

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

**ORDINANCE 26-\_\_**

**AN ORDINANCE OF THE CITY OF MARCO ISLAND AMENDING CHAPTER 54, "WATERWAYS AND BEACHES," ARTICLE II, "BEACH MANAGEMENT AND VESSEL CONTROL," OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES, BY AMENDING SECTION 54-32, "DEFINITIONS" TO ADD A NEW DEFINITION FOR THE TERM "BEACH KIOSK"; ENACTING A NEW SECTION 54-40, ENTITLED "BEACH KIOSKS" TO PROVIDE FOR THE REGULATION OF BEACH KIOSKS WITHIN THE CITY OF MARCO ISLAND"; ENACTING A NEW SECTION 54-41, ENTITLED "BEACH FURNITURE AND VENDOR EQUIPEMNT," TO PROVIDE FOR THE REGULATION OF THE PLACEMENT OF VENDOR BEACH FURNITURE AND EQUIPMENT WITHIN THE CITY OF MARCO ISLAND; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Marco Island ("City") finds that there is a need to regulate the placement and operation of businesses and associated facilities and equipment placed on beach within the City; and

**WHEREAS**, City residents and visitors are entitled to enjoy the beaches within the City without having their access to the beach and gulf waters impeded by the businesses that operate on the City's beaches; and

**WHEREAS**, in order to insure that all vendors that operate on the beach are treated equally, and that the public is allowed proper access to the beach, the City Council finds that there is a need and justification for this Ordinance, so as to regulate the placement of Beach Kiosks, vendor beach furniture, and equipment on the beaches located within the City of Marco Island; and

**WHEREAS**, the regulation of the placement of Beach Kiosks, beach vendor beach furniture, and equipment on the beaches in the City of Marco Island is in the best interest of the health, safety, and welfare of the residents, visitors, and businesses located in the City of Marco Island.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:**

**SECTION 1. Recitals.** Each and all the foregoing recitals be and the same are hereby incorporated into this Ordinance as if specifically set forth herein.



80 (c) Required property approvals. No Beach kiosk may be installed,  
81 maintained, or operated on the beach unless:

82 1. The parcel on which the Beach kiosk is located holds all  
83 current City of Marco Island beachfront vendor approvals or  
84 exemptions; and

85 2. The property holds all required State of Florida approvals or  
86 exemptions, including any approvals or exemptions for structures  
87 seaward of the Coastal Construction Control Line.

88 (d) Permit required.

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

92 2. Existing Beach Kiosks must obtain a Beach Kiosk Permit  
93 within 180 days of the effective date of this ordinance.

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

96 (e) Design and aesthetic standards.

97 1. Color and Materials. Beach kiosks must use colors limited to  
98 white, tan, or gray, and must be constructed of materials resistant to  
99 salt, wind, and moisture deterioration.

100 2. Vendor identification or Logos. Vendor identification or logos  
101 may appear only on approved signage, consistent with the signage  
102 standards of this section. Logo colors are not required to comply with  
103 the coastal color palette, provided that such logos are limited to  
104 identification purposes.

105 3. Size Limits. Maximum footprint of the Beach kiosk cannot  
106 exceed 64 square feet The height of the Beach Kiosk may not  
107 exceed twelve feet (12') in height, including wheels.

108 4. Appearance. The Beach kiosk must be kept in good repair,  
109 free of rust, peeling paint, mold, stains, broken components, or  
110 visible deterioration.

111 5. Signage. One (1) identification sign is permitted per Beach  
112 kiosk, not exceeding fifteen (15) square feet in area. Such sign shall  
113 not be illuminated and shall be physically and securely attached to  
114 the kiosk. Except as expressly modified herein, all other applicable  
115 provisions of the City's sign regulations are incorporated by  
116 reference and shall apply.

117 (f) Location and placement.

118 1. Beach kiosks must be located entirely within the area  
119 authorized by the City's approved Site Plan for the vendor's  
120 operation, within the parcel boundary of the host property, and shall  
121 not be placed within dune areas, dune vegetation, or any area  
122 designated for dune protection, or seaward of the mean high-water  
123 line.

124 2. The Beach kiosk must be set back 10 feet from the property  
125 line.

126 (g) Utilities and hazardous materials.

127 1. Beach kiosks shall not be connected to, or draw from, any  
128 public utilities, including but not limited to electric power, potable  
129 water, sanitary sewer, natural gas, or communications infrastructure.

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

135 (h) Exterior storage. Loose equipment, materials, tools, supplies, or  
136 personal property shall not be stored outside a kiosk or vendor  
137 structure, except as expressly authorized under an active beach  
138 vendor approval or exemption.

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

141 1. A tropical storm, or hurricane, is forecast by the National  
142 Weather Service, National Hurricane Center, or any authorized state  
143 agency that includes the City of Marco Island; or

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

146 For purposes of this subsection, storm removal means complete  
147 physical removal of the structure from the beach and beach-access  
148 areas, not merely securing or anchoring in place. Such removal shall  
149 occur within the time period specified in the applicable vendor permit  
150 or City-issued emergency order, or, if no time period is specified,  
151 within twenty-four (24) hours of the issuance of the weather forecast  
152 announcement or emergency order.

153 (j) Enforcement and penalties. Failure to comply with any provision of  
154 this section shall constitute a violation enforceable in accordance  
155 with the City's code enforcement and penalty provisions, including

156 but not limited to the issuance of notices of violation, assessment of  
157 civil penalties, permit suspension or revocation where authorized,  
158 and removal of unauthorized structures at the owner's expense, as  
159 provided elsewhere in the City Code, including provisions governing  
160 continuing violations.

161  
162 **SECTION 4.** That Chapter 54, "Waterways and Beaches," Article II, "Beach  
163 Management and Vessel Control," be, and the same is hereby amended by  
164 enacting a new Section 54-41, "Beach Furniture and Vendor Equipment," to read  
165 as follows:

166  
167 **SEC. 41 BEACH FURNITURE AND VENDOR EQUIPMENT**

168 (a) Purpose. To regulate the amount, density, footprint, placement,  
169 staging, and storage of vendor beach furniture to preserve public  
170 access, maintain views, protect resources, and ensure emergency  
171 access.

172 (b) Applicability. Applies to all chairs, loungers, umbrellas, cabanas,  
173 tables, staging areas, and similar items used in commercial beach  
174 operations.

175 (c) Limits on amount and placement of furniture. Beach furniture shall  
176 be placed only within the vendor's approved furniture placement area  
177 and in accordance with an approved Site Plan required by sub-  
178 section (h) as provided in this Section. The maximum number of  
179 chairs, loungers, umbrellas, and similar furniture permitted shall be  
180 limited to the quantities approved as part of the Site Plan, or  
181 exemptions. Placement or use of furniture in excess of the approved  
182 quantities or outside the approved placement area shall constitute a  
183 violation of this section.

184 (d) Placement restrictions. Furniture must not:

- 185 1. Obstruct public access,
- 186 2. Must maintain 12-foot corridor at each public access,
- 187 3. Must remain 15 feet from dune vegetation,
- 188 4. Must remain 20 feet from high-tide waterline,
- 189 5. Must remain 15 feet from upland property line,
- 190 6. Must remain within approved operational area, and
- 191 7. Must remain 15 feet from any beach kiosk.

192 (e) Prohibited storage. No storage outside approved staging area. No  
193 overnight storage unless authorized in the Site Plan.

194 (f) Emergency, storm, and high-wind removal. All beach furniture must  
195 be removed during storm forecasts, high winds, or upon City order.

196 (g) Aesthetic and condition standards. Furniture must use uniform  
197 coastal colors and be maintained free of damage, rust, and  
198 deterioration.

199 (h) Beach Furniture Placement Site Plan. A Vendor shall include in the  
200 Site Plan, a plan showing:

- 201 1. Max furniture count,
- 202 2. Placement areas,
- 203 3. Access corridors,
- 204 4. Staging footprint,
- 205 5. Emergency removal procedures.

206 (i) Nonconforming operations. Vendors must comply within 90 days of  
207 the effective date of this ordinance.

208  
209 **SECTION 5. Severability/Interpretation.**

210  
211 (a) If any term, section, clause, sentence or phrase of this Ordinance is for any  
212 reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction,  
213 the holding shall not affect the validity of the other or remaining terms, sections, clauses,  
214 sentences, or phrases portions of this Ordinance, and this Ordinance shall be read and/or  
215 applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or  
216 section did not exist.

217  
218 (b) In interpreting this Ordinance, underlined words indicate additions to  
219 existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (\*  
220 \* \* \*) indicate a deletion from the Ordinance of text, which continues to exist in the Code  
221 of Ordinances. It is intended that the text in the Code of Ordinances denoted by the  
222 asterisks and not set forth in this Ordinance shall remain unchanged from the language  
223 existing prior to adoption of this Ordinance.

224  
225 **SECTION 6. Effective Date.** This Ordinance shall be effective immediately upon  
226 adoption by the City Council on second reading.

227  
228 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this \_\_\_\_  
229 day of \_\_\_\_\_, 2026.

230 **ATTEST:**

**CITY OF MARCO ISLAND, FLORIDA**

231 \_\_\_\_\_  
232 Joan Taylor, City Clerk

By: \_\_\_\_\_  
Darrin Palumbo, Chairman

233  
234 Approved as to form and legal sufficiency:  
235

236  
237  
238

---

Alan L. Gabriel, City Attorney