

Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apparent commercial use means a commercial use which can be detected by a reasonable person through the sight, sound, vibration, glare, fumes, odor, dust, smoke or electromagnetic disturbances of such commercial use at any property line of such use.

Family means one or more natural persons, provided that, unless all members are related by law, blood, adoption, or marriage, no such family shall contain over four persons.

Bedroom means living space with sleeping facilities. For the purpose of this article a living room or den with a fold out bed or Murphy bed shall be considered a bedroom. Kitchens, dining areas, bathrooms and garages shall not be considered as bedrooms.

Resort dwelling.--A resort dwelling is any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit which is rented more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented for periods of less than 30 days or 1 calendar month, whichever is less.

Penalties.

(a) A violation of this article may result in an immediate citation issued by the Code Enforcement Division or the Police Department.

1st Offense: \$250

2nd Offense: \$500

3rd Offense: Prosecution before the Code Enforcement Board for suspension of registration for up to 3 months.

4th Offense: Prosecution before the Code Enforcement Board for suspension of registration for up to 1 year

5th Offense: Revocation of registration for up to 5 years.

Each day a violation exists shall constitute a separate offense.

Intent and purpose of article.

It is the intent and purpose of this article to protect and promote the health, safety and welfare of the citizens of the city, and to minimize or negate adverse impacts of commercial activities in residential neighborhoods, by providing reasonable standards and conditions for the permitting and operation of **Resort Dwellings**. Further, it is the intent of this article that, in all zoning districts that allow residential dwellings as a permitted use, **Resort Dwellings** shall be allowed provided there is no apparent commercial use of the residentially zoned property and all the conditions contained in this article are met. It is further intended that this article shall be liberally construed to effect such intent and purpose.

Conditions

A **Resort Dwelling** shall be permitted and allowed to operate in a single family residential district subject to adherence with the following conditions:

- (1) The **Resort Dwelling** is to be occupied only by a single family. Family as defined means one or more natural persons, provided that, unless all members are related by law, blood, adoption, or marriage, no such family shall contain over four persons,
- (2) There shall be no more than 2 adults and 1 child allowed per bedroom.
- (3) There shall be no advertising signage on-site or on areas contiguous to the property. Any print advertising or lawful off-site signage shall not reference the street address of the **Resort Dwelling**.
- (4) Parking of vehicles in the public right-of-way (swales) is prohibited.
- (5) The parking or storage of commercial vehicles is prohibited by section 2.6.7.3 of the county land development code. Additionally, the parking or storage of vehicles or vessels for hire, or vehicles used exclusively for storage, is prohibited.
- (6) The parking or storage of boats, boat trailers and recreational vehicles is prohibited.
- (7) The occupants shall comply with the City Noise Ordinance.
- (8) There shall be no events such as weddings, church services, sporting events, television or motion picture productions, live music or other similar events without first obtaining a temporary use permit from the City.

Required to register

All **Resort Dwellings** must register and obtain a certificate of registration annually from the city. Companies, or individuals, operating multiple locations may obtain one certificate of registration provided each property they operate is listed on the registration. The following information will be required on the registration application.

1. Proof of license from the Dept. of Business and Professional Regulation.
2. Name and address of property owner.
3. Name of emergency contact who has the authority act as an agent for the property owner.

A standard fee will be paid for each Resort Dwelling Registration Certificate, which will include one location. For companies operating multiple locations an additional fee will be paid for each additional Resort Dwelling listed on the application.

Any change in the status of a registered Resort Dwelling shall be reported to the City within 30 days of the change of status.

Compliance with business license requirements, building code, fire code, all City ordinances and zoning regulations.

All **Resort Dwellings** shall be subject to all applicable occupational licenses and other business taxes. Each Resort Dwelling must be licensed with the Florida Department of Business and Professional Regulations as a resort dwelling. Each Resort Dwelling must comply with all applicable fire codes, building codes, and the City of Marco Island Code of Ordinances.

Right of City to Inspect.

The City has the right to inspect all Resort Dwellings with reasonable notice to the owner to ensure the Resort Dwelling complies with all applicable codes and regulations. No notice is required, however, if there is probable cause to believe a life/safety violations exists. A life/safety violation is considered any violation which affects the health, safety or welfare of the occupants or the community.