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RESOLUTION 15-47

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**A RESOLUTION APPROVING A TEMPORARY USE PERMIT
FOR A TENT STRUCTURE LOCATED ON THE GROUNDS OF
THE MARRIOTT RESORT 400 SOUTH COLLIER BOULEVARD
MARCO ISLAND FLORIDA 34145**

8 **WHEREAS**, Pursuant to Section 30-793,(2),(g) – In the case of redevelopment, in order to
9 facilitate both construction activities and continued use of the premises, a temporary use permit may be
10 issued for a tent structure with amenities, such as, seating, electricity, lighting, and air condition. This
11 permit requires public hearings and review and recommendation from the planning advisory board and
12 review and approval by the City Council. The temporary permit can be issued up to 24 months and will
13 commence upon issuance of the building permit.

14 **WHEREAS**, the Planning Advisory Board reviewed and accepted the temporary use
15 permit Plan on May1, 2015.

16 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF**
17 **MARCO ISLAND, FLORIDA, AS FOLLOWS:**

18 **SECTION 1. Recitals.** The foregoing “Whereas” clauses are hereby ratified and confirmed
19 as being true, correct and incorporated into this Resolution.

20 **SECTION 2. Adoption.**

21
22 The conditions in this Resolution are hereby created and adopted as follows:

23
24 The following terms and conditions are a requirement of the petitioner:

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26 1. The location of the tent is illustrated on site plan Sheet 1 of 2 and sheet 2 of 2 dated 4-9-2015
27 (revision 2) prepared by Robau & Associates Civil Engineering -3050 Horseshoe Drive North,
28 Suite 176 Naples, Florida 34104-7909. Detailed tent plans sheets A-102, A-103, A-104, A-105,
29 A-106, A-107, A-108, A-109 and A-110 prepared by Edge of Architecture, 1929 Ponce de Leon
30 Boulevard, Coral Gables Florida 33134, dated 4-8-2015. Lighting plan prepared by Brian Orter
31 Lighting Design, 227 west 29th Street, New York, NY 10001, dated 3-5-2015.

32
33 2. Consistent with Section 166.033, Florida Statutes, prior to the commencement of Temporary
34 Use Permit, the Owner/Developer and Petitioner must obtain any and all required approval from
35 the Florida Department of Environmental Protection, and the Florida Fish and Wildlife
36 Conservation Commission, and all other applicable state or federal permits. Issuance of a
37 development permit by the City of Marco Island does not in any way create any right on the part
38 of an applicant to obtain a permit from a state or federal agency and does not create any liability
39 on the part of the City of Marco Island for issuance of the permit if the applicant fails to obtain
40 requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes
41 actions that result in a violation of state or federal law. As used in this condition, the term
42 “development” and “development permit” is as defined in Section 163.3164, Florida Statutes.

43 3. The following conditions are a requirement of this Temporary Use permit and the
44 responsibility of the Owner/Developer and Petitioner.

- 45
- 46 a. The petitioner is responsible for any private deed restriction approvals with the Marco
47 Island Civic Association.
- 48 b. The petitioner must obtain any and all approvals from the Department of Environmental
49 Protection (DEP) and the Florida Fish and Wildlife Conservation Commission (FWC)
50 prior to project commencement. The City reserves the right to review and re-evaluate its
51 approval or set additional conditions after review of both DEP and FWC project reports.
- 52 c. The proposed location must be photographed prior to the start of installation, and copies
53 of the photographs provided to the City. The area must be returned to its original
54 condition or better in terms of grading and landscaping.
- 55 d. The petitioner must submit documents through the Building Services Department to
56 obtain the necessary building permits.
- 57 e. All light fixtures must meet the light level requirements outlined in Article v Section 6-
58 145 and Chapter 54.
- 59 f. All glazing and tent panels must meet the light transmittance value of 45 percent or less,
60 as outlined in Section 54-145.
- 61 g. The petitioner must adhere to the rules and regulation outlined in Section 54-148 for
62 construction during sea turtle nesting season.
- 63 h. The tent structures shall be set back at a minimum of 400 feet from the mean high tide
64 line as specified on the 2015 Boundary Survey provided by Johnson Engineering Inc. and
65 depicted on the Robau and Associates drawings titled Proposed Temporary Flex Space
66 Site Plan.
- 67 i. A silt fence barrier shall be erected on the north, west, and south side of the tent on the
68 beach front facing sides. The silt fence shall be erected at the minimum offset required
69 for life safety emergency egress and ingress. The silt fence barrier shall be partially
70 buried to a depth of 8".
- 71 j. Power, communication and other low voltage utilities if provided from the Marriott
72 Resort buildings, will be provided through a route that extends from the existing Marriott
73 Resort buildings to the tent structure. Power, communication and other low voltage
74 utilities, or utilities of any kind shall not be routed on the west side of the beach.
- 75 k. No potable water connections to the tent are allowed.
- 76 l. No sanitary sewer connections to the tent are allowed.
- 77 m. Bathroom facilities are provided within the existing Marriott Resort buildings and
78 bathrooms are not proposed within the tent structures.
- 79 n. Generators shall be allowed within the footprint of the proposed structure, but shall be
80 surrounded by a tent wall.
- 81 o. No overnight parking of trucks or other service vehicles of any kind associated with the
82 tent structure. Access times for these types of vehicles shall be limited to the hours of
83 8:00 am (or after the City's sea turtle monitor has inspected the beach, whichever is later)
84 until 9:00 pm during turtle nesting season.
- 85 p. Trucks erecting and servicing the tent structures shall stay on the stabilized portion of the
86 beach as depicted on the Robau and Associates drawings titled Proposed Temporary Flex
87 Space Site Plan for parking.

- 88 q. All activities and operations associated with the tent structures shall be complete by 9:00
89 pm and all lights within the tent will be off by 9:00 pm.
90 r. No outside lighting is allowed on the tent structure. The tent will be serviced by the
91 existing lights currently illuminating the existing walks.
92 s. Window tinting in accordance with the sea turtle lighting standards will be provided as
93 redundant precaution for adherence to sea turtle lighting restrictions.
94 t. The tent must be dismantled immediately upon issuance of a hurricane warning by the
95 National Weather Service.
96 u. The City of Marco Island Chief Building Official may at his discretion request the tent be
97 dismantled for the health, welfare and safety of the general public.
98

99 The temporary use permit for the tent structure located on the grounds of Marriott Resort, 400
100 South Collier Boulevard, is hereby accepted by the City. The temporary permit can be issued up
101 to 24 months and will commence upon issuance of the building permit.
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103 **SECTION 3. Effective Date.**

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105 This Resolution shall be effective immediately upon adoption by the City Council.
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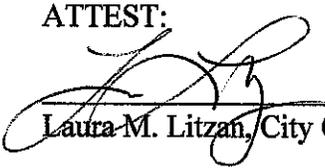
107 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 18TH day of
108 May 2015.
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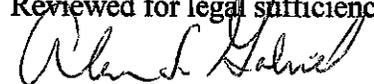
CITY OF MARCO ISLAND FLORIDA

By: 
Larry Sacher, Chairman

ATTEST:


Laura M. Litzan, City Clerk

Reviewed for legal sufficiency:


Alan L. Gabriel, City Attorney