

## Draft 2 Ordinance Amendment: Beach Kiosk ~~and Semi-Permanent~~ ~~Vendor Structure~~ Regulations

### MOTION BY THE BEACH & COASTAL RESOURCES COMMITTEE

"I move that the Beach & Coastal Resources Committee recommend that the City Council amend Section 54-36 of the City of Marco Island Code of Ordinances to clarify that beach kiosks ~~and semi-permanent vendor structures~~ constitute permanent structures under Section 54-101, and to establish clear standards for their approval, placement, removal during storm events, maintenance, and enforcement.

The Committee further recommends that the City require both City and State authorization for any Beach kiosk ~~or vendor structure~~, and clarify that existing kiosks or vendor structures do not qualify as nonconforming structures and must comply with all requirements immediately upon adoption. The Committee recommends adoption of the specific regulatory language set forth in the proposed amendment."

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### Ordinance Amendment

*(Only new subsections added to Sec. 54-36, using sequential lettering after subsection (c))*

#### SECTION 1. AMENDMENT TO SECTION 54-~~3236~~ CODE OF ORDINANCES

Section 54-~~3236~~ of the City of Marco Island Code of Ordinances is amended to add

(h) Beach Kiosks means any man-made booth, hut, stand, storage unit, service counter, framed structure, enclosure, or similar improvement including any equipment racks, equipment, tables, chairs, and other equipment utilized in conjunction with the Beach Kiosk used for commercial beach operations or vendor services that:

1. (1) Is not removed from the beach daily;
2. ~~—(2) Requires more than one person to move;~~

- ~~3.2. Requires anchoring~~, leveling, footings, posts, or stabilization; or  
~~4.3. (3)~~ Is intended, ~~designed, or represented~~ to remain in the same location for more than ~~twenty-four (24)~~ hours.

## Add

### Sec. 54-37. Beach kiosks

~~(a)~~ (a) Purpose.

The purpose of this section is to ensure that beach kiosks ~~and semi-permanent vendor structures~~ present a neat, well-maintained, and visually compatible appearance consistent with the natural coastal environment of Marco Island.

~~(b)~~ (b) Applicability.

This section applies to all beach kiosks.

~~(c)~~ (c) Required property approvals.

No Beach kiosk ~~or vendor structure~~ may be installed, maintained, or operated on the beach unless:

1. The parcel on which the structure Beach kiosk is located holds all current City of Marco Island beachfront vendor approvals; and
2. The property holds all required State of Florida approvals, including any approvals for structures seaward of the Coastal Construction Control Line.

~~(d)~~ (d) Permit required.

No kiosk ~~or semi-permanent~~ vendor structure shall be placed, expanded, reconstructed, or operated on the beach without a ~~Miscellaneous~~ Beach Kiosk Permit issued by the City.

1. Existing
2. Beach kiosks ~~and semi-permanent structures~~ must obtain a ~~Miscellaneous~~ Beach Kiosk Permit within 60 days of the effective date of this ordinance.

Failure to obtain a permit shall constitute a violation and may result in removal of the structure.

~~(e)~~ (e) Design and aesthetic standards.

1. Color and Materials. Structures-Beach kiosks must utilize coastal-appropriate colors (white, tan, ~~or gray, or pastel tones~~) and materials resistant to salt, wind, and moisture deterioration.
2. Vendor identification or Logos. Vendor identification or logos may appear only on approved signage, consistent with the signage standards of this section. Logo colors are not required to comply with the coastal color palette, provided that such logos are limited to identification purposes and do not dominate the overall appearance of the structure.
- ~~2.3.~~ Size Limits. Maximum footprint of the Beach kiosk cannot exceed of 48 sq. ft. The height of the Beach Kiosk may not exceed 8 ft. maximum height of 8 ft., unless otherwise approved through the permit.
- ~~3.4.~~ Appearance. Structures The Beach kiosk must be kept in good repair, free of rust, peeling paint, mold, stains, broken components, or visible deterioration.
- ~~4.5.~~ Signage. Only one (1) identification sign is permitted per Beach kiosk, not exceeding four (4 sq. ft., with muted colors) square feet in area. Such sign shall not be illuminated and no illumination. Signage must shall be physically and securely attached to the kiosk. Except as expressly modified herein, all other applicable provisions of the City's sign regulations are incorporated by reference and shall apply.
- ~~5.~~ View Corridors. Structures must be positioned to avoid obstructing significant views from public access points to the extent practicable.

(f) Location and placement.

- ~~—Kiosks must be placed landward of the established seasonal beach raking zone and must not obstruct public beach access corridors.~~
- Beach kiosks cannot be placed in the dune or dune vegetation or seaward of the mean high water line.
- ~~—No kiosk may be placed seaward of the Coastal Construction Control Line (CCCL) without all required state approvals.~~
- ~~—Structures must be located entirely within the area authorized by the City's approved site plan for the vendor's operation and within the parcel boundary of the host property.~~
- Structures-Beach kiosks must be located entirely within the area authorized by the City's approved site plan for the vendor's operation, within the parcel boundary of the host property, and shall not be placed within dune areas, dune vegetation, or any area designated for dune protection, or seaward of the high mean high water line, regardless of whether such area is shown within an approved site plan.
- The Beach kiosk must be set back 10 ft from the property line, side parcel line.

(g) Maintenance and inspection.

~~6. Vendors must maintain the structure in a safe and aesthetically pleasing condition at all times.~~

7. The City may inspect Beach kiosks at any reasonable time to ensure compliance.

~~8. If a kiosk is found to be in disrepair, the City may issue a Notice of Correction requiring repairs within 15 days.~~

1. Failure to comply may result in suspension or revocation of the permit and removal of the structure at the vendor's expense.

(h) Utilities and hazardous materials.

~~9.1. Kiosks and semi-permanent vendor~~ Beach kiosks structures shall not be connected to, or draw from, any public utilities, including but not limited to electric power, potable water, sanitary sewer, natural gas, or communications infrastructure.

The storage of gasoline, propane, lighter fluid, or other flammable or combustible liquids or gases within kiosks, under structures, or on the immediately adjacent beach area is prohibited, except for small quantities of standard consumer products such as sunscreen or insect repellent in their original containers.

(i) Exterior storage

Loose equipment, materials, tools, supplies, or personal property shall not be stored outside a kiosk or vendor structure, except as expressly authorized under an active beach vendor approval.

(j) Storm removal requirement.

For the protection of life and property, all vendor Beach kiosks ~~and semi-permanent structures~~ must be fully removed from the beach when:

A tropical storm, or hurricane, ~~or named storm event~~ is forecast by the National Weather Service, National Hurricane Center, or any authorized state agency that includes the City of impact Marco Island; or

Removal is required by a City-issued emergency order or by the terms of an applicable vendor permit.

For purposes of this subsection, storm removal means complete physical removal of the structure from the beach and beach-access areas, not merely securing or anchoring in place. Such removal shall occur within the time period specified in the applicable vendor permit or City-issued emergency order, or, if no time period is specified, within twenty-four (24) hours.(k) Enforcement and penalties.

Failure to comply with any ~~subsection~~provision of this section shall constitute a violation ~~subject to civil~~

~~Failure to comply~~enforceable in accordance with ~~any subsection~~the City's code enforcement and penalty provisions, including but not limited to the issuance of this section shall constitute a notices of violation-subject to, assessment of civil penalties, permit suspension or revocation where authorized, and removal of ~~the structure~~unauthorized structures at the owner's expense. ~~The, as provided elsewhere in the City may recover all costs incurred for removal or enforcement. Each day a violation continues shall constitute a separate offense~~Code, including provisions governing continuing violations.

## **\*REVIEW TO CONTINUE AT NEXT MEETING\***

54-38. Beach furniture and vendor equipment regulations.

(a) Purpose.

To regulate the amount, density, footprint, placement, staging, and storage of vendor beach furniture to preserve public access, maintain views, protect resources, and ensure emergency access.

(b) Applicability.

Applies to all chairs, loungers, umbrellas, cabanas, tables, staging areas, and similar items used in commercial beach operations.

(c) Limits on amount and ~~density~~placement of furniture.

- ~~Maximum density: 0.1 chairs/umbrellas per linear foot of beachfront.~~
- ~~Staging limit: One 8×8 ft staging area per 100 linear ft; max stacked height 4.5 ft.~~
- ~~Furniture may not be pre-set before sunrise; must be removed or consolidated after sunset.~~

Beach furniture shall be placed only within the vendor's approved furniture placement area and in accordance with an approved Beach Furniture Placement Plan required by subsection (i).

The maximum number of chairs, loungers, umbrellas, and similar furniture permitted shall be limited to the quantities approved as part of the Beach Furniture Placement Plan. Placement or use of furniture in excess of the approved quantities or outside the approved placement area shall constitute a violation of this section.

(d) Placement restrictions.

Furniture shall not:

- Obstruct public access.

- Must maintain 12-ft corridor at each public access/street end.
- Must remain 12 ft from lifeguard towers.
- Must remain 15 ft from dune vegetation.
- Must remain 20 ft from high-tide waterline.
- ~~- Must not impede lifeguard visibility.~~
- Must remain within approved operational area.

~~(b)~~ (e) Access aisles.

A 6-ft-wide aisle must be provided every 50 linear feet, clear at all times.

~~(e)~~ (f) Prohibited storage.

No storage outside approved staging area. No overnight storage unless authorized.

~~(d)~~ (g) Emergency, storm, and high-wind removal.

All beach furniture must be removed during storm forecasts, high winds, or upon City order.

~~(e)~~ (h) Aesthetic and condition standards.

Furniture must use uniform coastal colors and be maintained free of damage, rust, and deterioration.

~~(f)~~ (i) Beach Furniture Placement Plan.

Vendors must submit a plan showing:

- Max furniture count,
- Placement areas,
- Access corridors,
- Staging footprint,
- Emergency removal procedures.

~~(g)~~ (j) Nonconforming operations.

Vendors must comply within 90 days.

## SECTION 2. CODIFICATION

It is the intention of the City Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Marco Island.

## SECTION 3. CONFLICTS

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

## SECTION 4. SEVERABILITY

If any portion of this ordinance is determined to be invalid or unconstitutional, such determination shall not affect the remaining provisions.

## SECTION 5. EFFECTIVE DATE

This amendment shall take effect immediately upon adoption.