

CITY OF MARCO ISLAND
ORDINANCE 04- 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) 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, 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 30, Article V, of the Marco Island City Code be amended as follows:

Sec. 30-488(5). Minimum off-site parking requirements.

Restaurant (sit down): ~~1 per 60 square feet for public use areas including outdoor eating areas or 1 per 2 seats, whichever is greater, and for non public use areas (kitchen, storage freezer, etc.) 1 per 200 square feet.~~ One (1) parking space per three (3) 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.

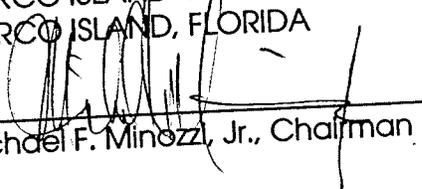
- a. It is the intention of the City Council and it is hereby ordained that the provisions of the Ordinance shall become and be made part of the Code of Ordinances of the City of Marco Island, Florida, and that the section of this Ordinance may be renumbered or relettered and that the word "ordinance" 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 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.

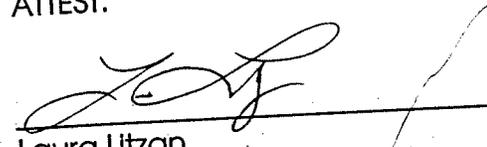
This ordinance shall take effect immediately upon the adoption by the Marco Island City Council

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 2nd day of February 2004.

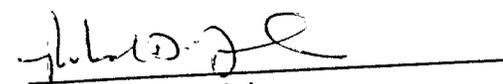
MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

By: 
Michael F. Minozi, Jr., Chairman

ATTEST:


Laura Litzan
City Clerk

Approved as to form and legality:


Rich Yovanovich
City Attorney

Naples Daily News
Naples, FL 34102

Affidavit of Publication
Naples Daily News

CITY OF MARCO ISLAND
FINANCE DEPARTMENT
50 BALD EAGLE DR
MARCO ISLAND FL 34145-3528

REFERENCE: 054361
58788854 SECOND READING & PUB

State of Florida
County of Collier

Before the undersigned authority, personally appeared B. Lamb, who on oath says that she serves as Assistant Corporate Secretary of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida; that the attached copy of advertising was published in said newspaper on dates listed.

Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 01/20

AD SPACE: 44.000 INCH
FILED ON: 01/20/04

Signature of Affiant B. Lamb
Sworn to and Subscribed before me this 21st day of Jan 2004
Personally known by me Harriett Bushong

 Harriett Bushong
MY COMMISSION # DD234689 EXPIRES
July 24, 2007
BONDED THRU TROY FAIN INSURANCE, INC

SECOND READING &
PUBLIC HEARING
ORDINANCE
CITY OF MARCO ISLAND

The City Council of Marco Island, meeting in regular session at 6:00 p.m., on February 2, 2004, at the Frank E. Mackle, Jr., Community Park, 1361 Andalusia Terrace, Marco Island, Florida will consider:

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This Ordinance is available for inspection by the Public in the City Clerk's office located at City Hall, 50 Bald Eagle Drive, Marco Island. Members of the Public are invited to make oral or written comments in regards to this Ordinance.
Jan. 20 No. 458659