

ORDINANCE 21-\_\_

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA;  
AMENDING SECTION 30-526, "SIGNS IN COMMERCIAL, PUBLIC  
USE AND COMMUNITY FACILITY DISTRICTS" OF THE CITY OF  
MARCO ISLAND CODE OF ORDINANCES BY AMENDING  
SECTION 30-526(G) TO ALLOW FOR DIGITAL MENU BOARDS  
AND DIGITAL PRESELL BOARDS FOR DRIVE THRU  
ESTABLISHMENTS.; MAKING FINDINGS; 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 consistency with the City Comprehensive Plan; and

**WHEREAS**, the need and justification for this Ordinance is to provide for fair and consistent regulations that are easily enforced; and

**WHEREAS**, Objective 1.7 Land Use Element of the City's Comprehensive Plan provide:

Objective 1.7: The City will enforce existing and future Land Development regulations to eliminate and/or reduce uses of land inconsistent with the Future Land Use Map and the community's character.

**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 in particular Objective 1.7 of the Comprehensive Plan's Future Land Use Element; 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

45       **WHEREAS**, the Planning Board has found that, as a result of the foregoing, this  
46 Ordinance will promote the public health, safety, aesthetics, and welfare of the  
47 community; and  
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49       **WHEREAS**, the City Council adopts the findings of the Planning Board, also sitting  
50 as the City's Local Planning Agency.  
51

52 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**  
53 **MARCO ISLAND, FLORIDA:**  
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55       **SECTION 1. Recitals.** Each and all the foregoing recitals be and the same are  
56 hereby incorporated into this Ordinance as if specifically set forth herein.  
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58       **SECTION 2. Amendment and Adoption.** That section 30-526 of the Code of  
59 Ordinances, City of Marco Island, Florida, is hereby amended to read as follows:  
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61       **Sec. 30-526. Signs in commercial, public use and community facility**  
62 **districts.**

63       The following standards apply to all permanent signs in commercial districts.

64       (g) *Signs adjacent to drive through lanes:* A property with a drive through  
65 service lane may provide one of the following signs for each permitted drive  
66 through lane:

67       (1) One monument sign not to exceed 24 square feet and eight feet in  
68 height, located within three feet of, and oriented towards, the drive  
69 through lane; or  
70

71       (2) One electronic sign, not exceeding three square feet, located directly  
72 above the drive through service lane. Graphics, pictures, logos, motion  
73 or flashing are prohibited. Text changes shall occur only when there is  
74 a change in the availability of services in the drive through lane; or  
75

76       (3) One digital menu board and presell board, together not to exceed 24  
77 square feet in total and eight feet in height, located within three feet of,  
78 and oriented towards, the drive through lane; All digital equipment will  
79 need to automatically adjust the brightness based on the daylight.  
80

81       **SECTION 4. Severability/Interpretation.**  
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83       (a) If any term, section, clause, sentence or phrase of this Ordinance is for any  
84 reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction,  
85 the holding shall not affect the validity of the other or remaining terms, sections, clauses,

86 sentences, or phrases portions of this Ordinance, and this Ordinance shall be read and/or  
87 applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or  
88 section did not exist.

89 (b) In interpreting this Ordinance, underlined words indicate additions to  
90 existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (\*  
91 \* \* \*) indicate a deletion from the Ordinance of text, which continues to exist in the Code  
92 of Ordinances. It is intended that the text in the Code of Ordinances denoted by the  
93 asterisks and not set forth in this Ordinance shall remain unchanged from the language  
94 existing prior to adoption of this Ordinance.  
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96 **SECTION 5. Effective Date.** This Ordinance shall be effective immediately upon  
97 adoption by the City Council on second reading.  
98

99 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this  
100 \_\_\_\_ day of \_\_\_\_\_, 2021.  
101

102 **ATTEST:**

**CITY OF MARCO ISLAND, FLORIDA**

103  
104 \_\_\_\_\_  
105 Laura M. Litzan, City Clerk

By: \_\_\_\_\_  
Jared Grifoni, Chair

106  
107 Approved as to form and legal sufficiency:  
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110 \_\_\_\_\_  
111 Alan L. Gabriel, City Attorney