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ORDINANCE 19-XX

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, RELATING TO LAND DEVELOPMENT; MAKING FINDINGS; AMENDING SECTION 30-10 OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES RELATING TO THE REVISION DEFINITIONS; AMENDING SECTION 30-1007 OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES RELATING TO PARKING AND STORAGE OF CERTAIN VEHICLES INCLUDING BUT NOT LIMITED TO RECREATIONAL VEHICLES AND TRAILERS; PROVIDING FOR SEVERABILITY/INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this Ordinance is intended to revise regulations relating to the parking of certain vehicles, including recreational vehicles and trailers and clarifying the definition of a “recreational vehicle” and defining the term “trailer”; and

WHEREAS, Section 30-62(3)d.1., Code of Ordinances of the City of Marco Island, Florida, as amended by Ordinance No. 17-09, provides:

d. Amendments to the LDC; Nature of planning board report. When pertaining to an amendment to the text of the LDC and other than a proposed rezoning, the planning board shall consider, study, and make findings with regard to:

1. *The need and justification for the change;*

2. The relationship of the proposed LDC amendment to the purposes and goals, objectives, and policies of the city's comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of the LDC and other city codes, regulations, and actions designed to implement the growth management plan.

(emphasis added); and

WHEREAS, the need and justification of this Ordinance is to clarify provisions relating to the regulation of the parking of certain vehicles, including recreational vehicles and trailers; and

WHEREAS, the Comprehensive Plan includes in the Future Land Use Element the following goal:

45 TO ENHANCE MARCO ISLAND'S QUALITY OF LIFE,
46 ENVIRONMENTAL QUALITY, AND TROPICAL SMALL
47 TOWN AND RESORT CHARACTER BY MANAGING
48 GROWTH AND ASSURING A STABLE RESIDENTIAL
49 COMMUNITY WITH SUFFICIENT BUSINESSES TO
50 SERVE THE NEEDS OF RESIDENTS AND VISITORS; and
51

52 **WHEREAS**, the City Council finds that this goal will be furthered by clarifying when
53 certain types of vehicles may be parked in residentially zoned areas of the community,
54 thereby assisting in preserving the small town character of the community; and
55

56 **WHEREAS**, Policy 1.7.1 of the Comprehensive Plan Future Land Use Element
57 states:

58
59 Policy 1.7.1: The City will continue to enforce adopted
60 architectural and site design regulations in the adopted Land
61 Development Code.
62

63 **WHEREAS**, the City Council finds that this Ordinance is consistent with Policy
64 1.7.1, because this Ordinance will enable enforcement of architectural and site design
65 regulations by clarifying regulations in the Land Development Code (LDC) relating to
66 parking of certain vehicles in residentially zoned neighborhoods; and
67

68 **WHEREAS**, Policy 1.7.3 of the Comprehensive Plan Future Land Use Element
69 states in pertinent part:

70
71 Policy 1.7.3: The City will seek to identify and eliminate
72 existing non-conformities that detract from the City's character
73 or could impact the public health, safety, or welfare through
74 diligent code enforcement
75

76 **WHEREAS**, the City Council finds that this Ordinance is consistent with Policy
77 1.7.3, because this Ordinance will enable a better level of code enforcement by clarifying
78 the regulations relating to the parking of certain types of vehicles in residentially zoned
79 areas; and
80

81 **WHEREAS**, the Planning Board has reviewed this Ordinance, finding it consistent
82 with the Comprehensive, and the City Council finds that this Ordinance is consistent with
83 Comprehensive Plan; and
84

85 **WHEREAS**, the City Council finds that, as a result of the foregoing, this Ordinance
86 will promote the public health, safety, aesthetics, and welfare of the community,
87

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

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

92
93 **SECTION 2. Amendment and Adoption.** That section 30-10(c) of the Code of
94 Ordinances, City of Marco Island, Florida, is hereby amended to read as follows:

95
96 **Sec. 30-10. - Definitions.**

97 * * *

98 (c) *Definitions enumerated.* The following words, terms and phrases, when
99 used in this chapter, shall have the meanings ascribed to them in this section, except
100 where the context clearly indicates a different meaning:

101 * * *

102
103 *Record improvement plans* means plans revised and corrected during or after
104 project construction to display as-built conditions, revision or changes to the approved
105 plans which occurred during the construction period, and all final constructed
106 conditions, elevations, grades, slopes, and the like for the improvements constructed.

107
108 *Recreational vehicle or equipment* means vehicles or equipment primarily
109 designed as, or which includes features (such as refrigerators, beds, awnings,
110 supplemental air conditioners, cooking devices, sanitary system, etc.) which permit,
111 temporary living quarters for recreational, camping, or travel use; or used in the pursuit of
112 other recreational activities including but not limited to ~~such as~~ boating or fishing, or
113 vehicles or equipment designed or modified expressly for competition and operated
114 primarily on a track or course. Said vehicles must be maintained in operational condition.
115 A "recreational vehicle" includes but is not limited to travel and camping trailers, truck
116 campers, motor homes, private motor coaches, and conversion vans.

117 *Removal* means to cut down, dig up, destroy, effectively destroy, or the
118 unlicensed relocation of any tree.

119 * * *

120
121 *Topping* means the severe cutting back of limbs within the tree's crown to such
122 a degree where the normal canopy is removed and the tree disfigured.

123 *Trailer* means any wheeled conveyance without motive power designed to be
124 coupled to or drawn by a vehicle and includes but is not limited to the following types of
125 conveyances: camping, cargo, equipment, flatbed, fifth wheel, gooseneck, landscaping,
126 lowboy, travel trailer, vehicle hauler, boat trailer, or utility trailer.

127 *Trailer, boat* means a wheeled conveyance drawn by other motive power for the
128 transportation of a single boat.

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SECTION 3. Amendment and Adoption. That section 30-1007 of the Code of Ordinances, City of Marco Island, Florida, is hereby amended to read as follows:

Sec. 30-1007. Parking and storage of certain vehicles.

(a) *Parking and storage of vehicles without current license plates.* Vehicles or trailers of any type that are not immediately operable, or used for the purpose for which they were manufactured without mechanical or electrical repairs or the replacement of parts; or do not meet the applicable safety, emission, and air pollution standards set forth in 40 CFR Parts 85 , 86, and 1051 Florida Safety Code; or do not have current valid license plates; or do not meet the definition of recreational equipment as defined within this code Code, shall not be parked or stored in any zoning district, other than in a completely enclosed building, with the following exceptions:

(1) While temporarily stored on the property of a licensed automotive repair or body shop facility for the purpose of having repair completed on the vehicle, Temporary storage shall not exceed sixty (60) days in any 180 consecutive day period;

(2) While stored in an authorized impound lot or at city police or fire facilities; or

(3) While stored in a C-5 zoned area which is shielded from all rights-of-way by opaque fencing, walls, or vegetation at least six feet in height.

(b) Parking, storage or use of ~~major~~ recreational vehicles and equipment. The parking of recreational vehicles and equipment in residentially zoned districts, or any zoning district which does not permit such parking as a primary use, is prohibited except as follows:

(1) When the recreational vehicle or equipment is parked within the confines of a fully enclosed structure such that it cannot be seen from any abutting property or public right-of-way; or -

(2) When parked in the open on the driveway of the property for a period of time not to exceed 24 hours to allow for loading and unloading.

(3) Upon receipt of a permit from the code enforcement division provided that:

a. Parking shall not exceed seven (7) consecutive days for the purpose of loading, unloading, minor repairs, and cleaning prior to or after a trip.

162 b. The permit shall be affixed to the vehicle in a conspicuous
163 place.

164 c. Prior to the expiration of the seven (7) consecutive -day
165 permit, a second seven (7) consecutive -day permit may be issued upon a finding by the
166 code enforcement unit ~~division~~ that the permittee has complied with permit conditions.

167 d. A maximum of four permits, or 28 total days, may be granted
168 in any single calendar year.

169 e. In no event shall recreational vehicles be used for living or
170 sleeping purposes.

171 (c) Trailer parking. The parking of a trailer in residentially zoned districts, or
172 any zoning district which does permit such parking as a primary use, is prohibited except
173 as follows:

174 (1) When a trailer is parked within the confines of a fully enclosed
175 structure such that it cannot be seen from the ground level of any abutting property, public
176 way, or waterway; or

177 (2) On a temporary basis, not to exceed twenty-four (24) consecutive
178 hours, for the purpose of loading, unloading, and cleaning.

179 3) Trailer parking is permitted on a construction site with a valid building
180 permit.

181 (d) ~~(e)~~ Boat and boat-trailer parking.

182 (1) The parking of a boat and boat-trailer in residentially zoned districts,
183 or any zoning district which does not permit such parking as a primary use, is prohibited
184 except as follows:

185 a. When a boat or boat trailer is parked within the confines of a
186 fully enclosed structure such that it cannot be seen from the ground level of any abutting
187 property, public way, or waterway.

188 b. On a temporary basis, not to exceed ~~eight hours~~ twenty-four
189 hours, for the purpose of loading, unloading, and cleaning.

190 c. When moored, berthed, or stored on an approved boat
191 docking facility.

192 (2) The display of a boat for sale is prohibited except as follows:

193 a. After the issuance of a permit, which is limited to one permit
194 per calendar year, per property.

195 b. The permit shall be for a maximum of 60 days.

196 c. The boat offered for sale is moored, berthed, or stored on an
197 approved boat docking facility.

198 d. One "for sale" sign shall be allowed, not to exceed 1½ square
199 feet in size, affixed to the boat.

200 e. A permit shall only be issued to the title-holder.

201 (e) ~~(d)~~ *Parking of commercial vehicles or commercial equipment in*
202 *residential areas.* It shall be unlawful to park a commercial vehicle or commercial
203 equipment on any lot in a residential zoning district, or any zoning district which does not
204 permit such parking as a primary use, unless one of the following conditions exists:

205 (1) The vehicle and/or equipment is engaged in a construction or service
206 operation on the site where it is parked. The vehicle or equipment must be removed as
207 soon as the construction or service activity has been completed.

208 (2) The vehicle and/or equipment is parked in a garage or fully enclosed
209 structure or carport which is structurally or vegetatively screened and cannot be seen
210 from adjacent properties or the street serving the lot at ground level.

211 (3) The vehicle is parked in the rear of the main structure and is enclosed
212 within a vegetative screening which conceals the vehicle from the view of neighbors at
213 ground level.

214 (4) Automobiles; ~~passenger-type~~ vans; and pickup trucks having a rated
215 load capacity of one ton or less, all of which do not exceed 7½ feet in height, nor seven
216 feet in width, nor 25 feet in length shall be exempted from this section unless otherwise
217 prohibited by a special parking overlay district. In no event shall automobiles, vans, or
218 pickup trucks be used for living or sleeping purposes.

219 (5) Exempted from this section is small commercial equipment such as
220 ladders and pipes which cannot be contained in the vehicle. Said equipment shall be
221 limited to one ladder or one unit of pipe which does not exceed 12 inches in diameter per
222 commercial vehicle. Said equipment shall be secured atop the vehicle and shall not
223 extend beyond the length, height or width of the vehicle.

224 (6) Parking of commercial vehicles or commercial equipment on vacant
225 residential lots is prohibited, unless associated with a valid, current building permit.

226 **SECTION 4. Severability/Interpretation.**
227

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

234
235 (b) In interpreting this Ordinance, underlined words indicate additions to
236 existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (*
237 * * *) indicate a deletion from the Ordinance of text, which continues to exist in the Code
238 of Ordinances. It is intended that the text in the Code of Ordinances denoted by the
239 asterisks and not set forth in this Ordinance shall remain unchanged from the language
240 existing prior to adoption of this Ordinance.

241
242 **SECTION 5. Effective Date.** This Ordinance shall be effective immediately upon
243 adoption by the City Council on second reading.
244

245 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this ____
246 day of _____, 2019.

247
248

249 **ATTEST:** **CITY OF MARCO ISLAND, FLORIDA**

250
251 _____ By: _____
252 Laura M. Litzan, City Clerk Erik Brechnitz, Chairman
253

254

255 Approved as to form and legal sufficiency:

256
257 _____
258 Alan L. Gabriel, City Attorney