



# Memorandum

**Meeting Details:** Board of Commissioners Workshop Meeting, July 26, 2023

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

**From:** Community Development Department

**Subject:** Shade Structures – Permitting Considerations & Impact to Land Development Regulations

**Background:** Madeira Beach Land Development Regulations (LDRs) do not define “shade structure” nor any structure that would be directly comparable. While we have definitions for “Structure”, broken into subcategories of Major, Minor, Non-habitable Major and Coastal or Shore Protection, only the Minor definition makes mention of a gazebo. Other definitions reviewed were, “Accessory Building” (Sec. 82-2) as a “General Provision” definition and “Accessory Structure” (Sec. 94-93) defined for reference in “Floodplain Management”, neither of these addressed shade structures. The LDRs that will require review and possible alterations are mentioned here in this document and are provided as an attachment, pending any alteration in definitions and verbiage other LDRs may be subsequently impacted as well and will be addressed accordingly at that time. Links to all code references are located in this document.

**Discussion:** Permitting of accessory structures in Madeira Beach has some unique considerations. All of Madeira Beach lies within a Special Flood Hazard Area (SFHA) and several areas further fall into Coastal High Hazard Areas, as an example most all of Bay Point Drive. See link to FEMA flood maps below. With regards to floodplain management, FEMA allows for accessory structures, Sec. 94-102 At-grade Accessory Structures, only when utilized for parking or storage and with limited sizing.

**Questions to consider:**

1. Defining “shade structure” and/or “sun shelter”, with differentiation between shades that are free standing structures, attached to & extend out from house or retractable styles.
2. What setbacks would be applicable to the structure?
3. What is the allowable square footage and height?

4. Would construction be limited to four minimally sized posts composed of what type material?
5. The structure would have no walls.
6. What roof material would be allowed?
7. If other than an official “chickee hut”, what permit design documents would be required?
8. How will the allowance of these structures be viewed by FEMA and what impact could it have on our community Rating System (CRS)? CRS info link below.
9. Visibility for neighboring properties.
10. Potential for more outdoor kitchens.
11. What to do with the shade structures that are already built and unpermitted.

[https://library.municode.com/fl/madeira\\_beach/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH82G\\_EPR\\_S82-2DE](https://library.municode.com/fl/madeira_beach/codes/code_of_ordinances?nodeId=PTIICOOR_CH82G_EPR_S82-2DE)

[https://library.municode.com/fl/madeira\\_beach/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH94F\\_LMA\\_DIV9GE\\_S94-93DE](https://library.municode.com/fl/madeira_beach/codes/code_of_ordinances?nodeId=PTIICOOR_CH94F_LMA_DIV9GE_S94-93DE)

<https://msc.fema.gov/portal/search?AddressQuery=Madeira%20Beach%20Florida>

[https://library.municode.com/fl/madeira\\_beach/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH94F\\_LMA\\_DIV10FLREDE\\_ARTIBUST\\_S94-102ADACST](https://library.municode.com/fl/madeira_beach/codes/code_of_ordinances?nodeId=PTIICOOR_CH94F_LMA_DIV10FLREDE_ARTIBUST_S94-102ADACST)

<https://www.floridadisaster.org/dem/mitigation/floodplain/crs/#:~:text=What%20is%20the%20Community%20Rating,flood%20damage%20to%20insurable%20property>

In general, the permitting of “shade structures” will need to take into consideration:

The maximum area of a lot or parcel to be covered by structures which currently allows for:

- 40% in all of R-1, R-3 & for single family residence in R-2
- 50% for townhomes in R-2

A large % of developed lots have maximized buildable structure area and as such many properties may be left with little to no square footage for fixed shade structures mounted on posts/columns.

Pending site location, (i.e. over existing hardscape or grass) the ISR (Impervious Surface Ratio) will be impacted with the current allowable being:

- 0.65 (65%) of the lot can be impervious in R-1
- 0.70 (70%) of the lot can be impervious in R-2
- 0.85 (85%) of the lot can be impervious in R-3

Similar to maxed out structure coverage, several properties have reached max ISR and as such would have to take into consideration where to place the structure.

Specific LDR sections that will need to be reviewed, see below and refer to attached sections with highlights.

*DIVISION 2. – R-1, Single-Family Residential – Anticipated alterations to sections listed below*

- Sec. 110-178 – Accessory Uses
- Sec. 110-181 – Setback Requirements
- Sec. 110-183 – Maximum lot coverage

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*DIVISION 3. – R- 2, Low Density Multifamily Residential - Anticipated alterations to sections listed below*

- Sec. 110-203 – Accessory Uses
- Sec. 110-206 – Setback Requirements
- Sec. 110-208 – Maximum lot coverage

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*DIVISION 3. – R- 3, Medium Density Multifamily Residential - Anticipated alterations to sections listed below*

- Sec. 110-228 – Accessory Uses
- Sec. 110-231 – Setback Requirements
- Sec. 110-233 – Maximum lot coverage

[https://library.municode.com/fl/madeira\\_beach/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH110\\_ZO\\_ARTVDI\\_DIV4MEDEMURE](https://library.municode.com/fl/madeira_beach/codes/code_of_ordinances?nodeId=PTIICOOR_CH110_ZO_ARTVDI_DIV4MEDEMURE)

**Recommendation(s):**

Staff recommends in depth discussion and consideration of permitting these type structures. While we understand they are seen throughout the city and adjacent cities, research indicates most all adjacent cities do not permit these structures by right and hold to the same development and FEMA requirements as Madeira Beach.

**Fiscal Impact or Other:**

There is no anticipated fiscal impact, with the possible exception of increased permit fees associated with permitting and inspections. A foreseeable impact will be to the Community Rating System (CRS) and points the city receives for enforcement of FEMA recommended allowances for accessory structures.

**Attachments:**

- Applicable Madeira Beach Code of Ordinances