

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
43

ORDINANCE 15-08

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA RELATING TO TEMPORARY CONSTRUCTION AND DEVELOPMENT PERMITS; MAKING FINDINGS; REVISING SECTION 30-793(2), CITY CODE, TO PERMIT THE ISSUANCE BY CITY COUNCIL OF TEMPORARY CONSTRUCTION AND DEVELOPMENT PERMITS FOR TEMPORARY TENT STRUCTURES USED DURING REDEVELOPMENT; PROVIDING FOR SEVERABILITY/ INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that it is in the public interest to allow the use of tents for redevelopment to facilitate construction and continued use of the building site during construction;

WHEREAS, it is determined to be in the public interest to amend the Land Development Code to permit the issuance of a tent structure temporary use permit subject to review and approval by the Planning Advisory Board and the City Council;

WHEREAS, temporary use permits are generally approved by the Growth Management Director (formerly known as the Community Development Director) as provided in Section 30-792 of the Land Development Code, and the City Council has determined that tent structure temporary use permits should be subject to the same permitting standards as other temporary use permits;

WHEREAS, Section 30-792 of the Land Development Code provides:

Sec. 30-792. - General.

(a) The community development director, or his designee, may grant a temporary use permit for requests that demonstrate compliance with the intent of this article. Approvals for such requests shall be based upon, but not limited to, the applicant's description of the temporary use, the intended duration of the use, hours of operation and the impacts of the proposed temporary use on adjacent properties. All requests for a temporary use permit shall submit a conceptual or site development plan (SDP) as provided for within this section.

(b) Temporary uses and events held at places of worship, community centers, or other buildings designed for such events are exempt from this article, subject to the following:

(1) The event will be held indoors on the subject property only.

(2) Parking for the event will be within the existing parking area and utilizing existing ingress and egress.

44 (3) One banner not exceeding 32 square feet is allowed per street
45 frontage without a temporary use permit. Banner may be displayed for
46 a maximum of seven days. Right-of-way signs are not permitted
47 without an approved temporary use permit.
48

49 **WHEREAS**, the Planning Advisory Board, also sitting as the City's Local Planning
50 Agency, hereby finds that this Ordinance is consistent with the City of Marco Island
51 Comprehensive Plan;
52

53 **WHEREAS**, the Planning Advisory Board finds that this Ordinance will promote the public
54 health, safety, and welfare by improving facilitating the process of redevelopment of building sites;
55 and
56

57 **WHEREAS**, the City Council adopts the findings of the Planning Advisory Board, also
58 sitting as the City's Local Planning Agency.
59

60 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**
61 **MARCO ISLAND, FLORIDA:**
62

63 **SECTION 1. Recitals.** Each and all of the foregoing recitals be and the same are hereby
64 incorporated in this Ordinance as if specifically set forth herein.
65

66 **SECTION 2. Amendment and Adoption.** That section 30-793(2) of the Code of Ordinance, Marco
67 Island, Florida, is hereby amended to read as follows:
68

69 **Sec. 30-793. – Construction temporary use permit.**
70

71 During the construction of any development for which a site development plan has been approved
72 or a building permit issued, the developer may request a temporary use permit subject to the
73 following:
74

* * *

75 (2) Temporary construction and development permits shall be allowed for the
76 following uses:

77 a. Temporary offices to be used for construction and administrative functions within
78 the development.

79 b. Temporary offices to be used for sales functions, including sales offices, allowing
80 for the sale, resale, or marketing of dwellings, structures, or property within the development in
81 which it is located, or adjacent developments under the same control.

82 c. On-site mobile home used as a temporary office or storage facility for persons
83 engaged in the development of the site.

84 d. On-site mobile radio and television equipment antennae.

85 e. On-site temporary use of structures and equipment for the building of roads,
86 public utilities, and government projects.
87

88 f. Off-site temporary parking on property which is located contiguous to the subject
89 development, or on property subject to a permit issued pursuant to subparagraph h., or would be
90 contiguous except for a roadway that is not designated as a collector or arterial in the
91 transportation element of the comprehensive plan, with written authorization of the property
92 owner.

93 g. In the case of redevelopment, in order to facilitate both construction activities and
94 continued use of the premises, a temporary use permit may be issued for a tent structure with
95 amenities, such as, seating, electricity, lighting, and air condition. This permit requires public
96 hearings and review and recommendation from the planning advisory board and review and
97 approval by the city council. Standards for approval shall be as set forth in section 30-792(a) of
98 this code.

99 h. g. Other on-site uses similar to the foregoing uses and determined to meet the intent
100 of this article.

101 i. h. Off-site staging no further than 150 feet from the building lot with written
102 authorization from the property owner and proof of notification to adjoining property owners
103 when, in the opinion of the building official, site constraints such as, but not limited to, an
104 irregular shaped lot where building activity will take place indicates its appropriateness. In such
105 case, only equipment, materials and vehicles used in the construction process of the permitted
106 structure may be staged; any additional or unauthorized materials or lack of upkeep or reasonable
107 maintenance shall result in revocation of the temporary use permit by the building official.

108 * * *

109 **SECTION 3. Severability/Interpretation.**

110
111 (a) If any term, section, clause, sentence or phrase of this Ordinance is for any
112 reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, the
113 holding shall not affect the validity of the other or remaining terms, sections, clauses, sentences, or
114 phrases portions of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid,
115 illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

116
117 (b) That in interpreting this Ordinance, underlined words indicate additions to existing text,
118 and ~~stricken through~~ words include deletions from existing text. Asterisks (* * *) indicate a
119 deletion from the Ordinance of text, which exists in the Code of Ordinances. It is intended that the
120 text in the Code of Ordinances denoted by the asterisks and not set forth in this Ordinance shall
121 remain unchanged from the language existing prior to adoption of this Ordinance.

122
123 **SECTION 4. Effective Date.** This Ordinance shall be effective immediately upon adoption by the
124 City Council on second reading.

125
126 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 20th day of
127 April 2015.

CITY OF MARCO ISLAND FLORIDA

By 
Larry Sacher, Chairman

132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149

ATTEST:



Laura M. Litzan, City Clerk

Reviewed for legal sufficiency:



Alan L. Gabriel, City Attorney