

## **ORDINANCE 2025-14**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING ARTICLE IV (MOVING OF STRUCTURES) OF CHAPTER 14 (BUILDINGS AND BUILDING REGULATIONS) OF THE CODE OF ORDINANCES TO REVISE THE TITLE OF SAID ARTICLE TO ELEVATION AND RELOCATION OF STRUCTURES; TO ESTABLISH REQUIREMENTS FOR ELEVATION PERMITS, REQUIRE DOCUMENT SUBMITTALS, PROVIDE FOR SETBACKS AND ADDRESS CONDITIONS OF PERMIT ISSUANCE FOR THE ELEVATION OF EXISTING STRUCTURES WHERE THE STRUCTURE REMAINS WITHIN THE ORIGINAL HORIZONTAL FOOTPRINT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, City staff has reviewed the provisions of Article IV of Chapter 14 of the Code of Ordinances of the City of Madeira Beach and has recommended the addition of language under Division 1 thereof to establish requirements for permit, application, site plan submittal, setbacks and project completion for the elevation of existing structures where the structure remains within the original horizontal footprint; and

**WHEREAS**, the recommendations of the City staff have been found meritorious by the Board of Commissioners; and

**WHEREAS**, the Board of Commissioners has received input from the public at two public hearings.

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

**Section 1.** That Article IV (Moving of Structures) of Chapter 14 (Buildings and Building Regulations) of the Code of Ordinances of the City of Madeira Beach shall be renamed to “Elevation and Relocation of Structures.”

**Section 2.** That Division 1 (Generally) of Article IV (Elevation and Relocation of Structures) of Chapter 14 (Buildings and Building Regulations) of the Code of Ordinances of the City of Madeira Beach shall be renamed to “Elevation of Structures Within Existing Footprint” and provisions therefor be added as Sections 14-131 through 14-135 and shall read as follows:

**ARTICLE IV. ~~MOVING~~ ELEVATION AND RELOCATION OF STRUCTURES**

**DIVISION 1. ~~GENERALLY~~ ELEVATION OF STRUCTURES WITHIN EXISTING FOOTPRINT**

**Sec. 14-131. – Purpose and applicability.**

This division applies to the elevation of existing structures above the design flood elevation where the structure remains within the original horizontal footprint. These provisions establish requirements for permit application, site plan submittal, setbacks, and project completion, in accordance with current city codes and floodplain standards. In the event of a conflict between this division and any other section of the City Code, the provisions of Division 1 – Elevation Within Existing Footprint shall prevail to the extent of the inconsistency.

**Sec. 14-132. – Elevation permit required.**

No person, firm or corporation shall elevate an existing structure without first obtaining an elevation permit from the city. A separate permit is required for each structure. The elevation must maintain the structure within the existing horizontal footprint unless otherwise approved through the appropriate permit review process. The scope of work must be clearly defined at the time of application to indicate whether the project involves elevation only, or includes additional elements such as construction of access stairs or ramps, enclosure, interior remodeling, utility reconfiguration, or other structural, architectural or lot grade modifications. Work beyond elevation only may require separate permits and reviews to ensure compliance with all applicable codes.

**Sec. 14-133. –Document Submittals.**

An application for an elevation permit must include a drawn to scale site plan and applicable construction documentation prepared by a qualified design professional, including a Florida licensed engineer, architect, or surveyor, based on the defined scope of work. As applicable, the submittal shall include the following:.

(a) Boundary survey signed and sealed by a registered Florida Professional Surveyor showing:

- (1) Existing improvements and topography;
- (2) FEMA NFIP flood map information; and
- (3) Ground elevations on-site, off-site (up to five (5) feet on adjacent properties, and centerline of the roadway).

(b) Site Plan Requirements:

- (1) Existing and proposed finished floor elevations;
- (2) Property lines and the existing and proposed building footprint;
- (3) Location and dimensions of stairs, landings, ramps, decks, and any access structures (If not applicable to scope of work by elevating contractor, label “by others under separate permit”);
- (4) Location of mechanical equipment, meters, and utility connections;
- (5) Existing and proposed driveways, curb cuts, and access features (If applicable to scope of work);
- (6) Landscaping plan with restoration (if no disruption is proposed, note “no landscaping disturbance”);
- (7) Erosion control measures; and
- (8) Exterior façade modifications or enclosure of previously open areas (If applicable, shown for reference only with note: “by others under separate permit”).

(c) Construction Documentation Requirements:

- (1) Structural details, including foundation type, area below elevated structure, and elevated slab systems (as applicable);
- (2) Interior layout or modifications to the elevated structure (If included in the scope of work);
- (3) Florida Product Approvals (as applicable for windows, doors, garage doors, etc.); and
- (4) Energy calculations (required if scope includes new conditioned space or enclosure; not required for elevation-only projects).

(d) Floodplain Compliance Requirements:

- (1) Demonstration of compliance with: FEMA regulations, Florida Building Code (FBC), Madeira Beach Land Development Regulations and floodplain management standards;
- (2) Coastal A and V Zone Design Certificates (as applicable); and
- (3) Signed and county-recorded Non-Conversion Agreement, including right of inspection as a condition of final certificate of occupancy or completion.

## **Sec. 14-134. – Setbacks and access encroachments.**

### **(a) Definitions:**

**(1) Access structures** are all constructed elements that facilitate pedestrian movement between vertical levels of a building. These structures encompass stairs, ramps, landings, guardrails, handrails, and support posts. These structures are intended to provide compliant ingress, egress, or circulation in accordance with the Florida Building Code and applicable accessibility standards. Access structures are not considered habitable space and may not be roofed.

**(2) Elevated Decks** are raised, open platforms supported by structural posts or piers. They are attached to or adjacent to a principal structure and are designed for outdoor use. While an elevated deck may have an attached access structure such as stairs or a ramp, such access components are not considered part of the deck for the purposes of this Division. Elevated decks may not be enclosed with solid walls.

#### **Access Structures**

	<b><u>Maximum Distance from Façade</u></b>	<b><u>Minimum Distance from Property Line(s)</u></b>
<b><u>Front</u></b>	<b><u>Eight (8) feet</u></b>	<b><u>Zero (0) feet</u></b>
<b><u>Side</u></b>	<b><u>Four (4) feet</u></b>	<b><u>Two (2) feet</u></b>
<b><u>Rear</u></b>	<b><u>Ten (10) feet</u></b>	<b><u>Twelve (12) feet</u></b>

#### **Elevated Decks**

	<b><u>Maximum Distance from Façade</u></b>	<b><u>Minimum Distance from Property Line(s)</u></b>
<b><u>Front</u></b>	<b><u>Five (5) feet</u></b>	<b><u>Ten (10) feet</u></b>
<b><u>Side</u></b>	<b><u>Zero (0) feet</u></b>	<b><u>n/a</u></b>
<b><u>Rear</u></b>	<b><u>Ten (10) feet</u></b>	<b><u>Twelve (12) feet</u></b>

## **Sec. 14-135. – Conditions of permit issuance and closeout.**

**(a) Issuance of an elevation permit is contingent on compliance with current Florida Building Code, floodplain management regulations, and applicable land development regulations.**

**(b) Separate permits are required for all companion work, if not included in elevation scope, including but not limited to:**

**(1) At-grade slab construction;**

**(2) Access structure(s) installation;**

- (3) Electrical and utility reconnections;
- (4) Regrading or driveway restoration; and
- (5) Wall infill and garage reconfiguration.

(c) Prior to final inspection and permit closeout, the following must be submitted:

- (1) As-built survey showing post-elevation conditions, including verification of compliance with setbacks, site drainage, and access standards, as applicable to scope;
- (2) Final Elevation certificate utilizing the most current form at the time of preparation;
- (3) Foundation installation as-built showing location, depth and capacity of all deep foundation; and
- (4) Photographic documentation of landscape or frontage restoration, if applicable.

(d) All applicable forms and documentation required by the Building Department, such as the Notice of Commencement, signed checklists, and additional elevation-related certifications, shall be submitted as a condition of final inspection and approval. The Building Official may withhold final approval or the certificate of completion until all required documentation is provided.

**~~Secs. 14-131—14-135. Reserved.~~**

**Section 3.** That this Ordinance shall become effective immediately upon its passage and adoption.

**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 and 2 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 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 \_\_\_\_\_, 2025.**

\_\_\_\_\_  
Anne-Marie Brooks, Mayor

**ATTEST:**

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Clara VanBlargan, MMC, MSM, City Clerk

**APPROVED AS TO FORM:**

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Thomas J. Trask, City Attorney

PASSED ON FIRST READING: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

PASSED ON SECOND READING: \_\_\_\_\_