

CITY OF MARCO ISLAND
ORDINANCE NO. 06 - 01

AN ORDINANCE TO AMEND CHAPTER 30, ARTICLE V (OFF-STREET PARKING AND LOADING) OF THE CITY OF MARCO ISLAND LAND DEVELOPMENT CODE BY AMENDING SECTION 30-488(5) TO MODIFY MINIMUM REQUIRED OFF-STREET PARKING FOR RESTAURANTS (SIT DOWN); PROVIDING FOR INCORPORATION 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 powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, City Council adopted Ordinance 01-16 (codified as Chapter 30, Article V of the City's Code of Ordinances) to establish off-street parking and loading regulations; and

WHEREAS, Section 1.01 of the Marco Island City Charter empowers the City to adopt, amend, or repeal ordinances, resolutions, and codes as may be required for the good governing of the City; and

WHEREAS, the Marco Island Planning Board, as the Local Planning Agency, has conducted all required public hearings related to this ordinance amendment.

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

SECTION ONE: That Chapter 30, Article V, of the Marco Island City's Code of Ordinances be amended as follows:

Sec. 30-488(5). Off-street parking space and stacking requirements.

Restaurant (sit down): One (1) parking space per ~~three (3)~~ four (4) seats of total seating capacity for both indoor and outdoor seating. Credit for boat slip parking is allowed where the slips have all necessary permits and are located on navigable waterways, using the formula 1 boat slip = 1 vehicle space, provided that each and all boat slips credited shall not be leased or rented for boat storage or utilized for any purpose other than customers frequenting said restaurant. Credit for boat slip parking shall be limited to a maximum of 10 percent of a restaurant's required parking not to exceed a total credit of 10 parking spaces, with the amount credited determined by the community

development director based on the likelihood of restaurant customers using these wet slips during peak business hours of the restaurant.

SECTION TWO: Incorporation, conflict and severability.

- a. It is the intention of the City Council and it is hereby ordained that the provisions of the Ordinance shall become and be made part of the Code of Ordinances of the City of Marco Island, Florida, and that the section of this Ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article" or other appropriate word.
- b. All sections or parts of sections of the Marco Island City Code of Ordinances, all City of Marco Island Codes, Florida resolutions or parts of resolutions made applicable by City Chapter in conflict herewith are hereby repealed to the extent of such conflict.
- c. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid by any court of competent jurisdiction, the invalidity thereof shall not affect the validity or any remaining portions of this Ordinance.

SECTION THREE: Effective date.

This ordinance shall take effect immediately upon the adoption by the Marco Island City Council.

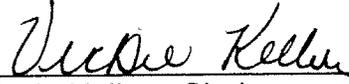
Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 6th day of February, 2006.

Attest:



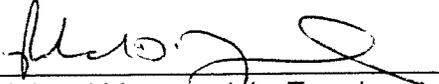
Laura Litzan
City Clerk

CITY OF MARCO ISLAND, FLORIDA

BY: 

Vickie Kelber, Chairwoman

Approved as to form and
legal sufficiency:



Richard Yovanovitch, Esquire
City Attorney