

**CITY OF MARCO ISLAND
ORDINANCE NO. 10-16**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF MARCO ISLAND, CHAPTER 30 "LAND DEVELOPMENT CODE" ARTICLE XII "TEMPORARY USE PERMITS"; ESTABLISHING REGULATIONS FOR THE TEMPORARY USE OF VACANT RESIDENTIAL LOTS FOR CONSTRUCTION STAGING; PROVIDING FOR INCLUSION IN THE CODE; CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary home rule powers to enable them to conduct municipal government, perform municipal functions, render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 1.02 of the Marco Island City Charter empowers the City to adopt, amend, or repeal ordinances, resolutions and codes as may be required for the benefit of residents and governance of the City; and

WHEREAS, construction temporary use permits as currently allowed under Sec. 30-793 provide for the off site parking of vehicles on contiguous lots, but do not allow for staging and storage of materials for residential construction; and

WHEREAS, off-site use of vacant lots in residential areas should be available to building contractors under certain conditions, both for the convenience of the contractors and for the benefit and safety of the residents and visitors to the immediate neighborhood; and

WHEREAS, the Marco Island Planning Board, sitting as the Local Planning Agency, held duly advertised public hearings on June 11, 2010, August 13, 2010 and September 24, 2010 and determined that the proposed changes contained in this Ordinance are consistent with the City of Marco Island Comprehensive Plan and Florida law, and recommended, by a vote of 6-0, adoption of this Ordinance to the City Council; and

WHEREAS, after reviewing the City of Marco Island Planning Board's recommendation, the recommendation of City staff, and comments from the public, the City Council finds that the proposed amendments to its Code of Ordinances are in compliance and consistent with Florida law and its adopted Comprehensive Plan; and

WHEREAS, the City Council further finds that adoption of this Ordinance is in the best interest of the residents of the City of Marco Island.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:

SECTION 1. Recitals. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true, correct and reflective of the legislative intent underlying this Ordinance and are hereby made a specific part of this Ordinance.

SECTION 2. Amendment and Adoption. The amendments to the Code of Ordinances contained in this Ordinance are hereby amended or created and adopted as follows:

1. 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:

- (1) The temporary use permit shall be granted initially for a period not to exceed 24 months in length and may be renewed annually based upon demonstration of need. A request for renewal shall be submitted to the ~~community development director~~ City Manager or designee in writing 30 days prior to the expiration of the temporary use permit.
- (2) Temporary construction and development permits shall be allowed for the following uses:

- a. Temporary offices to be used for construction and administrative functions within the development.
- b. Temporary offices to be used for sales functions, including sales offices, allowing for the sale, resale, or marketing of dwellings, structures, or property within the development in which it is located, or adjacent developments under the same control.
- c. On-site mobile home used as a temporary office or storage facility for persons engaged in the development of the site.
- d. On-site mobile radio and television equipment antennae.
- e. On-site temporary use of structures and equipment for the building of roads, public utilities, and government projects.
- f. Off-site temporary parking on property which is located contiguous to the subject development, or on property subject to a permit issued pursuant to subparagraph (h), or would be contiguous except for a roadway that is not designated as a collector or arterial in the transportation element of the comprehensive plan, with written authorization of the property owner.

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

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

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SECTION 3. Inclusion in the Code of Ordinances. It is the intention of the City Council and it is hereby ordained that the amendments to the City of Marco Island Code of Ordinances made by this Ordinance shall become part of the City of Marco Island Code of Ordinances, that the sections of this Ordinance may be renumbered and re-lettered as necessary, and that the word "Ordinance" may be changed to "Section, "Article" or other appropriate word.

SECTION 4. Conflicts. All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. Severability. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.


SECTION 6. 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 1st day of November 2010.

Attest:

CITY OF MARCO ISLAND FLORIDA

By:



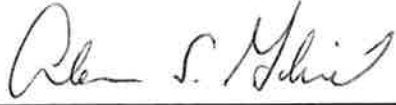
Laura M. Litzan, City Clerk

By:



Frank R. Recker, Chairman

Reviewed for legal sufficiency:

By: 

Alan L. Gabriel, City Attorney