

ORDINANCE 04- 10

AN ORDINANCE TO AMEND SECTION 6-81 OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES, WHICH ADOPTED BY REFERENCE COLLIER COUNTY SEAWALL AND REVETMENT ORDINANCES 85-2 AND 86-5; PROVIDING FOR AMENDMENTS TO SAID ADOPTED COLLIER COUNTY ORDINANCES INCLUDING SUPPLEMENTAL REVIEW CRITERIA FOR SEAWALL ELEVATIONS, PANEL REINFORCEMENT, AND EXEMPTIONS; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 6-81 of the Marco Island Code of Ordinances adopts Collier County Ordinances 85-2 and 86-5 for seawall standards and specifications within the City of Marco Island; and

**WHEREAS**, the Community Development staff has prepared an amendment to Section 6-81 of the Code of Ordinances to amend various provisions of the adopted County Ordinances to accomplish the following: (i) provide maximum heights for seawall caps; (ii) provide specific criteria for seawall panel reinforcement; and (iii) provide administrative variances for after-the-fact height encroachments for seawall caps; and

**WHEREAS**, after considering the recommendation of the Planning Board and City staff, and following public hearing on the subject, the City Council has determined that it is in the best interest of the City of Marco Island to adopt this Ordinance.

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

SECTION ONE: That Section 6-81 of the Marco Island Land Development Code be amended (with underlining indicating new text additions and strikeout indicating deletions) to read as follows:

Sec. 6-81. County specifications for seawalls adopted; amendments thereto.

(a) Adoption. There are hereby adopted by reference the Collier County seawall and revetment ordinances, Collier County

Ordinance No. 86-5 and Collier County Ordinance No. 85-2, in their entirety, except as provided in subsection (b):

(b) Amendment. Collier County Ordinance 86-5 and Collier County Ordinance 85-2 as adopted in this section are hereby amended as follows:

(1) Elevation.

The cap elevation for all new, reconstructed, or repaired seawalls and revetments fronting on protected tidal waters and/or man made canals shall be a minimum elevation of 4.5 feet N.G.V.D. (National Geodetic Vertical Datum) and shall not exceed a maximum elevation of 5.5 feet N.G.V.D. The cap elevation for all new, reconstructed, or repaired seawalls and revetments fronting on natural open bays, rivers and channels shall be at 5.5 feet N.G.V.D.

(2) Panel Reinforcement.

Vertical reinforcement bars for new concrete seawall panels shall meet these minimum specifications: #5 rebar @ 6" on center spacing or #6 rebar @ 10" on center spacing or, any such equivalent as may be approved by the building official.

(3) Exemptions.

After-the-fact height encroachments of three inches or less for seawall caps may be approved administratively by the community development director for seawall caps for which a certificate of completion, or a final development order has not been granted.

## SECTION TWO: INCORPORATION, CONFLICT AND SEVERABILITY.

- [A] It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City of Marco Island, Florida, and that the sections 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 Code of Ordinances, all ordinances or parts of ordinances, and all resolutions in conflict herewith, be and the same 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 validity thereof shall not affect the validity of any remaining portions of this Ordinance.

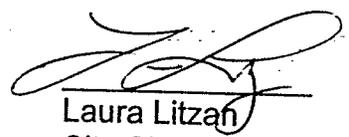
SECTION THREE: EFFECTIVE DATE.

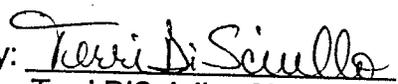
This Ordinance shall take effect immediately upon adoption by the Marco Island City Council.

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

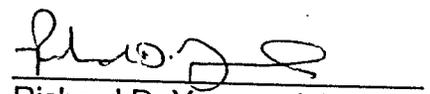
Attest:

CITY OF MARCO ISLAND, FLORIDA

  
Laura Litzan  
City Clerk

By:   
Terri DiSciullo, Chairwoman

Approved as to Form and  
Legal Sufficiency:

  
Richard D. Yovanovich  
City Attorney