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ORDINANCE 24-17

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA AMENDING SECTION 30-84, "CONDITIONAL USES," SUB-SECTION (7), AND AMENDING SECTION 30-88, "STRUCTURAL AND SITE DESIGN GUIDELINES, SUB-SECTION (5), "GARAGES," OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES, IN ORDER TO REMOVE REQUIREMENT THAT GARAGES FOR RECREATIONAL VEHICLES BE APPROVED THROUGH A CONDITIONAL USE PROCESS; MAKING FINDINGS; PROVIDING FOR SEVERABILITY: PROVIDING FOR INTERPRETATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 38-40(1), City Code of Ordinances, the Planning Board serves as the City's Local Planning Agency and Land Development Regulation Commission; and

WHEREAS, Section 30-62(c)(3)d., Code of Ordinances of the City of Marco Island, Florida, requires that the Planning Board determine the need and justification for a Land Development Code ("LDC") amendment, as well as the proposal's consistency with the City Comprehensive Plan; and

WHEREAS, the Future Land Use Element, Goal 2 states, "Community Character states Maintain Marco Island as a visulaly attractive, small town coastal community with a strong identifiable sense of place."; and

WHEREAS, the Future Land Use Element, Policy.2.1.2 states "The City will continue to thoroughly and thoughtfully review and revise, as necessary, the list of permitted uses within zoning districts contained in the adopted LDC. The purpose for the reviews will be to ensure: Compatibility between land uses, that the needs of residents, businesses, and those they serve are met on-island to the extent possible, and that emerging and modern uses are addressed through the City's regulatory framework."; and

WHEREAS, the Planning Board has found the need and justification for this Ordinance and Land Development Code ("LDC") amendment is in conformance with our Comprehensive Plan; and

WHEREAS, the City Council adopts the findings of the Planning Board, also sitting as the City's Local Planning Agency.

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

SECTION 1. Recitals. Each and all the foregoing recitals be and the same are hereby incorporated into this Ordinance as if specifically set forth herein.

47 **SECTION 2.** That Section 30-84, "Conditional Uses," Sub-section (7), of the City of
48 Marco Island Code of Ordinances is hereby repealed in its entirety.
49

50 ~~(7) Recreational vehicle compatible garage as part of the home structure. At the time~~
51 ~~of conditional use approval, a concept plan must be submitted by the applicant that depicts~~
52 ~~the garage door width and height based on the size of the recreational vehicle. The concept~~
53 ~~plan height and width measurements shall be a condition of the approved conditional use.~~
54

55 **SECTION 3.** That Section 30-88, "Structural and site design guidelines," Sub-
56 section(5), "Garages," sub-sub-section (a)(4), of the City of Marco Island Code of
57 Ordinances is hereby repealed in its entirety:
58

59 30-88. (5). a. 4 ~~No garage door shall exceed ten feet above grade" be deleted since~~
60 ~~it limits the height of a garage door to ten feet.~~
61

62 **SECTION 4. Severability/Interpretation.**
63

64 (a) If any term, section, clause, sentence or phrase of this Ordinance is for any
65 reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction,
66 the holding shall not affect the validity of the other or remaining terms, sections, clauses,
67 sentences, or phrases portions of this Ordinance, and this Ordinance shall be read and/or
68 applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or
69 section did not exist.
70

71 (b) In interpreting this Ordinance, underlined words indicate additions to
72 existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (*
73 * * *) indicate a deletion from the Ordinance of text, which continues to exist in the Code
74 of Ordinances. It is intended that the text in the Code of Ordinances denoted by the
75 asterisks and not set forth in this Ordinance shall remain unchanged from the language
76 existing prior to adoption of this Ordinance.
77

78 **SECTION 5. Effective Date.** This Ordinance shall be effective immediately upon
79 adoption by the City Council on second reading.
80

81 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this ____
82 day of _____, 2024.
83

84 **ATTEST:**

CITY OF MARCO ISLAND, FLORIDA

85
86 _____
87 Joan Taylor, City Clerk

By: _____
Jared Grifoni, Chair

88
89 Approved as to form and legal sufficiency:
90

91 _____
92 Alan L. Gabriel, City Attorney