

ORDINANCE 22-\_\_

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA,  
RELATING TO LAND DEVELOPMENT; MAKING FINDINGS;  
AMENDING SECTION 30-1002 RELATING TO ACCESSORY  
BUILDINGS AND STRUCTURES; AMENDING THE WATERFRONT  
LOT REAR SETBACK REQUIREMENTS FOR POOL AND/OR  
SCREEN ENCLOSURES IN ONE AND TWO-FAMILY HOMES;  
PROVIDING FOR SEVERABILITY/INTERPRETATION; AND  
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 proposals consistent with the City Comprehensive Plan; and

**WHEREAS**, the need and justification for this Ordinance is to correct an error in the language of the Land Development Code; and

**WHEREAS**, the Future Land Use Element, Policy 2.1.1 states "The City will evaluate the current LDC regulations to address opportunities to adopt more comprehensive architectural and site design regulations to ensure quality developments and redevelopment;

**WHEREAS**, upon consideration of testimony by the City's growth management staff and consideration of this Ordinance, the Planning Board finds that this Ordinance is consistent with the City's Comprehensive Plan; 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; and

**WHEREAS**, the Planning Board has found that the need and justification of this Ordinance is to promote fair and consistent regulations that are easily enforced; and

**WHEREAS**, the Planning Board has found that, as a result of the foregoing, this Ordinance will promote the public health, safety, aesthetics, and welfare of the community; 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.

**SECTION 2. Amendment and Adoption.** That Section 30-1002 of the Code of Ordinances, City of Marco Island, Florida, is hereby amended to read as follows:

**Sec. 30-1002. Accessory buildings and structures.**

- (a) Accessory buildings and structures must be constructed simultaneously with or following the construction of the principal structure and shall conform to the following setbacks and building separations. In those cases where the coastal construction control line is involved, the coastal construction control line will apply.

Accessory Structure Setbacks  
(Waterfront lots and golf course lots)

	Accessory Structure	Front	Rear	Side	Structure to Structure (if detached)
1.	Parking garage or carport (single-family)	SPS	SPS	SPS	10 feet
2.	One-story parking structures and/or carports (multifamily and commercial)	SPS	SPS	SPS	10 feet
3.	Multistory parking structures (multifamily and commercial)	SPS	SPS	SPS	1/1*
4.	Swimming pool and/or screen enclosure (one-and two-family)	SPS	<del>10</del> 15 feet <sup>2</sup>	SPS	N

**SECTION 4. Severability/Interpretation.**

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

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

**SECTION 5. 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 \_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

**CITY OF MARCO ISLAND, FLORIDA**

\_\_\_\_\_  
Michael J. Sheffield, City Clerk

By: \_\_\_\_\_  
Eric Brechnitz, Chair

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Alan L. Gabriel, City Attorney