

CITY OF MARCO ISLAND
ORDINANCE 04-09

AN ORDINANCE TO AMEND CHAPTER 30, ARTICLE XVI (SUPPLEMENTAL DISTRICT REGULATIONS) OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES BY AMENDING SECTION 30-1002(a), FOOTNOTE 2, BY AMENDING THE MAXIMUM PERMITTED POOL DECK HEIGHT; PROVIDING FOR CONFLICT, 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 02-33 (now codified as Chapter 30, Article XVI of the City of Marco Island Code of Ordinances) to establish supplemental district 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, 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 Section 30-1002(a), footnote 2, of the City of Marco Island Code of Ordinances be amended as follows (underlining indicates text to be added):

Sec. 30-1002. Accessory buildings and structures

- (a) ²Swimming pool decks within an AE flood zone may be constructed to a maximum height not to exceed either the adopted or recommended (best available data) finished floor elevation for the property, with a maximum of four feet of stem wall exposure, with the rear setback of ten feet. Swimming pool decks within a VE flood zone may be constructed to a maximum of seven feet above the seawall with a maximum of four feet of stem wall exposure, with the rear setback of ten feet. Swimming pool decks in either an AE or VE flood zone which exceed this the maximum

heights permitted herein height shall conform to a rear setback of 25 feet.

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.

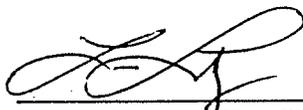
SECTION THREE: Effective date.

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

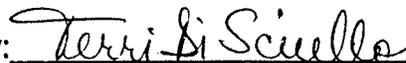
Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 21st day of June 2004.

ATTEST:

MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

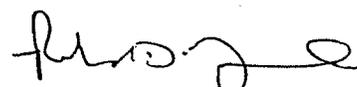


Laura Litzan, City Clerk

By: 

Terri DiSciullo, Chairwoman

Approved as to form and legality:



Rich Yovanovich
City Attorney