

ORDINANCE 2019-11

AN ORDINANCE OF THE CITY OF MADEIRA BEACH FLORIDA AMENDING CITY CODE CHAPTER 66, ARTICLE III, DIVISION 2; PROVIDING FOR PARKING REGULATIONS; PROVIDING FOR PARKING FEES; PROVIDING FOR PARKING PERMITS; PROVIDING EFFECTIVE DATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT.

WHEREAS, the **BOARD OF COMMISSIONERS** has reviewed parking in the City of Madeira Beach and determined that the adoption of this Ordinance amending parking is in the best interest of the public health, safety and welfare.

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

Section 1. The City of Madeira Beach CODE CHAPTER 66 ARTICLE III. - STOPPING, STANDING, PARKING, DIVISION 2. - METERS is hereby amended as follows:

(NOTE: deleted language is shown as ~~striketrough~~ text and added language is shown as underlined text):

DIVISION 2. – PARKING METERS, PERMITS AND LIMITATIONS

Sec. 66-71. - Purpose, applicability and hourly rate.

- (a) The purpose of this division is to establish uniform standards for parking of motor vehicles in city-owned and operated metered parking lots and beach access easements. The requirements established in this division are applicable to the following parking locations.
 - (1) Archibald Memorial Beach at 152nd Avenue and Gulf Boulevard.
 - (2) Kitty Stuart Park at 141st Avenue and Gulf Boulevard.
 - (3) City parking lots, 133rd and 134th Avenue, East and Gulf Boulevard.
 - (4) City parking lots from 130th to 136th Avenue, West and Gulf Boulevard.
 - (5) John's Pass Park at 129th Avenue, West and Gulf Boulevard
 - (6) John's Pass Village parking lot and Village Boulevard
- (b) The hourly rate to be charged for metered parking are provided in the fees and collection procedures manual. In order to adjust parking fees as may be needed due to environmental, economic or other conditions that may occur during the fiscal year, parking fees can be waived, decreased or increased at any time during the fiscal year by Resolution of the City Commission

(c) A municipal parking fee exemption shall be provided to any veteran whose vehicle displays one of the following special veterans license plates issued by the state division of motor vehicles:

- (1) Ex-prisoner of war;
- (2) Pearl Harbor survivor;
- (3) Medal of Honor;
- (4) Purple Heart.

(Code 1983, § 12-205(A); Ord. No. 920, § 1, 12-7-99; Ord. No. 942, § 1, 6-19-01; Ord. No. 968, § 1, 9-10-02; Ord. No. 976, § 1, 1-28-03; Ord. No. 1034, § 1, 12-14-04; Ord. No. 1096, § 1, 10-24-06; Ord. No. 1106, § 1, 6-12-07; Ord. No. 2013-02, § 2, 11-19-13; Ord. No. 2013-05, § 1, 11-19-13; Ord. No. 2015-09, § 1, 9-8-15)

Editor's note— Ord. No. 968, § 1, adopted September 10, 2002, changed the title of § 66-71 from "Purpose and applicability" to "Purpose, applicability and hourly rate."

Sec. 66-72. - Limitations on parking in city parking lots and beach access easements.

Parking of any type motor vehicle is allowed in the city parking lots and beach access easements subject to the following limitations:

- (1) All vehicles must park within the designated metered spaces;
- (2) No part of the vehicle may extend beyond the limits of the marked parking space;
- (3) Backing of vehicles into metered spaces is permitted if the license plate of the vehicle can still be readily observed, (except where a no back in parking sign is posted for a particular lot or parking space). ~~Backing of vehicles into metered spaces is prohibited~~
- (4) Parking is only allowed during the hours of 6:00 a.m. to 12:00 midnight, unless otherwise posted;
- (5) Meters are in effect on all lots during the allowable hours of operation, seven days a week; and
- (6) Parking is prohibited in all areas during the hours of 12:00 midnight to 6:00 a.m. daily, unless otherwise posted.

(Code 1983, § 12-205(B); Ord. No. 1026, § 1, 8-10-04; Ord. No. 1034, § 1, 12-14-04)

Sec. 66-73. - Resident parking permits.

(a) *Definitions.*

Resident means a full time or seasonal resident of Madeira Beach who resides in a residential dwelling unit or liveaboard with a Madeira Beach address and can produce one of the following documents listing their Madeira Beach address as verification of their Madeira Beach residency: a driver's license; voter registration; real property deed; real property tax bill; or a

~~lease for 6 months or longer. a person who owns or leases real property within a residential area of the city and who maintains either a voting residence or bona fide occupancy or both at that address, as evidenced by a voter's registration card, real estate tax bill, lease agreement, or other proof of residency satisfactory to the city.~~

(b) Resident parking permit means a special permit issued under this section for the privilege of parking in selected metered parking lots of the city without paying the hourly rate for the meter.

- (1) A resident parking permit shall not guarantee or reserve to the holder of the permit a parking space within a designated parking lot or beach access easement.
- (2) A resident parking permit shall not authorize the holder to stand or park a motor vehicle in such places or during such times as the stopping, standing or parking of a motor vehicle is prohibited or set aside for specified types of vehicles, nor shall it exempt the holder from the observance of any parking regulations posted in a designated parking lot or beach access easement.
- (3) No person, other than the permittee named on the permit shall use the resident parking permit or display it on a vehicle operated or parked, and any such use or display by a person other than the permittee shall constitute a violation of this division by the permittee and by the person who so used or displayed such parking permit.
- (4) It shall constitute a violation of this division for any person to falsely represent himself as eligible for a resident parking permit or to furnish any false information on the form to obtain a resident parking permit.
- (5) The city is authorized to revoke the resident parking permit of any permittee found to be in violation of this division and, upon written notification thereof, the permittee shall surrender such permit to the city. Failure, when so requested, to surrender a resident parking permit so revoked shall constitute a violation of this division.
- (6) Any permit issued under this division is nontransferable to another person or another vehicle.
- (7) The city shall be authorized to adopt all reasonable rules and regulations necessary for the enforcement and administration of this division, including rules and regulations providing for specific time and day parking restrictions.

(8) Residents will be issued no more than three (3) parking permits per dwelling.

(9) Residential Parking Permit parking is only allowed during the hours of 6:00 a.m. to 12:00 midnight, unless otherwise posted.

~~(c)(b)~~ Residents will be issued annual permits by the city upon showing proof of residency, as described in the definition of resident, and vehicle ownership. Resident parking permits will be issued free of charge. Resident parking permits will only be valid in the:

- (1) Archibald Memorial Beach at 152nd Avenue and Gulf Boulevard.
- (2) Kitty Stuart Park at 141st Avenue and Gulf Boulevard.
- (3) City parking lots, 133rd and 134th Avenue, East and Gulf Boulevard.
- (4) City parking lots from 130th to 136th Avenue, West and Gulf Boulevard.

(5) John's Pass Park at 129th Avenue, West and Gulf Boulevard

(6) John's Pass Village parking lot and Village Boulevard

(c) The county parking lot at 14400 Gulf Boulevard is excluded from this section.(Code 1983, § 12-205(C)(1); Ord. No. 942, § 2, 6-19-01; Ord. No. 1034, § 1, 12-14-04; Ord. No. 1132, § 1, 7-22-08; Ord. No. 1147, § 1, 1-27-09; Ord. No. 1152, § 1, 4-14-09; Ord. No. 2013-02, § 3, 11-19-13)

Sec. 66-74. - Overnight parking permits.

(a) Privately owned motor vehicles, up to 18 feet in length, will be permitted to park in the following city parking lots:

- (1) City parking lot, 130th Avenue, West and Gulf Boulevard.
- (2) City parking lot, 131st Avenue, West and Gulf Boulevard.
- (3) City parking lot, 132nd Avenue, West and Gulf Boulevard.
- (4) City parking lot, 133rd Avenue, East and Gulf Boulevard.
- (5) City parking lot, 133rd Avenue, West and Gulf Boulevard.
- (6) City parking lot, 134th Avenue, West and Gulf Boulevard.
- (7) City parking lot, 135th Avenue, West and Gulf Boulevard.
- (8) City parking lot, 136th Avenue, West and Gulf Boulevard.
- (9) City parking lot, John's Pass Park (South Beach) at 129th Avenue, West and Gulf Boulevard.

(b) subject to the following limitations:

- (1) A public parking permit shall not guarantee or reserve to the holder of the permit a parking space within a designated parking lot or beach access easement.
- (2) Vehicle owners may purchase a parking permit from the city.
- (3) Parking permits must be properly displayed as directed at the time of issuance.
- (4) The city reserves the right to limit the number of available permits at any one time.
- (5) Monthly and weekly permit fees will be as provided in the city fees and collection procedure manual.
- (6) The city manager may issue special parking permits on a case-by-case basis.
- (7) Overnight parking is permitted. ~~Backing of vehicles into metered spaces is prohibited.~~
- (8) Permits will not be issued for boats and recreational vehicles in excess of 18 feet in length or commercial vehicles.
- (9) Sleeping within any vehicle parked in the lot will not be permitted.

- (10) Permit holders will be provided copies of these parking regulations as part of the permitting process.

(Code 1983, § 12-205(C)(2); Ord. No. 1026, § 2, 8-10-04; Ord. No. 1034, § 1, 12-14-04; Ord. No. 1041, § 1, 4-12-05; Ord. No. 1152, § 2, 4-14-09; Ord. No. 2012-10, § 1, 4-9-13)

Sec. 66-75. - Enforcement.

Citations in a form approved by the designated law enforcement agency for violations of this division may be issued by both law enforcement officers and properly qualified parking enforcement officers of the city.

(Code 1983, § 12-205(D))

Sec. 66-76. - Penalties.

Penalties for violations of this division are provided in the fees and collection procedures manual.

(Code 1983, § 12-205(E); Ord. No. 1034, § 1, 12-14-04; Ord. No. 1152, § 3, 4-14-09)

Sec. 66-77. - Kitty Stuart Park.

The park and parking lot hours for Kitty Stuart Park, at 141st Avenue and Gulf Boulevard, will be from 6 a.m. to 10 p.m. and subject to the regulations listed in section 66-72 with the exception of subsections (4) and (6).

(Ord. No. 920, § 1, 12-7-99)

Secs. 66-78—66-95. - Reserved.

DIVISION 3. - NONMETERED PARKING SPACES

Sec. 66-96. - Purpose and applicability.

The purpose of this division is to establish uniform standards for parking of motor vehicles on city owned nonmetered property in John's Pass Village. The requirements established in this division are applicable to the following parking locations:

- (1) Nonmetered parking spaces on Gulf Boulevard East from 128th Avenue to 130th Avenue.
- (2) Nonmetered parking spaces on 129th Avenue East and West.

(Code 1983, § 12-206(A))

Sec. 66-97. - Limitations.

Parking motor vehicles are allowed at the noted locations subject to the following limitations:

- (1) All vehicles must park within the designated nonmetered space;
- (2) No part of the vehicle shall extend beyond the limits of the marked parking space;
- (3) Parking in areas marked by diagonal yellow lines is strictly prohibited;
- (4) Parking in designated spaces will be limited to a total of three hours during the period of 6:00 a.m. to 11:00 p.m. daily.

(Code 1983, § 12-206(B))

(Code 1983, § 12-206(C); Ord. No. 932, § 2, 10-17-00)

~~Sec. 66-98. Reserved spaces; identifying authorized users; revocation or amendment.~~

~~(a) One parking space will be reserved and marked for the exclusive use of the occupant residing in the apartment located at 13003 Gulf Boulevard, East.~~

~~(b) Property owners will be responsible for identifying authorized users. Violators who unlawfully use these designated parking spaces will be subject to the penalty provisions of this section.~~

~~(c) The city, at its sole discretion, may revoke or amend the provisions of this section. This section does not create any right, title, interest or property interest on the part of affected property owners, and affected property owners shall have no legal recourse against the city or its agents, employees, officers and officials as the result of any revocation or amendment of this section.~~

~~(Code 1983, § 12-206(C); Ord. No. 932, § 2, 10-17-00)~~

Section 2. EFFECTIVE DATE. This Ordinance shall become effective as provided by law immediately upon passage by the Board of Commissioners

Section 3. SEVERABILITY. Each section above is intended to be independently considered and separately voted upon as individual subsections. If any section, sentence, paragraph, word, provision or term of this Ordinance, is determined by a Court of competent jurisdiction to be invalid, such decision shall not otherwise affect the validity of the remaining portions of this Ordinance that were not declared to invalid.

Section 4. REPEAL OF ORDINANCES IN CONFLICT. Any portion of any ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed and compliance is required with this Ordinance.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS 11th day of June, 2019.

By: Maggi Black
Maggi Black, Mayor

ATTEST:

By: Clara VanBlargen
Clara VanBlargen, MMC, MSM, City Clerk

APPROVED AS TO FORM AND CONTENT:

Ralf C. Brooks
RALF BROOKES, ATTORNEY, City Attorney

As duly noticed and advertised for: May 24, 2019

FIRST READING: on May 14, 2019, 2019

SECOND READING: on June 11th, 2019



Tampa Bay Times

Published Daily

STATE OF FLORIDA } ss
COUNTY OF Pinellas County

Before the undersigned authority personally appeared Amy Robison who on oath says that he/she is Legal-Clerk of the Tampa Bay Times a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter RE: MADEIRA BEACH 2019-0 was published in Tampa Bay Times: 5/24/19. in said newspaper in the issues of St Pete Times Beaches

Affiant further says the said Tampa Bay Times is a newspaper published in Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as a second class mail matter at the post office in said Pinellas County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid not promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

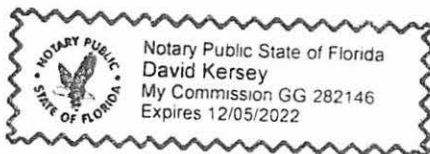
Amy Robison
Signature of Affiant

Sworn to and subscribed before me this 05/24/2019.

[Signature]
Signature of Notary Public

Personally known _____ or produced identification

Type of identification produced _____



NOTICE OF PUBLIC HEARING CITY OF MADEIRA BEACH

In accordance with the City of Madeira Beach Code of Ordinances, the City of Madeira Beach City Charter, and Florida Statutes §166.041(3)(a):

NOTICE IS HEREBY GIVEN, the Board of Commissioners of the City of Madeira Beach will conduct a **Second Reading and Public Hearing for the adoption of proposed Ordinance 2019-06, Ordinance 2019-08, Ordinance 2019-09, Ordinance 2019-10, Ordinance 2019-11, and Ordinance 2019-12 on Tuesday, June 11, 2019 at 6:00 p.m.** The meeting will be held in the Patricia Shontz Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708. The title of said Ordinance is as follows:

ORDINANCE 2019-06

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE FEES AND COLLECTIONS PROCEDURES, PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

ORDINANCE NO 2019-08

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, PINELLAS COUNTY, FLORIDA PROVIDING FOR AMENDMENT OF CHAPTER 58 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE II. - SIDEWALKS AND DRIVEWAYS, SEC. 58-32 DRIVEWAYS; SPECIFICATIONS, (C) TO EXCLUDE DRIVEWAY FLARES FROM MEASUREMENT BETWEEN A TWO-DRIVEWAY ENTRANCE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

ORDINANCE NO 2019-09

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, PINELLAS COUNTY, FLORIDA PROVIDING FOR AMENDMENT OF CHAPTER 110 - ZONING, ARTICLE VI. SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 11. - SWIMMING POOLS, SEC 110-721 - PATIOS; LIGHTING; DESIGN TO INCLUDE PATIO THICKNESS AND PATIOS AND PAVED DECKS IN YARDS THAT FRONTS ON AN OPEN WATER BODY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

ORDINANCE 2019-10

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA AMENDING CITY CODE CHAPTER 2, ARTICLE I, DIVISION 1 SECTION 2.1 (OFFICIAL CITY SEAL AND LOGO); PROVIDING FOR CITY LOGO; PROVIDING FOR AUTHORIZED USE OF CITY LOGO; PROVIDING FOR PROHIBITED USE OF CITY LOGO; PROVIDING EFFECTIVE DATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT.

ORDINANCE 2019-11

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA AMENDING CITY CODE CHAPTER 66, ARTICLE III, DIVISION 2; PROVIDING FOR PARKING REGULATIONS; PROVIDING FOR PARKING FEES; PROVIDING FOR PARKING PERMITS; PROVIDING EFFECTIVE DATES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

ORDINANCE NO 2019-12

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, PINELLAS COUNTY, FLORIDA, PROVIDING FOR AMENDMENT TO THE CODE OF ORDINANCES AMENDING CHAPTER 110-ZONING, ARTICLE VI- SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 5. - GLARE AND LIGHTNING. SEC 110-501, UPDATING PURPOSE TO INCLUDE INFORMATION ABOUT NESTING AND HATCHLINGS, AND INCLUDE FEDERAL REGULATED LIGHTS; SEC 110-502, TO INCLUDE DEFINITIONS; SEC 110-503 REFERRING TO PROTECTION FOR PROPERTY OWNERS; SEC 110-504, INDICATING GENERAL STANDARDS WITHIN SEA TURTLE CONSERVATION ZONE; SEC 110-505, DESCRIBING FULL LIGHTING STANDARDS WITHIN THE SEA TURTLE CONSERVATION ZONE; SEC 110-506, ADDRESSING PUBLICLY OWNED LIGHTING IN THE BEACH AREA; AND SEC 110-507; ADDRESSING TEMPORARY LIGHTING STANDARDS. PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

A copy of the proposed Ordinances is available for inspection in the City Clerk's Office between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. If you would like more information regarding the proposed Ordinances, please contact City Clerk Clara VanBlargan at 727-391-9951, ext. 231.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. All persons are hereby advised that any presentation they make to the Board of Commissioners will be encouraged to be as precise as possible and will be limited to three minutes per speaker to permit maximum participation by the public at large.

Persons who wish to appeal any decision made by the Board of Commissioners with respect to any matter considered during a public hearing at this meeting will need a record of the proceedings, and for such purpose may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. It is the responsibility of the person making the appeal to bear the cost of hiring a private reporter or private recording firm to make the verbatim record.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office no later than 4:00 p.m. on the day prior to the meeting: (727) 391-9951, Ext. 231 or 223 or fax a written request to (727) 399-1131.

Clara VanBlargan, MMC, MSM, City Clerk