



PLANNING COMMISSION MEETING AGENDA

Monday, August 03, 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.

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. Elect New Vice Chair

B. ORD 2026-09, Nonconformances and rebuilding regulations

C. ORD 2026-10, Chapter 106, Vegetation

D. ORD 2026-11, Section 110-423 - Intersection Visibility

E. ORD 2026-12, Repealing Section 110-670 – Landscaping green area

F. Ordinance 2026-13, Chapter 82, Definitions Related to Chapter 106

6. OLD BUSINESS

7. ADMINISTRATIVE/STAFF PRESENTATION

8. PLANNING COMMISSION DISCUSSION

9. NEXT MEETING

Next meeting is scheduled for Monday, September 14th 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
July 7, 2026 – MINUTES

Planning Commission Meeting Minutes

1. Call to Order

Chairman Wyckoff called the meeting to order at 6:01 PM.

2. Roll Call

Present: Chairman Wyckoff; Commissioners Holloway, Meagher, and LaRue.

Absent: Commissioners Cloud, Noble, and Connolly.

A quorum was established.

3. Public Comment

No members of the public were present.

4. Approval of Minutes

The June 2026 meeting minutes were approved unanimously (4-0).

5. New Business

A. Resolution 2026-06 – Moratorium on Collection of Mobility Fee

Staff presented Resolution 2026-06 to extend the City's mobility fee moratorium through July 31, 2027, while amendments to the Comprehensive Plan and Land Development Regulations are completed. Staff explained the potential overlap between the City's mobility fee and the County's transportation impact fee.

Commissioners discussed the financial impact on property owners, possible refunds of previously collected fees, and the effect on capital projects. Staff indicated refund issues would be addressed during future code amendments.

Motion: Commissioner Meagher moved to approve Resolution 2026-06, seconded by Commissioner LaRue. Motion passed 4-0.

B. Landscaping Regulations – Discussion

Staff presented proposed amendments to landscaping regulations and requested Commission feedback before preparing a formal ordinance.

Topics discussed included:

- Removing the residential living ground cover requirement.
- Right-of-way landscaping materials and maintenance responsibilities.
- Updating artificial turf regulations to comply with state law.
- Simplifying intersection visibility standards.
- Revising tree regulations and considering a tree credit program.

Staff will return with a revised ordinance at the next meeting.

C. Nonconformities and Business Tax Receipt Requirements – Discussion

Staff reviewed proposed amendments to the City's nonconforming use regulations, including:

- Allowing property owners to cure missing Business Tax Receipt requirements after storm damage.
- Removing the R-1 zoning exemption for redevelopment planning.
- Clarifying commercial rebuilding standards using Floor Area Ratio.
- Extending permit deadlines for structures with less than 50% storm damage.

Commissioners discussed balancing additional time for storm recovery with the need to encourage compliance. Staff will provide additional data and return with a revised ordinance for formal consideration.

6. Old Business

None.

7. Administrative/Staff Presentation

None.

8. Planning Commission Discussion

Chairman Wyckoff announced that the election of a Vice Chairperson would be placed on the next meeting agenda.

9. Next Meeting

Monday, August 3, 2026, at 6:00 PM, Commission Chambers, Madeira Beach City Hall.

10. Informational Materials

None.

11. Adjournment

The meeting was adjourned by Chairman Wyckoff.

Next Meeting

The next Planning Commission meeting is scheduled for Monday, August 3, 2026, at 6:00 p.m.

Adjournment

The meeting was adjourned at 7:13 PM.

Michael Wyckoff, Chairman

Date

Lisa Scheuermann, Board Secretary

Date



Memorandum

Meeting Details: August 3rd, 2026— Planning Commission Meeting
Prepared For: Planning Commission
Staff Contact: Community Development Department – Joseph Petraglia, Planner II
Subject: Ordinance 2026-09, Nonconformances and rebuilding regulations

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. **This ordinance has remained unchanged since the last Planning Commission Meeting.**

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>

As of July 23rd, of the 452 letters sent, 60 (13%) are no longer on the no permit status, and 14 resident conversations have been logged on properties still on the "no permit" status.

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):

Staff recommends the Planning Commission provide a recommendation of approval to allow the ordinance to proceed to first reading at the next regularly scheduled Board of Commissioners meeting.

Attachments/Corresponding Documents:

- ORD 2026-09, Nonconformances and rebuilding regulations
- ORD 2026-09, Business Impact Estimate

ORDINANCE 2026-09

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 (ZONING), ARTICLE III (NONCONFORMANCES), OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO CLARIFY REGULATIONS GOVERNING NONCONFORMING LOTS, USES, STRUCTURES, AND DENSITY; TO REVISE REBUILDING AND REDEVELOPMENT STANDARDS FOLLOWING A CATASTROPHIC LOSS; EXTENDING THE DEADLINE FOR CERTAIN REPAIRS RELATED TO THE 2024 HURRICANES; TO WAIVE THE BUSINESS TAX RECEIPT REQUIREMENT FOR STRUCTURES THAT WERE DAMAGED DURING THE 2024 HURRICANES PROVIDED THAT CERTAIN CONDITIONS ARE MET; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 110, Article III of the Land Development Regulations establishes regulations governing nonconforming lots, uses, structures, density, and rebuilding following a catastrophic loss; and

WHEREAS, City staff has identified provisions within the nonconforming regulations that would benefit from clarification to improve readability, eliminate inconsistencies, and better reflect the City's longstanding interpretation and administration of the code; and

WHEREAS, following the 2024 hurricane season, the City adopted temporary provisions allowing additional time for owners of structures sustaining less than 50 percent damage to obtain permits for repairs, and many affected property owners have advised the City that they continue to await insurance proceeds, grant funding, or other financial assistance needed to complete repairs; and

WHEREAS, some sections allow nonconformities to be rebuilt following storm or other damage events, however, such sections do not apply to properties that were operating without a required business tax receipt; and

WHEREAS, the Board of Commissioners directed staff to review this business tax receipt requirement; and

WHEREAS, the City's redevelopment planning process has historically been used to allow alternative configurations of legally established nonconforming lots, uses, structures, and density that would not otherwise be permitted by right under the rebuilding after a catastrophic loss regulations; and

WHEREAS, because the redevelopment planning process does not currently apply to properties within the R-1 Single-Family Residential zoning district, legally established multifamily buildings and other nonconforming uses located within the R-1 district do not have the same opportunities for redevelopment as similarly situated properties in other zoning districts outside of catastrophic loss events or substantial damage; and

WHEREAS, the proposed amendments also clarify the treatment of nonconforming uses, structures, density, and lots; revise provisions related to rebuilding after catastrophic loss and redevelopment; and make other revisions necessary for consistency throughout the Land Development Regulations; and

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

Section 1. That Article III (Nonconformances) of Chapter 110 (Zoning) of the Land Development Regulations of the City of Madeira Beach is hereby amended to read as follows:

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 24⁵, 2027⁶, 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 use shall be made compliant with this code when the principal structure is 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. The business tax receipt requirement shall be waived for structures containing nonconforming uses that were damaged during the September and October 2024 hurricanes, provided that a Zoning Verification Letter is obtained from the Community Development Department, or a complete permit application 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 shall meet all other current 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. The business tax receipt requirement shall be waived for structures that were damaged during the September and October 2024 hurricanes, provided that a Zoning Verification Letter is obtained from the Community Development Department, or a complete permit application 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 ~~E 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 shall meet all other current 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. For purposes of codification of any existing section of the Madeira Beach Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

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

Section 4. In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

Section 5. The Codifier shall codify the substantive amendments to the 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 6. Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY
OF MADEIRA BEACH, FLORIDA, THIS _____ day of _____, 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: _____

Business Impact Estimate

Proposed ordinance's title/reference:

ORDINANCE 2026-09

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 (ZONING), ARTICLE III (NONCONFORMANCES), OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO CLARIFY REGULATIONS GOVERNING NONCONFORMING LOTS, USES, STRUCTURES, AND DENSITY; TO REVISE REBUILDING AND REDEVELOPMENT STANDARDS FOLLOWING A CATASTROPHIC LOSS; EXTENDING THE DEADLINE FOR CERTAIN REPAIRS RELATED TO THE 2024 HURRICANES; TO WAIVE THE BUSINESS TAX RECEIPT REQUIREMENT FOR STRUCTURES THAT WERE DAMAGED DURING THE 2024 HURRICANES PROVIDED THAT CERTAIN CONDITIONS ARE MET; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits as those terms are defined in Section 163.3164, Florida Statutes, and development agreements as authorized by the Florida Local Government Development Agreement Act under Sections 163.3220-163.3243, Florida Statutes;
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party;

¹ See Section 166.041(4)(c), Florida Statutes.

- c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The purpose of the ordinance is to clarify existing rebuilding regulations and provide additional flexibility to certain nonconforming properties.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Madeira Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

It is estimated that there will be no additional costs for businesses. The regulatory costs to the city will not change.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

Any business that plans to rebuild may have slightly more flexibility in keeping existing conditions.

4. Additional information the governing body deems useful (if any):

N/A



Memorandum

Meeting Details: August 3rd, 2026 – Planning Commission Meeting
Prepared For: Planning Commission
Staff Contact: Community Development Department – Joseph Petraglia, Planner II
Subject: ORD 2026-10 - Chapter 106, Vegetation

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.

This ordinance is as presented in the last Planning Commission Meeting with minor changes based on feedback from this meeting, from the city attorney, and additional staff review. All other discussed amendments are included in Ordinances 2026-11 through 2026-13.

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 an

operational challenges for Public Works staff. The Board may wish to consider establishing standards that right-of-way landscaping to approved vegetation and groundcover materials while prohibiting materials that 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):

Staff recommends the Planning Commission provide a recommendation of approval to allow the ordinance to proceed to first reading at the next regularly scheduled Board of Commissioners meeting.

Attachments/Corresponding Documents:

- ORD 2026-10, Chapter 106, Vegetation
- Chapter 125 Section 572 - Florida Statutes
- DEP Standards for Artificial Turf Effective 5.19.26
- Chapter 163 Section 045 - Florida Statutes
- ORD 2026-10, Business Impact

ORDINANCE 2026-10

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 106 (VEGETATION) OF THE CITY OF MADEIRA BEACH LAND DEVELOPMENT REGULATIONS TO REDUCE GENERAL LANDSCAPE REQUIREMENTS AND STANDARDS; TO CONSOLIDATE CONFLICTING SECTIONS; TO ADD SPECIFIC REQUIREMENTS FOR RIGHTS OF WAY; TO ADD SPECIFIC REQUIREMENTS FOR ARTIFICIAL TURF; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 106 of the City's Land Development Regulations has not undergone a comprehensive update in many years and certain provisions would benefit from clarification, modernization, and improved organization; and

WHEREAS, City staff has identified landscaping regulations that are outdated, duplicative, unnecessarily burdensome, or difficult to administer, and has recommended amendments to improve clarity, consistency, and ease of administration while maintaining the City's landscaping objectives; and

WHEREAS, section 125.572, Florida Statutes, establishes limitations on local government regulation of synthetic turf, and these amendments are intended to ensure the City's regulations are consistent with applicable state law; and

WHEREAS, the Florida Department of Environmental Protection has published guidance regarding the installation, drainage, and maintenance of synthetic turf to protect water quality and stormwater systems, and these amendments incorporate standards consistent with such guidance; and

WHEREAS, the proposed amendments also update tree planting, preservation, replacement, irrigation, rights-of-way landscaping, and other landscaping standards to reflect current best practices and improve long-term maintenance of landscaping throughout the City; and

WHEREAS, section 163.045, Florida Statutes, limits local regulation of the removal, pruning, and trimming of trees on certain residential properties and these amendments are intended to ensure the City's regulations remain consistent with state law.

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

Section 1. That Article II (Landscaping) and Article III (Trees) of Chapter 106 (Vegetation) of the City of Madeira Beach Land Development Regulations shall be amended to read as follows:

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 and landscaping 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.

Sec. 106-32. General landscape requirements.

- (a) ~~Minimum requirements for landscaping must consist of a combination of~~ 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 pervious 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 or parking, will not satisfy landscaping requirements in any location.~~ Mulch may only be used underneath ground cover, accent plants, shrubs and trees, provided the ground cover, accent plants, shrubs and trees or a combination thereof are planted and maintained at a cumulative ratio of at least one shrub or tree, planted within the mulch per each ten square feet of organic mulched area but shall not otherwise be used as a substitute for required landscaped area.
- (b) When trees are required to meet the landscape requirements, such trees shall meet the same minimum standards as required of replacement trees 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.~~

Sec. 106-33. Residential single-family, townhouse, 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~~ New construction and substantial improvements of the primary structure shall provide the minimum number of trees prescribed below in subsection 106-72(a). For townhouses, the minimum number of required trees shall be determined based on the aggregate net land area. The required trees shall be distributed so that each townhouse lot contains and maintains at least one required tree, unless the individual lot area requires a greater number.

<u>Net Land Area (in Square Feet)</u>	<u>Minimum Number of Trees</u>
<u>3,500— 6,000</u>	<u>2</u>
<u>6,001— 7,500</u>	<u>3</u>
<u>7,501—10,000</u>	<u>4</u>
<u>10,001—16,000</u>	<u>6</u>
<u>Over 16,000</u>	<u>8</u>

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

Sec. 106-34. Residential multifamily or commercial non-residential.

- ~~(a) All new r~~Residential multifamily (excluding triplex), non-residential or commercial developments will and off-street parking areas not contained within a building, including standalone parking lots, shall require a minimum of ten percent of the net land area as landscape areas. 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.~~

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

The perimeter landscaping for residential multifamily (excluding triplex), or commercial non-residential, including standalone parking lots 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 such as crushed shall not satisfy the vegetation requirements of required landscape buffers which must be maintained as green area.~~

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

~~The exposed ground surface within public rights-of-way maintained by an adjoining property owner shall meet the general landscape requirements, excluding areas of walkways, sidewalks, or driveways.~~

~~Artificial turf and other surfaces or structures that may be burdensome or costly to remove or install may be permitted within public rights-of-way only upon approval by the Public Works Director. Such surfaces installed within a public right-of-way shall be subject to removal by the city at any time, without prior notice, and all costs of removal and restoration shall be the sole responsibility of the adjoining property owner.~~

~~Shrubs, hedges, and mulch 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.~~

~~Any irrigation system installed shall be at least one foot away from the curb or abutting street paving.~~

~~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.~~

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 when installed within the footprint of a~~

building such as on a balcony and that one installation of 100 square feet or less is allowed on a lot 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 any drainage facility, stormwater pond, or drainage feature required as part of an approved stormwater management system;
- (2) In a manner that restricts access to a septic tank;
- (3) Closer than ten feet to the mean high-water line along waterbodies, including canals, except immediately landward of, or on top of a seawall;
- (4) Within required perimeter landscape buffers; or
- (5) 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 or other documentation 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, Article 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.~~

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. Landscaped areas shall be provided with and maintained using an adequate water supply, including irrigation where necessary to sustain healthy plant material.
- (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.
- (d) Mulch, shell, rock, gravel, 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.

~~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.~~

~~Sec. 106-40. 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.~~

Sec. 106-~~39~~41. 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.

Sec. 106-4~~0~~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.

Secs. 106-4~~1~~3—106-6~~1~~0. Reserved.

ARTICLE III. TREES

Sec. 106-6~~2~~4. 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.

Sec. 106-6~~3~~2. ~~Native and Florida-friendly~~ Permitted 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~~" having a drought tolerance rating of Medium or higher on the University of Florida IFAS Extension "Florida Friendly Plant List," as updated from time to time.

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

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

- ~~(1) Camphor—*Cinnamomum 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.~~

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

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

The following species shall not receive landscape credit, shall not be planted within the city, and shall not require replacement pursuant to this chapter:

- (1) Punk (cajeput) tree—*Malaleuca quinquenervia 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*).

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.

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.

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.

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.

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 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.

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.

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

- (a) ~~Species.~~ The species of the required or replacement tree shall be the same as those being requested for removal from the natural environment or shall be listed in section 106-6~~32~~.
- (b) ~~Minimum standards.~~ All required or 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.
- (e) ~~(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.

Sec. 106-72. Same—Replacement trees.

- (a) ~~Residential lots. For all 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 required under sections 106-33 through 106-36. 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.
- (b) Existing healthy trees preserved on the site may be credited toward the minimum tree requirements of sections 106-33 through 106-36 at the following ratios:
 - 4"—10" DBH = 1 tree
 - 10"—20" DBH = 2 trees
 - Over 20" DBH = 3 trees
- (c) 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.

~~Tree Replacement Requirements for Residential Zones~~

—Lot Size Square Footage (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 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 106-334 through 106-356; whichever is greater.~~

Section 2. For purposes of codification of any existing section of the Madeira Beach Code herein amended, words **underlined** represent additions to original text, words **stricken** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

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

Section 4. In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

Section 5. The Codifier shall codify the substantive amendments to the 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 6. Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY
OF MADEIRA BEACH, FLORIDA, THIS _____ day of _____, 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: _____

The Florida Senate

Item 5C.

2025 Florida Statutes

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

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

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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.

The Florida Senate

Item 5C.

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

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

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

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Business Impact Estimate

Proposed ordinance's title/reference:

ORDINANCE 2026-10

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 106 (VEGETATION) OF THE CITY OF MADEIRA BEACH LAND DEVELOPMENT REGULATIONS TO REDUCE GENERAL LANDSCAPE REQUIREMENTS AND STANDARDS; TO CONSOLIDATE CONFLICTING SECTIONS; TO ADD SPECIFIC REQUIREMENTS FOR RIGHTS OF WAY; TO ADD SPECIFIC REQUIREMENTS FOR ARTIFICIAL TURF; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits as those terms are defined in Section 163.3164, Florida Statutes, and development agreements as authorized by the Florida Local Government Development Agreement Act under Sections 163.3220-163.3243, Florida Statutes;
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party;
 - c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or

¹ See Section 166.041(4)(c), Florida Statutes.

- e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The purpose of the ordinance is to reduce and simplify the landscape requirements, to allow for alternative materials to qualify as landscaped area and comply with state pre-emptions.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Madeira Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

It is estimated that there will be no additional costs for businesses. The regulatory costs to the city will not change.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

Any business that proposes to rebuild or alter existing landscaping would have slightly more flexibility.

4. Additional information the governing body deems useful (if any):

N/A



Memorandum

Meeting Details: August 3rd, 2026 – Planning Commission
Prepared For: Planning Commission
Staff Contact: Community Development Department – Joseph Petraglia, Planner II
Subject: ORD 2026-11, Section 110-423 - Intersection Visibility

Background/ Discussion:

As part of ORD 2026-10 and ORD 2026-13, staff recommends consolidating all intersection visibility requirements into this one section of the code.

Fiscal Impact:

None anticipated.

Recommendation(s):

Staff recommends the Planning Commission provide a recommendation of approval to allow the ordinance to proceed to first reading at the next regularly scheduled Board of Commissioners meeting.

Attachments/Corresponding Documents:

- ORD 2026-11, Section 110-423 - Intersection Visibility
- ORD 2026-11, Business Impact Statement

ORDINANCE 2026-11

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTION 110-423 (INTERSECTION VISIBILITY) OF CHAPTER 110 (ZONING), ARTICLE VI (SUPPLEMENTARY DISTRICT REGULATIONS), DIVISION 2 (LOT, YARD, HEIGHT AND OTHER SITE AREA REGULATIONS) OF THE CITY'S LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has determined that the existing intersection visibility regulations contained within the Land Development Regulations include duplicative and conflicting provisions; and

WHEREAS, maintaining a single, clear set of intersection visibility standards promotes consistent administration and enforcement while protecting public safety; and

WHEREAS, the proposed amendments consolidate the City's intersection visibility requirements into Section 110-423 and remove conflicting or redundant provisions from other sections of the Code; and

WHEREAS, the proposed amendments clarify how visibility triangles are measured, establish uniform obstruction standards, and provide reasonable exceptions for existing buildings, tree trunks, utility poles, and properly maintained landscaping that do not create a traffic hazard;

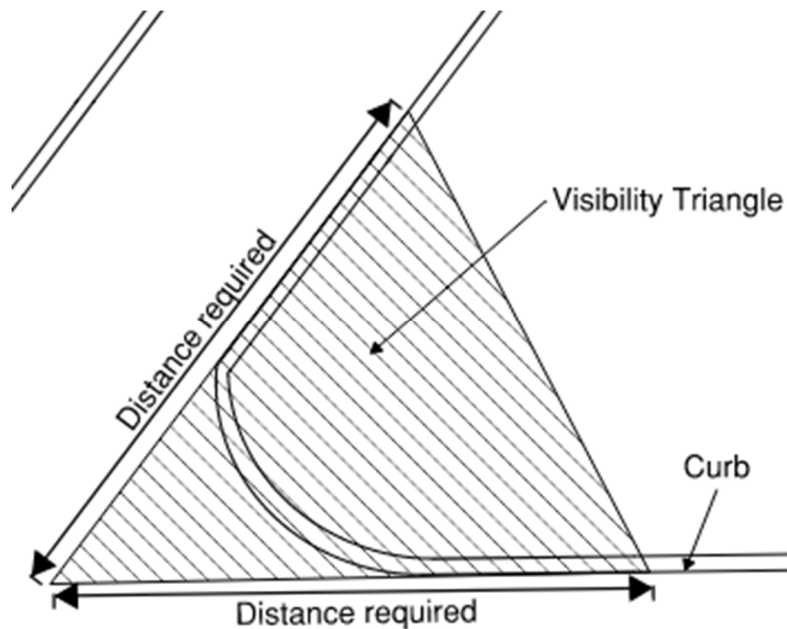
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:

Section 1. That Section 110-423 of Chapter 110 (Zoning), Article VI (Supplementary District Regulations), Division 2 (Lot, Yard, Height, and Other Site Area Regulations) of the Land Development Regulations of the City of Madeira Beach is hereby amended to read as follows:

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 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.



Section 2. For purposes of codification of any existing section of the Madeira Beach Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

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

Section 4. In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

Section 5. The Codifier shall codify the substantive amendments to the 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 6. Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY
OF MADEIRA BEACH, FLORIDA, THIS _____ day of _____, 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:

Business Impact Estimate

Proposed ordinance's title/reference:

ORDINANCE 2026-11

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTION 110-423 (INTERSECTION VISIBILITY) OF CHAPTER 110 (ZONING), ARTICLE VI (SUPPLEMENTARY DISTRICT REGULATIONS), DIVISION 2 (LOT, YARD, HEIGHT AND OTHER SITE AREA REGULATIONS) OF THE CITY'S LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits as those terms are defined in Section 163.3164, Florida Statutes, and development agreements as authorized by the Florida Local Government Development Agreement Act under Sections 163.3220-163.3243, Florida Statutes;
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party;
 - c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

¹ See Section 166.041(4)(c), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The purpose of the ordinance is to clarify intersection visibility regulations.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Madeira Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

It is estimated that there will be no additional costs for businesses. The regulatory costs to the city will not change.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

Only businesses with corner lots adjacent to alleys will be impacted. All other changes represent how the code is already being interpreted.

4. Additional information the governing body deems useful (if any):

N/A



Memorandum

Meeting Details: August 3rd, 2026 – Planning Commission
Prepared For: Planning Commission
Staff Contact: Community Development Department – Joseph Petraglia, Planner II
Subject: Ordinance 2026-12, Repealing Section 110-670 – Landscaping green area

Background/ Discussion:

As part of ORD 2026-10 and ORD 2026-13, staff recommends consolidating all landscape requirements into Chapter 106.

Fiscal Impact:

None anticipated.

Recommendation(s):

Staff recommends the Planning Commission provide a recommendation of approval to allow the ordinance to proceed to first reading at the next regularly scheduled Board of Commissioners meeting.

Attachments/Corresponding Documents:

- Ordinance 2026-12, Repealing Section 110-670 – Landscaping green area
- ORD 2026-12, Business Impact Statement

ORDINANCE 2026-12

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING 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) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO REPEAL SECTION 110-670; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance 2026-13 comprehensively revises and consolidates the City's landscaping regulations within Chapter 106 of the Land Development Regulations; and

WHEREAS, the landscaping provisions currently contained in Section 110-670 are superseded by Ordinance No. 2026-13 and are no longer necessary within Chapter 110.;

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

Section 1. That Section 110-670 of 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) of the Land Development Regulations of the City of Madeira Beach is hereby repealed as follows:

Sec. 110-670. Repealed. 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.~~

Section 2. For purposes of codification of any existing section of the Madeira Beach Code herein amended, words **underlined** represent additions to original text, words **stricken** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

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

Section 4. In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

Section 5. The Codifier shall codify the substantive amendments to the 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 6. Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS _____ day of _____, 2025.

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:

Business Impact Estimate

Proposed ordinance's title/reference:

ORDINANCE 2026-12

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING 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) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO REPEAL SECTION 110-670; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits as those terms are defined in Section 163.3164, Florida Statutes, and development agreements as authorized by the Florida Local Government Development Agreement Act under Sections 163.3220-163.3243, Florida Statutes;
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party;
 - c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

¹ See Section 166.041(4)(c), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The purpose of the ordinance is to delete conflicting regulations.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Madeira Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

It is estimated that there will be no additional costs for businesses. The regulatory costs to the city will not change.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

This ordinance alone is not expected to impact any businesses.

4. Additional information the governing body deems useful (if any):

N/A



Memorandum

Meeting Details: August 3rd, 2026 – Planning Commission
Prepared For: Planning Commission
Staff Contact: Community Development Department – Joseph Petraglia, Planner II
Subject: Ordinance 2026-13, Chapter 82, Definitions Related to Chapter 106

Background/ Discussion:

As part of ORD 2026-10 through ORD 2026-12, staff recommends deleting conflicting definitions or definitions that are used to regulate code established elsewhere, and staff recommends adding definitions for terms used but not defined.

Fiscal Impact:

None anticipated.

Recommendation(s):

Staff recommends the Planning Commission provide a recommendation of approval to allow the ordinance to proceed to first reading at the next regularly scheduled Board of Commissioners meeting.

Attachments/Corresponding Documents:

- Ordinance 2026-13, Chapter 82, Definitions Related to Chapter 106
- ORD 2026-13, Business Impact Statement

ORDINANCE 2026-13

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTION 82-2 (DEFINITIONS) OF CHAPTER 82 (GENERAL PROVISIONS) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ADD DEFINITIONS FOR ARTIFICIAL TURF AND SHRUBS, DELETING THE DEFINITIONS OF CROSS VISIBILITY AREA, LANDSCAPING AND NATIVE AND REVISING THE DEFINITION OF TREES; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has determined that certain definitions contained in the Land Development Regulations are outdated, inconsistent with current regulatory standards, or no longer necessary; and

WHEREAS, the proposed amendments update, clarify, and remove definitions to improve consistency throughout the Land Development Regulations and support the administration of related development standards;

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

Section 1. The following definitions are hereby added to Section 82-2 of the Land Development Regulations of the City of Madeira Beach and shall read as follows:

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

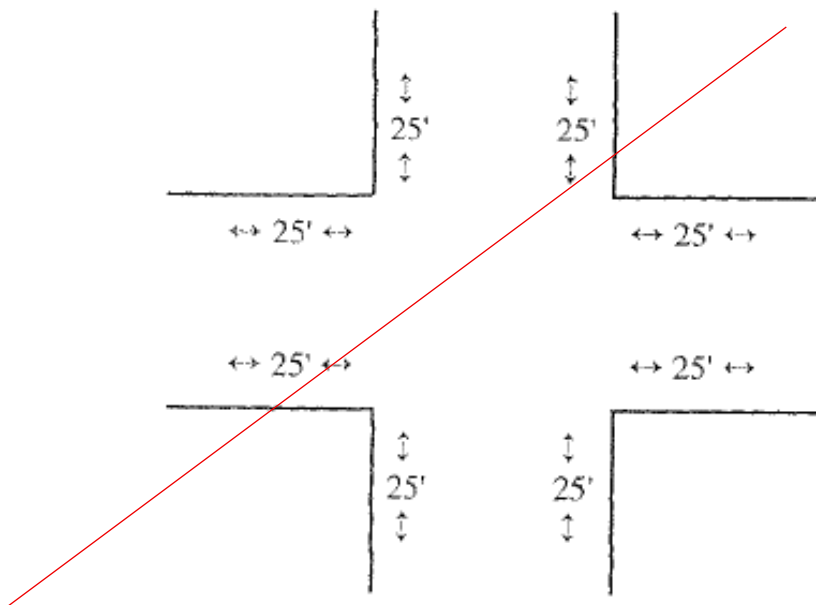
Shrubs means self-supporting, woody, non-deciduous plant species which are cultivated and selected to provide a physical and visual barrier, and which normally grow to a height of two feet to nine feet, including hedges.

Section 2. The following definition is hereby amended in Section 82-2 of the Land Development Regulations of the City of Madeira Beach and shall read as follows:

~~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.~~

Section 3. The following definitions are hereby deleted from Section 82-2 of the Land Development Regulations of the City of Madeira Beach as follows:

~~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.~~



~~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.~~

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

Section 4. For purposes of codification of any existing section of the Madeira Beach Code herein amended, words underlined represent additions to original text,

words ~~stricken~~ are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 5. Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

Section 6. In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

Section 7. The Codifier shall codify the substantive amendments to the Code of Ordinances of the City of Madeira Beach contained in Sections 1, 2 and 3 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 8. Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS _____ day of _____, 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: _____

Business Impact Estimate

Proposed ordinance's title/reference:

ORDINANCE 2026-13

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTION 82-2 (DEFINITIONS) OF CHAPTER 82 (GENERAL PROVISIONS) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ADD DEFINITIONS FOR ARTIFICIAL TURF AND SHRUBS, DELETING THE DEFINITIONS OF CROSS VISIBILITY AREA, LANDSCAPING AND NATIVE AND REVISING THE DEFINITION OF TREES; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits as those terms are defined in Section 163.3164, Florida Statutes, and development agreements as authorized by the Florida Local Government Development Agreement Act under Sections 163.3220-163.3243, Florida Statutes;
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party;
 - c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

¹ See Section 166.041(4)(c), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The purpose of the ordinance is to delete conflicting regulations and add definitions for terms used but not defined.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Madeira Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

It is estimated that there will be no additional costs for businesses. The regulatory costs to the city will not change.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

This ordinance alone is not expected to impact any businesses.

4. Additional information the governing body deems useful (if any):

N/A