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ORDINANCE 19-15

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:

46 TO ENHANCE MARCO ISLAND'S QUALITY OF LIFE,
47 ENVIRONMENTAL QUALITY, AND TROPICAL SMALL
48 TOWN AND RESORT CHARACTER BY MANAGING
49 GROWTH AND ASSURING A STABLE RESIDENTIAL
50 COMMUNITY WITH SUFFICIENT BUSINESSES TO
51 SERVE THE NEEDS OF RESIDENTS AND VISITORS; and
52

53 **WHEREAS**, the City Council finds that this goal will be furthered by clarifying when
54 certain types of vehicles may be parked in residentially zoned areas of the community,
55 thereby assisting in preserving the small town character of the community; and
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57 **WHEREAS**, Policy 1.7.1 of the Comprehensive Plan Future Land Use Element
58 states:
59

60 Policy 1.7.1: The City will continue to enforce adopted
61 architectural and site design regulations in the adopted Land
62 Development Code.
63

64 **WHEREAS**, the City Council finds that this Ordinance is consistent with Policy
65 1.7.1, because this Ordinance will enable enforcement of architectural and site design
66 regulations by clarifying regulations in the Land Development Code (LDC) relating to
67 parking of certain vehicles in residentially zoned neighborhoods; and
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69 **WHEREAS**, Policy 1.7.3 of the Comprehensive Plan Future Land Use Element
70 states in pertinent part:
71

72 Policy 1.7.3: The City will seek to identify and eliminate
73 existing non-conformities that detract from the City's character
74 or could impact the public health, safety, or welfare through
75 diligent code enforcement . . .
76

77 **WHEREAS**, the City Council finds that this Ordinance is consistent with Policy
78 1.7.3, because this Ordinance will enable a better level of code enforcement by clarifying
79 the regulations relating to the parking of certain types of vehicles in residentially zoned
80 areas; and
81

82 **WHEREAS**, the Planning Board has reviewed this Ordinance, finding it consistent
83 with the Comprehensive, and the City Council finds that this Ordinance is consistent with
84 Comprehensive Plan; and
85

86 **WHEREAS**, the City Council finds that, as a result of the foregoing, this Ordinance
87 will promote the public health, safety, aesthetics, and welfare of the community,
88

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

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

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

Sec. 30-10. - Definitions.

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

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

Recreational vehicle or equipment means vehicles or equipment primarily designed as, or which includes features (such as refrigerators, beds, awnings, supplemental air conditioners, cooking devices, sanitary system, etc.) which permit, temporary living quarters for recreational, camping, or travel use; or used in the pursuit of other recreational activities including but not limited to such as boating or fishing, or vehicles or equipment designed or modified expressly for competition and operated primarily on a track or course. Said vehicles must be maintained in operational condition. A “recreational vehicle” includes but is not limited to travel and camping trailers, truck campers, motor homes, private motor coaches, and conversion vans **outfitted with those features as described in this paragraph.**

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

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

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

Trailer, boat means a wheeled conveyance drawn by other motive power for the transportation of a single boat(s) and/or watercraft(s).

* * *

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 available for use ~~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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Exempted from this section is small commercial equipment such as ladders and pipes which cannot be contained in the vehicle. Said equipment shall be limited to one ladder or one unit of pipe which does not exceed 12 inches in diameter per

commercial vehicle. Said equipment shall be secured atop the vehicle and shall not extend beyond the length, height or width of the vehicle.

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

SECTION 4. Severability/Interpretation.

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

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

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

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 3rd day of September 2019.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA

Laura M. Litzan, City Clerk

By: _____
Erik Brechnitz, Chairman

Approved as to form and legal sufficiency:

Alan L. Gabriel, City Attorney