



## Legislation Details (With Text)

**File #:** ID 21-1747    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Passed  
**File created:** 8/20/2021    **In control:** City Council  
**On agenda:** 9/7/2021    **Final action:** 9/7/2021  
**Title:** Ordinance - Second Reading - Land Development Code (LDC) Amendment to Sec. 30-793, Providing for an Exemption to the Requirements for a Construction Temporary Use Permit for Staging Lots and Exemption for a Fence Permit if Fence is approved in Conjunction with the Construction Temporary Use Permit

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance 21-11, 2. Staff Report, 3. Ordinance 21-05

Date	Ver.	Action By	Action	Result
9/7/2021	1	City Council	Approved	Pass

Agenda Item: 12(A)2	Prepared By: Daniel J. Smith, AICP, Director
Business: Ordinance - Second Reading	Department: Growth Management

**Subject:**

Ordinance - Second Reading - Land Development Code (LDC) Amendment to Sec. 30-793, Providing for an Exemption to the Requirements for a Construction Temporary Use Permit for Staging Lots and Exemption for a Fence Permit if Fence is approved in Conjunction with the Construction Temporary Use Permit

### BACKGROUND:

#### CITY COUNCIL SUMMARY

The proposed amendment was on the August 16, 2021, City Council for a first reading. There was discussion about why this was being proposed. After discussion, the Council voted 6-1 to pass first reading as presented. This is the same proposed amendments as presented at the August 16, 2021, meeting.

#### PROJECT DESCRIPTION:

The City of Marco Island's Land Development Code ("LDC") requires a construction temporary use permit for the use of a vacant lot for seawall construction, repair and related boat dock construction activities. This includes any seawall construction or repair to the seawall located on the vacant lot where the staging occurs. Staff does not believe a permit should be required when the work being done on the vacant lot is to construct, repair or replace the seawall on the same vacant lot. The City does not require construction temporary use permits for the construction of structures on vacant lots. A construction temporary use permit will still be required for vacant lots where the work is being performed off site in conjunction with another building permit.

Staff is recommending the adoption of the following amendment (underlined) to the LDC, which is an addition of a new subsection 4 to LDC Section 30-793.

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

The other amendment to this section will amend the new regulations that were adopted pursuant to Ordinance 21-05, which will become effective on July 1, 2021. This amendment will clarify that a separate fence permit is not needed for a fence that is approved as part of the construction temporary use permit. Staff is recommending the adoption of the following amendment (underlined) to the LDC, which is an addition of a new sub-subsection 4 to LDC Section 30-793(a):

(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.

Pursuant to Section 30-62(c)(3)d. of the LDC, amendments to the LDC must be examined with regard to the need and justification for the change; and 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.

The City staff finds that the need and justification for this proposed change is to provide for fair and consistent regulations that are easily enforced.

Objective 1.7 of the Future Land Use Element of the City's Comprehensive Plan provides:

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.

The City's professional planning staff has reviewed the City's Comprehensive Plan and finds that this proposed Ordinance is consistent with the City's Comprehensive Plan and furthers the purposes of the LDC.

### **PLANNING BOARD SUMMARY AND RECOMMENDATION**

The Planning Board considered this request and held a public hearing at their July 2, 2021, meeting. There was discussion about the new regulations. After discussion, the Planning Board voted 6-0 to forward a recommendation of approval.

**FUNDING SOURCE / FISCAL IMPACT: N / A**

### **STAFF RECOMMENDATION:**

Staff recommends the Planning Board recommend approval of the proposed amendment, and forward their recommendation of approval to the City Council based on the below findings:

1. The amendment is consistent with the City's Comprehensive Plan, and in particular Future Land Use Element Objective 1.7.
2. The need and justification for the Ordinance is to provide for fair and consistent regulations that are easily enforced.

**POTENTIAL MOTION:** Approve Ordinance 21-11.