

Draft ~~32~~ Ordinance Amendment: Beach Kiosk Regulations

MOTION BY THE BEACH & COASTAL RESOURCES COMMITTEE

"I move that the Beach & Coastal Resources Committee recommend that the City Council adopt an ordinance amending Chapter 54 of the City of Marco Island Code of Ordinances to add a definition of 'Beach Kiosk' to Section 54-32, Definitions, and to add new Sections 54-37 and 54-38 to establish standards governing beach kiosks, beach furniture, and vendor equipment, including permitting, placement, storm removal, maintenance, and enforcement, as set forth in the proposed ordinance."

"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 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 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."

Ordinance Amendment

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

SECTION 1. AMENDMENT TO SECTION 54-32, DEFINITIONS, CITY OF MARCO ISLAND CODE OF ORDINANCES

(Only new subsections added to Sec. 54-32, using sequential lettering)

Section 54-32, Definitions, City of Marco Island Code of Ordinances is amended to add:

"Beach Kiosk" means any man-made booth, hut, stand, or similar structure located on the beach and used for commercial beach operations or vendor services, whether for storage, transactions, or operational support, that meets any of the following criteria:

- (1) Is not removed from the beach at the end of each day;
- (2) Requires anchoring, leveling, footings, posts, or other stabilization; or
- (3) Is intended, designed, or represented to remain in the same location for more than twenty-four (24) hours.

SECTION 1. AMENDMENT TO SECTION 54-36 CODE OF ORDINANCES

~~Section 54-36 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 leveling, footings, posts, or stabilization; or~~
- ~~3. (3) Is intended, designed, or represented to remain in the same location for more than twenty-four (24) hours.~~

SECTION 2. ADD SECTION 54-37 BEACH KIOSKS

Add

Sec. 54-37. Beach kiosks

(a) Purpose.

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

(b) Applicability.

This section applies to all beach kiosks.

(c) Required property approvals.

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

1. The parcel on which the 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) Permit required.

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

1. Existing

2. ~~kiosks~~Beach -Kiosks must obtain a Beach Kiosk Permit within ~~60-180~~ 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) Design and aesthetic standards.

1. Color and Materials. Beach kiosks must use colors limited to white, tan, or gray, and must be constructed of utilize coastal-appropriate colors (white, tan, or gray) 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.~~
3. Size Limits. Maximum footprint of the Beach kiosk cannot exceed of ~~48-64~~ sq. ft. The height of the Beach Kiosk may not exceed 128 ft height including wheels.
4. Appearance. The Beach kiosk must be kept in good repair, free of rust, peeling paint, mold, stains, broken components, or visible deterioration.
5. Signage. One (1) identification sign is permitted per Beach kiosk, not exceeding ~~four~~ fifteen (154) square feet in area. Such sign shall not be illuminated and 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.

- (f) Location and placement.

~~—Beach kiosks cannot be placed in the dune or dune vegetation or seaward of the mean high water line.~~

- 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.
- The Beach kiosk must be set back 10 ft from the property line.

~~1. (g) Maintenance and inspection. The City may inspect Beach kiosks at any reasonable time to ensure compliance. Failure to comply may result in suspension or revocation of the permit and removal of the structure at the vendor's expense.~~

1. (hg) Utilities and hazardous materials. Beach kiosks 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.

(~~ih~~) 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.

(~~ij~~) Storm removal requirement. For the protection of life and property, all vendor Beach kiosks must be fully removed from the beach when:

A tropical storm, or hurricane, 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.

(~~ki~~) Enforcement and penalties. Failure to comply with any provision of this section shall constitute a violation enforceable in accordance with the City's code enforcement and penalty provisions, including but not limited to the issuance of notices of violation, assessment of civil penalties, permit suspension or revocation where authorized, and removal of unauthorized structures at the owner's expense, as provided elsewhere in the City Code, including provisions governing continuing violations.

~~***REVIEW TO CONTINUE AT NEXT MEETING***~~ SECTION 3. ADD SECTION 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 placement of furniture. Beach furniture shall be placed only within the vendor's approved furniture placement area and in accordance with an approved ~~Beach Furniture Placement~~Site 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~~Site Plan, or

exemptions. 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~~ must 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 remain 15 ft from upland property line.
- ~~Must remain within approved operational area, and.~~
- Must remain 15 ft from any Beach Kiosk.

(e) Access aisles.

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

(f) Prohibited storage.

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

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

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

(h) Aesthetic and condition standards.

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

(i) Beach Furniture Placement Plan.

Vendors include in the Site Plan, ~~must submit~~ a plan showing:

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

(j) Nonconforming operations.

Vendors must comply within 90 days of the effective date of this ordinance.

SECTION 42. 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 ~~5~~3. CONFLICTS

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

SECTION ~~6~~4. SEVERABILITY

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

SECTION ~~7~~5. EFFECTIVE DATE

This amendment shall take effect immediately upon adoption.