

CITY OF MARCO ISLAND

ORDINANCE 06-07

AN ORDINANCE TO AMEND CHAPTER 54, ARTICLE IV (BOAT DOCKING FACILITIES) OF THE MARCO ISLAND CITY CODE OF ORDINANCES BY AMENDING 54-111 DIMENSIONAL STANDARDS; 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 00-04 (codified as Chapter 54, Article IV) to establish new boat dock facility regulations and standards; 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, and has forwarded this ordinance to City Council with a recommendation of approval.

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

**SECTION ONE:**

That Chapter 54, Article IV, of the Marco Island City Code of Ordinances be amended to read as follows:

**Sec. 54-111. Dimensional Standards.**

(b) Side yard setback requirements for boat docking facilities and swivel PWC lifts:

(1) Boat docking facilities shall have a side yard setback equivalent to 15 percent of the seawall length, regardless of location, as measured from applicable riparian lines.

- a. The minimum required setback shall be ~~seven and one-half~~ 7.5 feet.
- b. The maximum required setback shall be 15 feet.
- c. Waterfront corner lots that have less than 80 feet of water frontage shall have required setbacks of 7.5 feet from each riparian line. Lots located adjacent to waterfront corner lots, regardless of their waterfront length, shall have a 7.5-foot setback, but only from the riparian line shared with the

~~waterfront corner lot. The minimum required setback from the riparian lines on shoulder lots shall be 7.5 feet. The common shared riparian line between the waterfront corner shoulder lot and the adjacent lot shall be 7.5 feet.~~

- d. ~~The setback shall apply to that portion of the boat dock facility and moored vessel waterward of the property line, or seawall, whichever is more restrictive, except in the case of shoulder lot which shall have the setback apply to that portion of the boat dock facility and moored vessel waterward of the property line only.~~

**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 resolutions or parts of resolutions made applicable by City Charter 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 of any remaining portions of this Ordinance.

**SECTION THREE: EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon 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 19 day of June, 2006.

Attest:

CITY OF MARCO ISLAND, FLORIDA

  
\_\_\_\_\_  
Laura Litzan, City Clerk

By:   
\_\_\_\_\_  
Terri DiSciullo, Chairwoman

Approved as to form and legal sufficiency:

  
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Richard D. Yovanovich, Esq.  
City Attorney