ORDINANCE 2026-16

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 (ZONING), ARTICLE VII (OFF-STREET PARKING AND LOADING), OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ESTABLISH REGULATIONS GOVERNING TEMPORARY PARKING LOT USE; PROVIDING THIS TEMPORARY RELIEF IN RESPONSE TO THE EXTENSIVE DAMAGE CAUSED BY THE 2024 HURRICANES; ALLOWING TEMPORARY PARKING LOTS AS A TEMPORARY USE ON PROPERTIES LOCATED IMMEDIATELY ADJACENT TO GULF BOULEVARD OR LOCATED WITHIN THE JOHN'S PASS VILLAGE ACTIVITY CENTER; TO ALLOW THIS TEMPORARY PARKING LOT USE PROVIDED THAT CERTAIN CONDITIONS ARE MET AND TO PROVIDE THE REGULATIONS FOR THE USE; PROVIDING THAT ALL OF THESE TEMPORARY PARKING LOT USE APPROVALS EXPIRE ON DECEMBER 31, 2029; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 110, Article VII of the Land Development Regulations establishes regulations governing off-street parking lots; and

WHEREAS, City staff has identified that there are no provisions in the city code for temporary parking lots; and

WHEREAS, following the 2024 hurricane season and the extensive damage to structures in the city, the city wishes to adopt provisions allowing temporary parking lots in specific locations to allow this temporary use of the property while redevelopment planning is taking place; and

WHEREAS, the Board of Commissioners directed staff to review requirements and create regulations that would allow these temporary parking lots under specific conditions; and

WHEREAS, the recommended amendment to the Land Development Regulations was presented to and reviewed by the Planning Commission at a public hearing; and

WHEREAS, the Planning Commission has recommended approval of the proposed amendment; and

WHEREAS, the recommendations of the Planning Commission 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 Division 2 (Off Street Parking Spaces) of Article VII (Off-Street Parking and Loading) of Chapter 110 (Zoning) of the Land Development Regulations of the City of Madeira Beach is hereby amended to create and add a new Section 110-978 which shall read as follows:

Sec. 110-978. - Temporary parking lots.

In response to the number of structures damaged by Hurricane Helene and Hurricane Milton in September and October of 2024, temporary parking lots on properties located immediately adjacent to Gulf Boulevard or within the John's Pass Village Activity Center will be allowed as a temporary use upon approval of the Community Development Director, and may continue through December 31, 2029.

The temporary parking lot must meet the criteria outlined in this section, as well as any specific conditions of approval. This approval is temporary in nature, not meant to be a permanent use and is provided to allow the property owners time to pursue financing and redevelopment of the subject properties as allowed under the applicable zoning district regulations.

All sites eligible for this temporary use must be vacant land or have an existing vacant structure that has not been deemed substantially damaged and which could be rehabilitated in the future.

(a) Application: An application for a temporary parking lot must be provided to the city's Community Development Department and must meet the following minimum requirements:

(1) A written application on the form provided by the city, including:

a. Name and address of the applicant.

b. Owner Authorization if the owner is not the applicant.
c. 24-hour contact information for the operator of the lot, including name, phone number, and address.
d. Signed and sealed topographic survey of the subject property, including the legal description.
e. This proposed dates for operation of the temporary parking lot.
f. The use of the abutting properties.
g. A “Verification of Exemption” or a permit from Southwest Florida Water Management District.
h. An access permit from the Florida Department of Transportation for any new curb cuts on Gulf Boulevard.
i. Sanitation pickup arrangements.
j. Two or more property owners may develop their properties in coordination provided a recorded parking lot agreement is provided to the city that allows the two property owners to share the responsibilities and conditions of the temporary parking use and provides cross access between the parcels.

(2) A signed and sealed scaled site plan showing:
a. The number of spaces, with the dimensions of the spaces, the drive aisles and driveway. Dimensions for parking spaces and drive aisles shall be those shown in Sec. 110-973, 110-974 and 110-975, as applicable. For lots less than or equal to 50-feet in width, up to 100% of the spaces with the exception of accessible spaces may be compact as outlined in Sec. 110-974. For lots less than or equal to 50-feet in width, drive aisles for temporary parking lots may be reduced to a minimum of ten feet for a one-way drive aisle or twenty feet for a two-way drive aisle.
b. A defined parking space shall be a parking space which is either striped or has a wheel stop. On paved surfaces striping may be used to define the parking space location in lieu of wheel stops.
c. Parking shall be located so that vehicles do not overhang lot lines or drive aisles.
d. Parking space striping shall be shown on the plan, but the non-accessible spaces are not required to be striped if a wheel stop is provided for that space.
e. The number of accessible parking spaces must be provided as shown in the city code. These accessible spaces must be of a durable surface, provide an accessible route to a public sidewalk or right-of-way if no sidewalks exists, and have the required dimensions, signage, and striping as outlined in Sec. 110-975 and

Fla. Stat. § 553.5041. The site plan must include van accessible space(s) as required by federal regulations.

f. All non-accessible spaces shall have stabilized surfaces of asphalt, concrete, pavers, shell, or gravel that do not cause erosion, barriers to pedestrian access, or adverse effects to abutting parcels.
g. If no curb cut exists, a paved driveway meeting the requirements of Chapter 58 – Streets, Sidewalks and other Public Places, Article II . – Sidewalks and Driveways is required. A separate building permit application is required for a driveway.
h. Parking lots shall be designed so that there is no backing into the right-of-way. When there is only one access point a turnaround and two-way drive aisle must be provided.
i. Dimensions of any turnaround, including provisions for fire access.
j. The visibility triangle as shown in the city's code or if located on Gulf Boulevard, based on the FDOT requirement.
k. The Impervious Surface Ratio, this must meet the zoning district requirement.
l. When abutting residential use: A minimum of a four-foot solid fence or wall along any property line abutting residential use, or across an alley from residential use. Within visibility triangles or within the front yard setback, the height of the required fence or wall or shrubs is limited to three feet. Any additional fencing shall meet the requirements Chapter 110, ARTICLE VI. DIVISION 3. Existing hedges or a solid row of shrubs 2-feet deep and 4-feet in height along the property line may substitute for the required fencing.
m. Location and size of trash receptacles. A method of securing the trash receptacles must be shown.
n. Location and size of any proposed signage, including the signage as required by Fla. Stat. § 715.07 and § 715.075. Each temporary parking lot is allowed to have pole or ground signage as shown in Chapter 102 of the City's Land Development Regulations based on the applicable zoning district regulations.
o. Location and size of any kiosk used for parking fee collection.

(b) Process

(1) The department will circulate the plan for fire, zoning, and engineering review.
(2) In addition to the standard conditions below, staff may establish additional conditions based on the specific site and abutting properties, including but not limited to traffic access/egress, traffic circulation, pedestrian safety, drainage, and compatibility with abutting properties.

(3) The Community Development Director shall issue a letter within 30 days of the receipt of a complete application which approves the temporary parking lot use with standard conditions, approves with standard and site-specific special conditions, or denies the application.
(4) The fee for a temporary parking lot approval letter will be established in the city's adopted fee schedule.
(5) Any appeal of the Community Development Director's decision shall follow the provisions of Sec. 2-505.

(c) Standard Conditions of approval for all temporary parking lots:
(1) Failure to maintain any design standard or any violation of the temporary parking lot approved site plan shall be a violation of the City Code.
(2) Temporary parking lots shall not be used to fulfill the requirements for parking for onsite or offsite use.
(3) Only self-parking is allowed, no valet or stacked parking.
(4) No commercial vehicles, boats, trailers, or recreational vehicles are allowed.
(5) Maximum hours of operation are 8:00 a.m. to 10:00 p.m. daily. No overnight parking.
(6) Outdoor sales and displays, or any other sales are prohibited within temporary parking lots.
(7) Payment kiosk may only contain instructions for payment and have no additional signage.
(8) All conditions of temporary parking approval must continue to be met throughout the duration of the use of temporary parking.
(9) No parking allowed that exceeds the number of spaces approved. Each vehicle not parked in a defined parking space shall be a violation of this section.
(10) No parking or signage is allowed in the right-of-way.
(11) Signage in compliance with Fla. Stat. § 715.07 and § 715.075 must be provided.
(12) A separate sign permit is required except for signs required by State or Federal regulations or signs excluded from permitting as shown in Sec. 102-49.
(13) All lighting must meet the requirements of the city code.
(14) Excessive noise or other causes shall be reason for revoking approval of the Business Tax Receipt following the provisions in Sec. 62-57.
(15) Upon notice from the city, all items not in compliance with the temporary parking lot approval shall be rectified within 15 days from the

date of notice. Failure to bring the temporary parking lot into compliance within 15 days, except for drainage, shall cause the approval for temporary parking to be revoked .

(16) If the drainage adversely affects neighboring properties, a plan of action to bring this drainage into compliance is due within 15 days, and the implementation of the planned drainage changes must be completed within 45 days.

(17) An approved Business Tax Receipt is required prior to commencement of the use of the temporary parking lot.

(18) The addition of a different permitted use on the property shall terminate the temporary parking lot use.

(19) All temporary parking lots approved under this section must cease operation by December 31, 2029, and all wheel stops and signage shall be removed.

(20) After December 31, 2029, the site must be cleared, stabilized, and maintained in accordance with city codes,

Secs. 110-978~~8~~9—110-995. – 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: _____