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WHEREAS, City staff has identified landscaping regulations that are outdated, duplicative, unnecessarily burdensome, or difficult to administer, and has recommended amendments to improve clarity, consistency, and ease of administration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 g~~Grass, ~~or~~ ground cover, ~~and~~ shrubs, vines, hedges, trees, ~~or~~ palms. ~~Other material such as~~ rocks, pebbles, sand ~~or decorating fence~~, artificial turf meeting Sec. 106-37, shell, decorative stone, or other similar non-invasive 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.

Net Land Area (in Square Feet)	Minimum Number of Trees
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) 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 area~~s~~,. Such landscape areas shall be exclusive of perimeter landscape buffers that are required around vehicular use areas. All perimeter landscaping provided in excess of that required may be counted as part of this interior requirement. There shall be a minimum of one tree for each 4,000 square feet or fraction thereof of ~~required landscape~~ net land area in addition to any trees required within perimeter landscape buffers.

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

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

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 facing adjacent properties or public right-of-way 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 of at least three feet in height 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~~. The landscaping shall include~~ with a buffer strip of at least five feet in width adjacent to the abutting property.~~, containing a h~~Hedges or other durable ~~screen of~~ landscape~~ing~~ barriers of at least five feet in height shall be installed in such a manner as to screen the abutting properties.

(3) All required hedges or other durable landscape barriers must be planted and maintained at their required height, except that where the maximum height permitted by another provision of this Code is less than the required height, the maximum permitted height shall control. Spacing of plants shall

be no more than 30 inches on center, depending on the species, to form a continuous, unbroken, solid visual screen. ~~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 shell, shall not satisfy the landscape 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, with at least a seven-day notice, except during emergencies, 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. 106-3941. 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. 106-402. 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 dDirector or their designee prior to the start of work.

Secs. 106-413—106-610. Reserved.

ARTICLE III. TREES

Sec. 106-621. 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. 106-632. 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—Cinnamonmum camphora;~~

~~(2) Citrus—Citrus spp.;~~

~~(3) Eucalyptus—Eucalyptus spp.;~~

~~(4) Silk oak—Grevillea robusta;~~

~~(5) Jacaranda—Jacaranda acutifolia;~~

~~(6) Jerusalem thorn—Parkinsonia aculeata;~~

~~(7) Ear tree—Enterolobium cyclocarpum;~~

~~(8) Fig tree—Ficus spp.~~

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 106-63~~2.~~

(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.

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

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: _____