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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

48
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:**

54
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.

57
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:
60

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 per drive through lane, not to exceed 20 square
77 feet and six feet in height, located within three feet of, and oriented
78 towards, the drive through lane; All digital equipment will need to
79 automatically adjust the brightness based on the daylight. Digital menu
80 board must be screened from the road.

81
82 **SECTION 4. Severability/Interpretation.**

83
84 (a) If any term, section, clause, sentence or phrase of this Ordinance is for any
85 reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction,

86 the holding shall not affect the validity of the other or remaining terms, sections, clauses,
87 sentences, or phrases portions of this Ordinance, and this Ordinance shall be read and/or
88 applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or
89 section did not exist.

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

96
97 **SECTION 5. Effective Date.** This Ordinance shall be effective immediately upon
98 adoption by the City Council on second reading.

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

102
103 **ATTEST:** **CITY OF MARCO ISLAND, FLORIDA**

104
105 _____ By: _____
106 Laura M. Litzan, City Clerk Jared Grifoni, Chair

107
108 Approved as to form and legal sufficiency:
109
110
111 _____
112 Alan L. Gabriel, City Attorney