting any vegetation to grow or be maintained between the heights of three feet and ten feet above the grade of the centerline of the intersection, or by constructing or maintaining any fence or other structure which by constructing or maintaining any fence or other structure which constitutes an obstruction to view within the triangle.~~

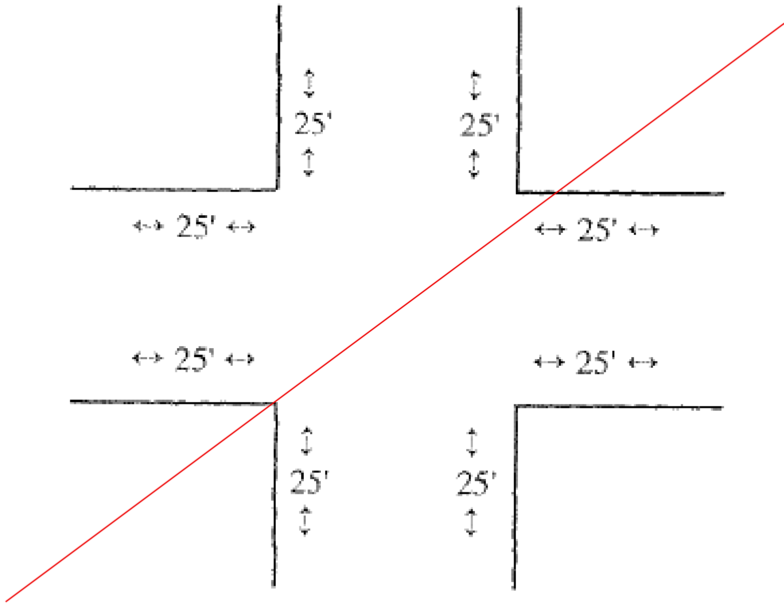


(Code 1983, §§ 17-101, 20-501(A))

Sec. 82-2 Definitions.

Alley means a public right-of-way 15 feet or less in width and which affords only a secondary means of access to abutting property.

~~*Cross visibility area* means the area of property located at the corner formed by the intersection of two or more public streets with two sides of a triangular area being 25 feet in length along the abutting public street, measured from their point of intersection, and the third side being a line connecting the ends of the other two sides. In areas where this scenario cannot be achieved, the distance will be determined by the city manager or his designee.~~



Sec. 110-447. Location and height of fences, hedges, and walls.

(a) *Setbacks.* Except as otherwise permitted or required by this Code, fences and walls are prohibited:

(1) Within any right-of-way or street easement, or closer than three feet to any sidewalk or bike path,

(2) Closer to the Gulf of Mexico than the County Coastal Construction Control Line,

~~(3) Closer to the Gulf of Mexico than 18 feet landward of an existing seawall,~~

(~~4~~3) Closer than five feet to the mean high-water line along waterbodies, including canals, except a fence or wall may be permitted immediately landward of, or on top of, an existing seawall,

(~~5~~4) Within the intersection visibility triangle as specified in Chapter 110, Article VI, Division 2 ~~section 110-423 unless three feet in height or less.~~ except as permitted therein.

Item 5B.

The Florida Senate

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

Title XI COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS	Chapter 163 INTERGOVERNMENTAL PROGRAMS **Entire Chapter**	**SECTION 045** **Tree pruning, trimming, or removal on residential property.**

163.045 Tree pruning, trimming, or removal on residential property.—

(1) For purposes of this section, the term:

(a) "Documentation" means an onsite assessment performed in accordance with the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017) by an arborist certified by the International Society of Arboriculture (ISA) or a Florida licensed landscape architect and signed by the certified arborist or licensed landscape architect.

(b) "Residential property" means a single-family, detached building located on a lot that is actively used for single-family residential purposes and that is either a conforming use or a legally recognized nonconforming use in accordance with the local jurisdiction's applicable land development regulations.

(2) A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on a residential property if the property owner possesses documentation from an arborist certified by the ISA or a Florida licensed landscape architect that the tree poses an unacceptable risk to persons or property. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017).

(3) A local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this section.

(4) This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to ss. 403.9321-403.9333.

History.—s. 1, ch. 2019-155; s. 1, ch. 2022-121.

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Memorandum

Meeting Details: July 6, 2026 – Planning Commission Meeting
Prepared For: Planning Commission
Staff Contact: Community Development Department – Joseph Petraglia, Planner II
Subject: Nonconformities and Business Tax Receipt Requirements – Discussion

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Background:

The City's nonconformity regulations generally allow legally established structures and uses that do not comply with current zoning regulations to continue, but discourage their expansion and encourage eventual conformity over time. The stated intent of Chapter 110, Article III is to allow lawful nonconformities to continue while restricting further investment that would make those nonconformities more permanent. The Code recognizes that lawful nonconforming uses, structures, and densities may continue until removed through economic forces, redevelopment, or other circumstances.

Sections 110-95 (Reestablishment of Uses After an Involuntary Loss) and 110-96 (Rebuilding After a Catastrophic Loss) provide exceptions that allow certain legally nonconforming uses, structures, and densities to be rebuilt following damage or destruction caused by hurricanes, similar involuntary events. Under the existing code, these provisions are only available if the property owner maintained a required Business Tax Receipt (BTR) at the time of the disaster.

Following the 2024 hurricane season, staff encountered properties that were legally nonconforming but were not operating with a current BTR at the time of the storm. In these situations, the absence of a BTR resulted in the loss of otherwise lawful nonconforming rights, even when the properties could have been permitted to retain those rights had the structures been repaired at grade under the 50% rule. At the April 29, 2026 Board of Commissioners Workshop, the Board directed staff to explore amendments that would preserve the intent of the BTR requirement while avoiding unintended consequences that could permanently eliminate lawful nonconforming rights in the absence of one.

With this update, staff is also providing the option for the commission to consider some other changes within the article highlighted in the discussion below.

Discussion:

There are different types of nonconformities. The stated intent of the city code is to eliminate nonconformities over time as they are incompatible with the provisions of the city's comprehensive plan and code. There are different types of nonconformities discussed in the code:

- Nonconforming uses: uses not permitted in that zoning district;
- Nonconforming density: the use is allowed, but there are more units than the land area would currently allow;
- Nonconforming structures: Do not meet the current setback, height, floodplain or other dimensional regulations;
- Nonconforming lots: do not meet the current lot area, lot width or lot depth dimensions required.

Staff plan to re-evaluate the entire nonconforming article of the code in the coming months, but that rewrite will require additional research, feedback, and discussion. The changes currently shown are highlighted below:

- As mentioned in the background above, Sections 110-95 and 110-96 have been amended to allow properties that were operating without a required BTR similar privileges to those that maintained a valid BTR. The proposed amendment includes a stipulation that such properties must either apply for the applicable permit or obtain a Zoning Verification Letter from the City on or before September 25, 2027. Staff recommends this requirement because, without either a reasonable deadline or a BTR to help document the legally established nonconforming use and/or density, it may become increasingly difficult to accurately verify pre-existing conditions in the future. The proposed deadline is consistent with the date by which hurricane repair permits associated with Hurricanes Helene and Milton must be completed and generally aligns with the anticipated expiration of temporary state-authorized RV occupancy provisions. Staff is also exploring additional methods to improve awareness of and compliance with the City's BTR requirements, including potential review triggers associated with multifamily and commercial building permits.
- Another change included in this ordinance would allow properties in the R-1 zoning district to apply through the redevelopment planning process to rebuild and retain legally nonconforming uses in a manner similar to the provisions available following a catastrophic or involuntary loss. Currently, nonconforming uses located within the R-1 zoning district may only be rebuilt following a declared disaster or substantial damage event, while properties in other zoning districts may seek approval to retain nonconformities through the redevelopment planning process.
- The amendments to Sections 110-96(b)(5) and 110-97(b)(5) clarify that commercial properties may retain their existing nonconforming floor area ratio (FAR) when rebuilt under the conditions specified in those sections. FAR is generally more likely to be a limiting redevelopment factor for commercial

properties than for residential properties. The proposed language also removes a reference to FEMA regulations that is unnecessary because compliance with applicable floodplain and building regulations is already required elsewhere in the Code. The amendment is intended as a clarification of the original intent of the section and does not reduce the City's ability to enforce applicable floodplain requirements.

- Finally, this ordinance proposes an amendment to extend the September 24th deadline an additional year to make repairs to nonconforming structures damaged less than 50% through the 2024 hurricanes. This recommendation is being proposed based on the responses received from the city's initial mailing that was sent to 452 pre-FIRM properties that have not yet obtained the required permits that the city is expected to produce to FEMA. A list of properties suspected of having received damage but not obtaining any related permits is being regularly updated and is publicly available at: https://madeirabeachfl.withforerunner.com/view/518ced28-2a44-46ce-8566-a918b9ad3820

The remaining proposed changes are intended solely for clarification purposes and would not result in any substantive change to the Code's current or historical interpretation and application. For example, the amendment to Section 110-97 expressly recognizes the City's longstanding practice of allowing legally nonconforming density to be consolidated or reconfigured through the redevelopment planning process, which requires publicly noticed hearings before both the Planning Commission and Board of Commissioners. This clarification does not create new redevelopment rights but rather codifies an existing administrative interpretation. At the same time, the Code does not currently provide similar flexibility for properties rebuilding after a catastrophic or involuntary loss, as those provisions are generally administrative approvals that do not require public hearings.

All proposed changes have been discussed at the June 24th board of commissioners regular workshop meeting.

Fiscal Impact:

None anticipated. The proposed amendments are administrative in nature and are not expected to result in any direct fiscal impact to the City.

Recommendation(s):

Authorize preparation of draft ordinance amendments for future Board and Planning Commission consideration.

Attachments/Corresponding Documents:

- Draft Ordinance of Chapter 110, Article III – Nonconformances

ARTICLE III. NONCONFORMANCES

Sec. 110-91. Purpose and intent.

(a) It is the intent of this article to provide for the continuance of lawful nonconformities, without unduly restricting the owners ability to maintain or improve their property, but to restrict further investment which would make the nonconformity more permanent. This article is intended to permit lawful nonconforming uses and structures created by the adoption of this Code to continue, until removed by economic or other forces. This article is intended to discourage the continuation of nonconformities as they are incompatible with the provisions of the city comprehensive plan and this Code.

(b) All rights and obligations associated with a nonconforming status run with the property, are not personal to the present ownership or tenant, and are not effected by a change of ownership or tenancy, unless abandoned.

Sec. 110-92. Classification.

(a) Nonconformities are classified as follows:

(1) Lots.

(2) Uses of land and structures.

(3) Structures.

(4) Characteristics of use.

(b) A nonconformity may also be created where lawful public taking or actions pursuant to a court order create violations of the land development regulations.

Sec. 110-93. Intent concerning nonconforming property, structures and uses.

It is the intent of the land development regulations that these nonconformities shall be considered to be incompatible with the permitted uses within the city districts. Such nonconformities shall not be enlarged or extended in any respect.

(1) *Nonconforming lots.*

a. *Use of single, nonconforming lots for residential districts.* Notwithstanding the maximum density requirements of the comprehensive plan, in residential districts, the single-family and customary accessory structures may be erected, reconstructed, occupied and used on separate nonconforming lots of record which are not in continuous frontage with other lots in the same ownership in accord with other requirements applying in the separate districts.

b. *Use of single, nonconforming lots for nonresidential uses.* In other than residential districts, a nonconforming lot of record which is not in continuous frontage with other lots in the same ownership, may accommodate uses permitted within that district in accordance with other requirements applying in that district.

c. *Rules concerning combination of contiguous nonconforming lots in same ownership and with continuous frontage.*

1. *Where nonconforming status was created at enactment or amendment of this Code or of the comprehensive plan.* Where more than one nonconforming lot of record in single ownership and with continuous frontage exists, they shall be combined and considered a single zoning lot. The zoning administrator shall authorize their use only when the lot area and lot width requirements for the district in which the lots are located are satisfied. Full setback requirements shall apply to all of the newly created lots.

2. *Combination not required where nonconformity created by public taking or court order.* Where the nonconforming lots were created by public taking action or as a result of a court order, a combining of the individual lots shall not be required.

(2) *Nonconforming uses.* Nonconforming uses of land shall be brought into conformance as soon as reasonably possible, but may continue provided they meet the criteria listed below or if the loss is involuntary as provided for in Sec. 110-95.

a. There shall be no replacement, enlargement, increase in activity or alterations to any nonconforming use, permanent structure or both.

b. No such nonconforming use shall be relocated or moved to any portion of the lot other than that occupied at the time that the nonconforming status was created.

c. When a nonconforming use is changed, modified or diversified to meet requirements of a conforming use, the building or structure in which the use is located shall conform to the development standards and regulations as set forth in this Code.

d. If any nonconforming use, or any portion thereof, ceases for any reason for more than one year (365 days), the status of the nonconforming use shall terminate and all subsequent uses shall conform to the regulations of the district in which such use is located. In cases of involuntary loss as described in Sec. 110-95 there is no time limitation.

(3) *Nonconforming structures.* Where a lawful structure exists at the time of the passage or amendment of the land development regulations which could no longer be built under the terms of the land development

regulations by reason of restrictions on area, lot coverage, height, or other characteristics of the structure or location on lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. That any addition, alteration or renovation to the structure shall not increase the degree of nonconformity or result in the conversion of a nonconforming carport, garage, screen enclosure, patio roof, storage area or other non-habitable area into a habitable area unless specifically approved by the special magistrate. Structural changes which decrease the degree of nonconformity shall be permitted. Structures that are nonconforming due solely to their flood elevation may be altered in accordance with the provisions of chapter 94.

b. A nonconforming structure or portion thereof, if damaged by fire, natural elements or force to an amount equal to or greater than 50 percent of its current fair market value as of the day immediately preceding such damage, may only be reconstructed in accordance with the provisions of article V of this chapter regarding district regulations for the district in which it is located and the floodplain management regulations established in chapter 94 of this Code or as otherwise provided in this article.

c. Should the damage be less than 50 percent of its current fair market value, the structure may remain and repairs may be made under the zoning district regulations in effect at the time of original construction, provided that a permit is issued and notice of commencement recorded in the Official Records of Pinellas County, Florida within 18 months after such damage. All repairs must be made to comply with current building codes and not be in violation of the provisions of the floodplain management regulations and other applicable codes of the city. In the event that the permit has not been issued within 18 months, and work not completed and the permit closed within 36 months from the date the damage occurred, the structure shall not be further repaired or rebuilt, except in conformity with the entire requirements of this Code. For structures damaged due to the 2024 hurricanes, ~~this ~~the 18-month deadline shall be extended until September 24~~5~~, 2027~~6~~, and the 36-month deadline extended until September 25, 2028.

d. Routine repairs and maintenance of nonconforming structures, fixtures, wiring and plumbing, or the repair or replacement of non-load bearing walls shall be permitted.

e. Owners of nonconforming residential structures in an R-1, R-2 or R-3 zoning district that wish to elevate or replace their existing structures with the lowest habitable floor at or above ~~base ~~design flood elevation shall be exempt from the setback provisions of article V of this chapter

regarding district regulations, so long as the structure remains within the existing footprint.

f. In recognition of the narrow lot dimensions and the preexisting development patterns in some older neighborhoods, the following exceptions can be considered by the planning commission for approval for lots of 50 feet in width or less:

1. Legal nonconforming residential structures in an R-2 or R-3 zoning district with side yard encroachments may extend along the line of the existing encroachment without increasing the depth of the encroachment into the setback as long as a minimum of three feet of setback from the structural wall is retained on one side of the house and a minimum of five feet of clearance remains on the other side of the house (no permanent improvement of any kind, including mechanical equipment or storage units may exist or be placed or installed in the five feet clearance along the entire side of the structure nor can the area be obstructed by landscaping that prevents access across/through the clear area, although the area may be fenced as long as it is accessible by way of a gate). Additionally, the property that is the subject of reduced setbacks must be improved with drainage systems including but not limited to roof gutter systems adequate to carry all runoff and direct it away from the neighboring property in a manner that ensures no impact upon the neighboring property. The required clearance area is not a reduction of setback but a minimum clear path of access between the front and rear yard. Furthermore, extensions along an existing encroachment line can be approved only if the neighbor on the extending encroached side indicates support for the extension by notarized statement. Nothing in this provision can be used to approve the creation of a new nonconformity.

2. Legal nonconforming uses and structures in an R-1, R-2 or R-3 zoning districts with a front or rear yard setback encroachment may extend the encroachment to an average of that encroachment on lots adjoining and facing it.

3. Additions of a second floor to legal nonconforming structures in the R-1, R-2 and R-3 districts is permitted as long as the extension/addition does not create any new encroachment, does not violate the height restrictions, provides a minimum of 18″ clearance between any building element and the property line, and does not increase the depth into any existing encroachment. Approval of such additions require the neighbor on the side or facing property where the encroachment is proposed to be heightened to indicate by notarized statement their support for the addition.

4. Approval of such additions require pre-hearing notice to adjoining property owners who may indicate their support for the addition by notarized statement or submittal of written or oral objections prior to or during the planning commission hearing.
5. Appeals of planning commission approvals may be brought to the city commission by filing a notice of appeal within 30 days of the signed planning commission decision.

(4) *Nonconforming characteristics of use.* Nonconforming characteristics of use which may include, but not limited to inadequate parking and loading facilities, inappropriate landscaping, lighting, emissions, etc., may continue to operate but shall not be expanded, altered, changed or relocated in such a manner as to increase the degree of nonconformity. Any such nonconforming characteristic shall be made compliant with this code to the extent possible when the principal structure is otherwise required to comply with current code requirements.

Sec. 110-94. Nonconforming structures unsafe for reasons other than lack of maintenance.

Nonconforming structures or portions thereof which are declared unsafe by the building and zoning official or other competent authority, but not because of lack of maintenance, may be repaired and restored except as provided in subsection 110-94(3).

Sec. 110-95. Reestablishment of uses after an involuntary loss.

(a) In the event that any residential or hotel/motel structure is damaged greater than 50 percent or destroyed by a hurricane, tornado, fire, flood, wind, storm, natural disaster, or other unintended, involuntary action; it can be repaired or reconstructed in a manner which guarantees that each dwelling unit, tourist unit and all permitted accessory uses can be restored to the same square footage which existed the day immediately preceding such damage.

(b) Nothing contained herein shall be construed to permit more dwelling units or an increase in square footage of the structure than existed prior to the day immediately preceding such damage. The burden of proof as to what existed prior to the disaster shall rest with the property owner. Each property owner shall provide the city with a site plan, as-built surveys, or architecturally-sealed floor plans. The plans or surveys shall provide enough information to determine the existing legally permitted development on the site prior to the day immediately preceding such damage.

(c) Local business tax receipt required. Failure to have a current required local business tax receipt, where applicable, in force at the time of declared disaster

will prevent this section from applying to that property. For structures containing nonconforming uses that were damaged during the 2024 hurricanes, an exception to the business tax receipt requirement shall be permitted, provided that a Zoning Verification Letter is obtained, or a sufficient permit or Site Plan application is submitted, on or before September 25, 2027.

(d) There is no time limitation to apply for a permit for reestablishment of uses after an involuntary loss as long as the above criteria of this section are met.

Sec. 110-96. Rebuilding after a catastrophic loss.

(a) *Declaration of disaster area.* A disaster area is any area of major multiple property loss in which the board of commissioners, county board of county commissioners, the governor of the state or the federal government declares the loss a disaster area.

(b) *Rebuilding regulations.* Rebuilding regulations shall be as follows:

(1) *Single-family.* May be rebuilt within the same footprint if it complies with all other existing regulatory codes and provisions of the land development regulations.

(2) *Duplexes and triplexes on a nonconforming lot.* Duplexes [and triplexes] on a nonconforming lot may be rebuilt to existing nonconformity if the new structure complies with required front setback, height, parking requirements and floodplain regulations effective at the time of building permit application.

(3) *Multifamily in R-1 and R-2 on a nonconforming lot.* Multifamily in R-1 and R-2 on a nonconforming lot shall be the same as duplexes and triplexes, except they must comply with the parking regulations as contained in their pre-damage certificate of occupancy.

(4) *Multifamily, hotel, motel, motor lodges.* Multifamily, hotel, motel and motor lodges may be rebuilt to same density, height and side setbacks, but must comply with the front setback, the county coastal construction control line, floodplain regulations, fire codes, and parking regulations as contained in their certificate of occupancy and any other requirements effective at the time of building permit application.

(5) *Commercial.* Commercial may be rebuilt within the same footprint and having the same floor area ratio and parking spaces available at the time of disaster, but would have to meet all other existing regulatory codes and provisions of the land development regulations. ~~minimum FEMA regulations for elevated structures and/or flood proofing to the required height per the National Flood Rate Insurance Map for its commercial location.~~

(6) ~~*Occupational license required*~~*Local business tax receipt required.* Failure to have a current required ~~occupational license~~ local business tax receipt, where applicable, in force at the time of declared disaster will prevent this section from applying to that property. For the 2024 hurricanes, an exception to the business tax receipt requirement shall be permitted, provided that a Zoning Verification Letter is obtained, or a sufficient permit or Site Plan application is submitted, on or before September 25, 2027

(7) There is no time limitation to apply for a permit for rebuilding after a catastrophic loss as defined in the section.

Sec. 110-97. Redevelopment planning process.

(a) *Purpose and intent.* It is the intent of this section to provide for the reconstruction of nonconforming residential and transient properties, ~~except for those in an R-1 zoning district,~~ for the purposes of redevelopment provided that the following steps shall be taken prior to the demolition of any units or buildings:

(1) *Existing or pre-existing dwelling unit verification.* The verification of the number of existing legal dwelling units and their type shall be through the city manager or designee.

(2) *Preliminary site plan review of redevelopment plan.* Preparation by the applicant of a redevelopment site plan for preliminary redevelopment site plan review by the city manager or designee. It must be demonstrated that the site can adequately accommodate the requested number of units by meeting the rebuilding regulations outlined in the process of this section of the Code. The applicant will meet the existing code to the maximum extent possible. This redevelopment site plan shall comply with the site plan requirements of chapter 110, article II, Site plans, of this Code. In addition to the standard site plan review requirements, all redevelopment site plans shall include the dimensions and floor area in square feet of all rooms and units.

(3) *Fee.* The application fee shall be the same as the regular site plan review fee found in article III, Community development, section F ~~D~~, Site plan, numbers 2 and 3, as adopted in the most recent edition of the city's fees and collection procedure manual.

(4) *Plan review.* The review of the redevelopment Plan shall be through the quasi-judicial public hearing process outlined in chapter 2, Administration, article I, In general, division 2, Quasi-judicial proceedings before the board of commissioners. The notification procedure shall follow subsection 2-503(c), Notification, found in chapter 2, article VIII, Special magistrate, of this Code.

(5) *Changes in the redevelopment plan.* The redevelopment plan may be amended by mutual consent of the city and applicant, provided the notification and public hearing process of this article are followed.

(b) *Rebuilding regulations for the redevelopment of existing dwelling units.* The rebuilding regulations for the redevelopment of existing dwelling units ~~except for those in an R-1 zoning district,~~ through the redevelopment planning process shall be as follows:

(1) *Single-family.* May be rebuilt within the same footprint if it complies with all other existing regulatory codes and provisions of the land development regulations.

(2) *Duplexes and triplexes on a nonconforming lot.* Duplexes (and triplexes) on a nonconforming lot may be rebuilt to existing nonconformity if the new structure complies with required front setback, height, parking requirements and floodplain regulations effective at the time of building permit application.

(3) *Multifamily on a nonconforming lot.* Multifamily, ~~except for those in an R-1 zoning district,~~ on a nonconforming lot shall be the same as duplexes and triplexes, except they must comply with the parking regulations as contained in their pre-demolition certificate of occupancy.

(4) *Multifamily, hotel, motel, motor lodges.* Multifamily, hotel, motel and motor lodges may be rebuilt to same density, height and side setbacks, but must comply with the front setback, the county coastal construction control line, floodplain regulations, fire codes, and parking regulations as contained in their certificate of occupancy and any other requirements effective at the time of building permit application.

(5) *Commercial.* Commercial may be rebuilt within the same footprint and having the same floor area ratio and parking spaces available at the time of disaster, but would have to meet all other existing regulatory codes and provisions of the land development regulations. ~~minimum FEMA regulations for elevated structures and/or flood proofing to the required height per the National Flood Rate Insurance Map for its commercial location.~~

(6) *Business tax receipt required.* Failure to be current with respect to full payment of the required annual business tax at the time a redevelopment plan is sought will prevent this section from applying to that property.

(c) *Planning commission and board of commissioners review.* The planning commission shall conduct one public hearing to consider any application to review or change a redevelopment plan. The board of commissioners shall conduct a second public hearing to consider any application to review or change a redevelopment plan. Upon conclusion of the second public hearing, the board of commissioners shall review the proposed redevelopment plan, the recommendations of the city manager or his/her designee, the

recommendations of the planning commission and the testimony at the public hearings. The board of commissioners shall thereafter approve, approve with conditions, or deny the application approve or change a redevelopment plan.

(d) *Aggregation of nonconforming density.* The Community Development Director may approve alternative site and building configurations as it relates to the number of dwelling units as part of a redevelopment plan, such as the reconfiguration or consolidation of dwelling units from multiple existing buildings into one or more buildings, so long as the alternative design does not further perpetuate or increase the degree of nonconformity or density.

Secs. 110-98—110-120. Reserved.

Section 2. That this Ordinance shall become effective immediately upon its passage and adoption.

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 Code of Ordinances 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 7. 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 ______________, 2026.

____
Anne-Marie Brooks, 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: ______________________________