

ORDINANCE 21-__

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA;; AMENDING SECTION 30-793, “CONSTRUCTION TEMPORARY USE PERMIT” OF THE CITY’S LAND DEVELOPMENT CODE, TO PROVIDE FOR EXEMPTIONS FROM REQUIRED CONSTRUCTION TEMPORARY USE PERMITS FOR CONSTRUCTION OR REPAIR OF SEAWALL OR DOCK ON THE ASSOCIATED VACANT LOT; PROVIDING FOR EXCEPTION FROM CONSTRUCTION FENCE PERMIT WHERE CITY ISSUES TEMPORARY USE PERMIT FOR SEAWALL CONSTRUCTION OR REPAIR; MAKING FINDINGS; PROVIDING FOR SEVERABILITY/INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 38-40(1), City Code of Ordinances, the Planning Board serves as the City’s Local Planning Agency and Land Development Regulation Commission; and

WHEREAS, Section 30-62(c)(3)d., Code of Ordinances of the City of Marco Island, Florida, requires that the Planning Board determine the need and justification for a Land Development Code (“LDC”) amendment, as well as the proposals consistency with the City Comprehensive Plan; and

WHEREAS, the need and justification for this Ordinance is to provide for fair and consistent regulations that are easily enforced; and

WHEREAS, Objective 1.7 Land Use Element of the City’s Comprehensive Plan provide:

Objective 1.7: The City will enforce existing and future Land Development regulations to eliminate and/or reduce uses of land inconsistent with the Future Land Use Map and the community’s character.

WHEREAS, upon consideration of testimony by the City’s growth management staff and consideration of this Ordinance, the Planning Board finds that this Ordinance is consistent with the City’s Comprehensive Plan, and in particular Objective 1.7 of the Comprehensive Plan’s Future Land Use Element; and

WHEREAS, Section 30-62(c)(3)d., Code of Ordinances of the City of Marco Island, Florida, requires that the Planning Board determine the need and justification for a Land Development Code (“LDC”) amendment; and

WHEREAS, the Planning Board has found that the need and justification of this Ordinance is to promote fair and consistent regulations that are easily enforced; and

WHEREAS, the Planning Board has found that, as a result of the foregoing, this Ordinance will promote the public health, safety, aesthetics, and welfare of the community; and

WHEREAS, the City Council adopts the findings of the Planning Board, also sitting as the City's Local Planning Agency.

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.

SECTION 2. Amendment and Adoption. That section 30-793 of the Code of Ordinances, City of Marco Island, Florida, is hereby amended to read as follows:

Sec. 30-793. - Construction temporary use permit.

During the construction of any development for which a site development plan has been approved or a building permit issued, the developer may request a temporary use permit subject to the following:

* * *

(4). Exemptions: Building permits issued for the specific lot. Such permits include seawall and boat dock replacement and repair, construction of seawalls and docks, single-family homes. Staging for other projects or locations on the lot is prohibited and requires a staging lot permit.

Section 3. Amendment and Adoption. That Section 30-793 of the Code of Ordinances, City of Marco Island, Florida, is hereby amended to read as follows:

Sec. 30-793. - Construction temporary use permit.

During the construction of any development for which a site development plan has been approved or a building permit issued, the developer may request a temporary use permit subject to the following:

(a) *Construction fencing.* A staging lot exceeding 10 consecutive days shall have a construction fence.

- (1) The fence shall be six-foot chain link fence with a green or black fabric.
- (2) The fence shall remain in place, upright and in good repair, throughout the period of the construction activity and shall be removed when construction is completed.
- (3)_ The fence shall be installed along the front and both sides of the subject property.
- (4) A separate fence permit will not be required if approved as part of the construction temporary use for marine staging activities on a vacant lot.

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 ____ day of _____, 2021.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA

Laura M. Litzan, City Clerk

By: _____
Jared Grifoni, Chair

Approved as to form and legal sufficiency:

Alan L. Gabriel, City Attorney