

## ORDINANCE 2025-05

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 94 FLOODPLAIN MANAGEMENT, DIVISION 10. FLOOD RESISTANT DEVELOPMENT, ARTICLE I. BUILDINGS AND STRUCTURES, SECTION 94-103. MANUFACTURED HOMES AND RECREATIONAL VEHICLES, OF THE CITY'S LAND DEVELOPMENT CODE PROVIDING FOR THE USE OF RECREATIONAL VEHICLES AS TEMPORARY SHELTERS ON RESIDENTIAL PROPERTIES FOLLOWING A NATURAL EMERGENCY; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Madeira Beach's Land Development regulations do not allow for occupied recreational vehicles; and

**WHEREAS**, Florida Statute 166.0335 prohibits municipalities from prohibiting the placement of one temporary shelter on residential properties after a natural emergency during which a permanent residential structure was damaged and rendered uninhabitable; and

**WHEREAS**, Florida Statute 166.0335 includes standards for the temporary shelter which includes time limitations, connection to water and electricity, and that the shelter does not present a threat to health and human safety; and

**WHEREAS**, Florida Statute 166.0335 requires the resident to live in the temporary structure; and

**WHEREAS**, the National Flood Insurance Program (NFIP) requires minimum standards for occupied recreational vehicles; and

**WHEREAS**, City staff has recommended certain revisions to the Land Development Code to provide for the use of temporary shelters after a natural emergency during which a permanent residential structure was damaged and rendered uninhabitable; and

**WHEREAS**, the Planning Commission has considered the recommended changes referenced above at a public hearing and has recommended approval to the Board of Commissioners; and

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

**WHEREAS**, the Board of Commissioners held two public hearings to consider the approval of the recommended changes and the adoption of this ordinance.

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

**Section 1.** That Chapter 94 (Floodplain Management) Division 10. (Flood Resistant Development) Article I (Buildings and Structures) Section 94-103 (Manufactured homes and recreational vehicles) of the Land Development Code of the City of Madeira Beach is hereby amended to read as follows:

**Sec. 94-103. Manufactured homes and recreational vehicles.**

In accordance with ~~the chapter~~ Chapter 110, Zoning, permitted uses and special exceptions do not include manufactured homes or occupied recreational vehicles unless used for a temporary shelter on residential property following a declaration of state of emergency issued by the Governor for a natural emergency during which a permanent residential structure was damaged and rendered uninhabitable.

Recreational vehicles used for temporary shelter on residential property after a natural emergency must be fully licensed and ready for highway use, connected to water and electric utilities, does not present a threat to health and human safety, parked on the subject property, and cannot be on site for more 36 months after the date of the declaration or until a certificate of occupancy is issued on the permanent residential structure on the property, whichever occurs first. The resident must live in the recreational vehicle and make a good faith effort to rebuild or renovate the damaged permanent residential structure including, but not limited to applying for a building permit, submitting a plan or design to the City or obtaining a construction loan.

**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 Land Development Code 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:**

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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: \_\_\_\_\_