

CITY OF MARCO ISLAND
ORDINANCE NO. 98-10

AN ORDINANCE AMENDING ORDINANCE NUMBER 91-102, THE COLLIER COUNTY LAND DEVELOPMENT CODE IN EFFECT ON AUGUST 28, 1997, WHICH IS THE LAND DEVELOPMENT CODE FOR THE CITY OF MARCO ISLAND, BY ADDING A NEW SECTION 2.6.21.2.8 PROHIBITING THE PERMITTING AND CONSTRUCTION OF NEW BOATHOUSES, BOAT COVERS, GAZEBOS, AND SIMILAR COVERED STRUCTURES EXTENDING OVER THE WATER IN ANY ZONING DISTRICT, AMENDING SECTION 2.6.21.3 DOCK FACILITY EXTENSION; DELETING SECTIONS 2.6.21.4 THROUGH 2.6.21.4.6, PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY, PROVIDING PENALTIES, PROVIDING AN EFFECTIVE DATE.

WHEREAS, boathouses, boat covers, gazebos, and similar cover structures extending over water can compromise desired architectural styles and construction standards, can become a visual nuisance and detract from waterway views, and may have adverse impacts on surrounding properties and the community at large; and

WHEREAS, the City Council of the City of Marco Island has stated that boathouses, boat covers, gazebos, and similar covered structures extending over water are not consistent with the vision of Marco Island's future; and

WHEREAS, enactment of a local prohibition on the permitting and construction of new boathouses, boat covers, gazebos, or similar covered structures extending over water is necessary to protect individuals and property; and

WHEREAS, the City Council is cognizant that substantial investments have been made by private individuals in the construction and maintenance of existing boathouses, boat covers, gazebos, and similar covered structures extending over water, and the City Council seeks to permit existing, lawfully constructed boathouses, boat covers, gazebos and similar covered structures extending over water to be used and enjoyed.

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

SECTION ONE: Ordinance No. 91-102, the Collier County Land Development Code in effect on August 28, 1997, which is the Land Development Code for the City of Marco Island, is amended as follows:

1. Section 2.6.21.2.8. is hereby added to read as follows:

2.6.21.2.8. Boathouses, boat covers, gazebos, and similar covered structures extending over water prohibited. The City of Marco Island shall not permit the construction of new boathouses, boat covers, gazebos, or similar covered structures extending over water in any zoning district. Lawfully constructed boathouses, boat covers, gazebos, and similar covered structures extending over water, in existence at the time of the adoption of this ordinance, may continue to be used and enjoyed. Property owners may perform routine maintenance and repairs to lawful, existing boathouse, boat covers gazebos, and similar covered structures that extend over water. Further, the owner of a lawfully permitted structure may request approval from the Planning Board to reconstruct such lawful structure if damaged or destroyed by an "act of God" or as the result of actions which were not under the control of the owner. Any reconstruction approved shall be limited to pre-damage/destruction dimensions, and such conditions and stipulations as deemed necessary by the Planning Board. No expansion/enlargement of the structure shall be permitted.

2. Section 2.6.21.3. is amended to read as follows:

2.6.21.3. *Dock facility extension; ~~boathouse establishment criteria.~~* Additional length/protrusion beyond said respective distances specified in section 2.6.21.2.1 and 2.6.21.2.2 for dock facilities; ~~and all boathouses,~~ regardless of the extent of the protrusion into the waterway or the width of the waterway, shall require public notice and a hearing by the ~~Collier County~~ Marco Island ~~Planning Commission~~ Board. As to any boat dock extension petition upon which the ~~Planning Commission~~ Board takes action, pursuant to section 5.2.11 of this Code, an aggrieved petitioner or adversely affected property owner may appeal such final action to the ~~board of zoning appeals~~

City Council which may affirm, affirm with conditions, reverse, or reverse with conditions the action of the ~~planning commission~~ board. Such appeal ~~shall be filed with the community development and environmental services commission and~~ shall be noticed for hearing with the ~~board of zoning appeals~~ City Council pursuant to the procedures and applicable fee set forth in section 1.6.6 of this Code. The ~~planning commission~~ board shall base its decision for approval, approval with conditions, or denial, on the following criteria:

3. Sections 2.6.21.4. through 2.6.21.4.6. are deleted as shown below:

~~2.6.21.4. Boathouse requirements: In addition to the criteria in section 2.6.21.2, the following criteria shall apply to boathouses:~~

~~2.6.21.4.1. Minimum side setback requirement: 15 feet.~~

~~2.6.21.4.2. Maximum protrusion into waterway: 25 percent of canal width or 20 feet, whichever is less.~~

~~2.6.21.4.3. Maximum height: 15 feet as measured from top of seawall of bank, whichever is more restrictive.~~

~~2.6.21.4.4. Maximum number of boathouses per site: One.~~

~~2.6.21.4.5. All boathouse structures shall be completely open on all four sides.~~

~~2.6.21.4.6. Roofing material and roof color shall be the same as materials and colors used on the principal structure or may be of a palm frond "chiekee" style.~~

SECTION TWO: INCORPORATION, CONFLICT AND SEVERABILITY

[1] It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a 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.

[2] All sections or parts of sections of the Code of Laws and Ordinances of Collier County, Florida, all Collier county Ordinances or parts of ordinances and all Collier County resolutions or parts of resolutions made applicable by the City Charter in conflict herewith are hereby repealed to the extent of such conflict.

[3] 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: PENALTIES FOR VIOLATION

[1] Pursuant to Section 162.22, Florida Statutes, a person found to be in violation of this Ordinance may be charged a fine, not to exceed \$500.00, and may be sentenced to a definite term of imprisonment, not to exceed 60 days.

[2] Violations of this ordinance may also be prosecuted before a code enforcement board established by the City of Marco Island.

SECTION FOUR:

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 21st day of September, 1998.

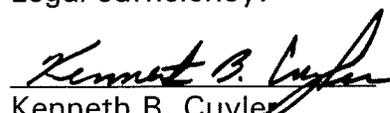
Attest:


A. William Moss
City Manager/City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 
Harry J. Cowin, Chairman

Approved as to form and
Legal sufficiency:


Kenneth B. Cuyle
City Attorney

Naples Daily News
Naples, FL 33940

Affidavit of Publication
Naples Daily News

CITY OF MARCO ISLAND
950 N COLLIER BLVD #308
MARCO ISLAND FL 34145

REFERENCE: 053955
57711346 NOTICE OF PUBLIC HEA

State of Florida
County of Collier

Before the undersigned authority, personally appeared B. Lamb, who on oath says that she serves as the 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 coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 06/25

AD SPACE: 37.000 INCH
FILED ON: 06/25/98

**0110 ORDINANCES
AND PETITIONS**

**NOTICE OF
PUBLIC HEARING
AMENDMENT TO
CITY OF MARCO ISLAND
LAND DEVELOPMENT
CODE**

BOATHOUSES

The City of Marco Island is considering the adoption of an ordinance to prohibit the permitting of boathouses in residential areas of the City, and to provide for the amortization of lawful, existing boathouses. The Marco Island City council will conduct a public hearing on this subject at 6:00 PM, July 6, 1998, at the YMCA, 1010 Sandhill Street. Persons wishing to give written or oral testimony are encouraged to do so. All testimony will become a part of the written record that will be forward to the City council prior to final consideration of this draft ordinance. Copies of the draft ordinance may be obtained from the Deputy City Clerk at City Hall, 950 North Collier Boulevard, Suite 308, Marco Island, FL 34145.
June 25 No. 1232080

Signature of Affiant

B. Lamb

Sworn to and Subscribed before me this 25 day of June 1998

Personally known by me

Judith A. Flanigan



Judith A. Flanigan
MY COMMISSION # CC508787 EXPIRES
February 19, 2000
BONDED THRU TROY FARM INSURANCE, INC

Naples Daily News
Naples, FL 33940

Affidavit of Publication
Naples Daily News

CITY OF MARCO ISLAND
ATT: DEE PHILLIPS
950 N COLLIER BLVD #308
MARCO ISLAND FL 34145

REFERENCE: 054361
57738903 FIRST READING ORDINA

State of Florida
County of Collier

Before the undersigned authority, personally appeared B. Lamb, who on oath says that she serves as the 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 coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 08/24

AD SPACE: 61.000 INCH
FILED ON: 08/24/98

Signature of Affiant B-L

Sworn to and Subscribed before me this 25 day of Aug 1998

Personally known by me Judith A. Flanigan

**0110 ORDINANCES
AND PETITIONS**

FIRST READING

ORDINANCE NO. 98-10
CITY OF MARCO ISLAND
The City Council of Marco Island, meeting in regular session at 6:00 p.m., on September 14, 1998, at the

Marco Island YMCA, 101 Sand Hill Street, Marco Island, Florida, will consider:

AN ORDINANCE AMENDING ORDINANCE NUMBER 91-102, THE COLLIER COUNTY LAND DEVELOPMENT CODE IN EFFECT ON AUGUST 28, 1997, WHICH IS THE LAND DEVELOPMENT CODE FOR THE CITY OF MARCO ISLAND, BY ADDING A NEW SECTION 2.6.21.2.8 PROHIBITING THE

PERMITTING AND CONSTRUCTION OF NEW BOATHOUSES, BOAT COVERS, GAZEBOS, AND SIMILAR COVERED STRUCTURES EXTENDING OVER THE WATER IN ANY ZONING DISTRICT, ESTABLISHING A DEFINITION OF "DESTROYED" FOR

EXISTING, LAWFULLY CONSTRUCTED BOATHOUSES, BOAT COVERS, GAZEBOS, AND SIMILAR COVERED STRUCTURES EXTENDING OVER THE WATER, AMENDING SECTION 2.6.21.3 DOCK FACILITY EXTENSION; DELETING SECTIONS 2.6.21.4 THROUGH

2.6.21.4.6, PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY, PROVIDING PENALTIES, PROVIDING AN EFFECTIVE DATE.

Members of the Public are invited to make oral or written comments in regards to this Petition. August 24 No. 1262083



Judith A. Flanigan
MY COMMISSION # CC508787 EXPIRES
February 19, 2000
BONDED THRU TROY FAIN INSURANCE, INC.

Naples Daily News
Naples, FL 33940

Affidavit of Publication
Naples Daily News

CITY OF MARCO ISLAND
ATT: DEE PHILLIPS
950 N COLLIER BLVD #308
MARCO ISLAND FL 34145

REFERENCE: 054361
57738855 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 the 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 coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 08/24

AD SPACE: 62.000 INCH
FILED ON: 08/24/98

SECOND READING &
PUBLIC HEARING
ORDINANCE NO. 98-10
CITY OF MARCO ISLAND
The City Council of Marco

Island, meeting in regular session at 6:00 p.m. on September 21, 1998, at the Marco Island YMCA, 101 Sand Hill Street, Marco Island, Florida, will consider:

AN ORDINANCE AMENDING ORDINANCE NUMBER 91-102, THE COLLIER COUNTY LAND DEVELOPMENT CODE IN EFFECT ON AUGUST 28, 1997, WHICH IS THE LAND DEVELOPMENT CODE FOR THE CITY OF MARCO ISLAND, BY ADDING A NEW SECTION 2.6.21.2.8 PROHIBITING THE PERMITTING AND CONSTRUCTION OF NEW BOATHOUSES, BOAT COVERS, GAZEBOS, AND SIMILAR COVERED STRUCTURES EXTENDING OVER THE WATER IN ANY ZONING DISTRICT ESTABLISHING A DEFINITION OF "DESTROYED" FOR EXISTING LAWFULLY CONSTRUCTED BOATHOUSES, BOAT COVERS, GAZEBOS, AND SIMILAR COVERED STRUCTURES EXTENDING OVER WATER, AMENDING SECTION 2.6.21.3 DOCK FACILITY EXTENSION; DELETING SECTIONS 2.6.21.4 THROUGH 2.6.21.4.6, PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY PROVIDING PENALTIES, PROVIDING AN EFFECTIVE DATE.

Members of the Public are invited to make oral or written comments in regard to the Petition, August 24 No. 1261173

Signature of Affiant B. Lamb

Sworn to and Subscribed before me this 25 day of Aug 1998

Personally known by me Judith A. Flanigan



Judith A. Flanigan
NOTARY COMMISSION # CC508787 EXPIRES
February 19, 2000
BONDED THRU TROY FAIN INSURANCE, INC.

Marco Island Eagle
Published Weekly
Marco Island, Florida

Affidavit of Publication

State of Florida
County of Collier

Before the undersigned authority, personally appeared Cheryl Ferrara, who on oath says that he is the Publisher of Marco Island Eagle, a weekly newspaper, published at Marco Island, Collier County, Florida, that the attached copy of advertising, being a Legal Notice - Second Reading & Public Hearing - Ordinance # 98-10 in matter of City of Marco Island in the _____ Court was published in said newspaper in the issues of August 26, 1998

Affidavit further says that the said Marco Island Eagle is a newspaper published at Marco Island, in said Collier County, Florida and that said newspaper has heretofore been continuously published in said Collier County, Florida, each week, and has been entered as second class mail matter at the post office in Marco, in said Collier County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he 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.

Cheryl S. Ferrara

Sworn to and subscribed before this 26th day of August, A.D. 1998.

Carol J. Ziska

Notary Public, State of Florida
Commission No. CC 406522
My Commission Expires 9/12/98
Bonded Through Fla. Notary Service & Bonding Co.

My Commission Expires _____

111 LEGAL NOTICES 310 HE

SECOND READING & ORDINANCE

CITY OF MARCO

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The City of Marco Island, meeting in
September 21, 1998, at the Marco Isl
Marco Island, Florida, will consider:

AN ORDINANCE AMENDING OR
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AUGUST 28, 1997, WHICH IS
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2.6.21.2.8 PROHIBITING THE
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Members of the Public are invited to
regards to the Petition.

RECEIVED
AUG 28 1998

Naples Daily News
Naples, FL 33940

Affidavit of Publication
Naples Daily News

CITY OF MARCO ISLAND
ATT: DEE PHILLIPS
950 N COLLIER BLVD #308
MARCO ISLAND FL 34145

REFERENCE: 054361
57730811 NOTICE OF PUBLIC HEA

State of Florida
County of Collier

Before the undersigned authority, personally appeared B. Lamb, who on oath says that she serves as the 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 coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 08/06

AD SPACE: 52.000 INCH
FILED ON: 08/06/98

0110 ORDINANCES AND PETITIONS

NOTICE OF PUBLIC HEARING
AMENDMENT TO CITY OF MARCO ISLAND LAND DEVELOPMENT CODE:
PROHIBITING THE PERMITTING AND CONSTRUCTION OF NEW BOATHOUSES, BOAT COVERS, GAZEBOS AND SIMILAR STRUCTURES EXTENDING OVER THE WATER

The City of Marco Island is considering the adoption of an ordinance to prohibit the permitting and construction of new boathouses, boat covers, gazebos, and similar structures extending over the water in any zoning district, and to establish a definition of "destroyed" for existing, lawfully constructed boathouses, boat covers, gazebos, and similar structures extending over the water. The Marco Island Planning Board will conduct a public hearing on this subject at 9:00 AM, August 21, 1998 at the Boardroom of the YMCA, 101 Sandhill Street. Persons wishing to give written or oral testimony are encouraged to do so. All testimony will become a part of the written record that will be forwarded to the City Council prior to final consideration of this draft ordinance. Copies of the draft ordinance may be obtained from the Deputy City Clerk at City Hall, 950 North Collier Boulevard, Suite 308, Marco Island, FL 34145.
August 6 No. 1253021

Signature of Affiant *B. Lamb*

Sworn to and Subscribed before me this 6 day of Aug 1998

Personally known by me *Judith A. Flanigan*

 Judith A. Flanigan
MY COMMISSION # CC508787 EXPIRES
February 19, 2000
BONDED THRU TROY FAIR INSURANCE, INC.

Marco Island Eagle
Published Weekly
Marco Island, Florida

Affidavit of Publication

State of Florida
County of Collier

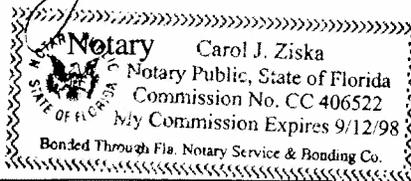
Before the undersigned authority, personally appeared
Cheryl Ferrara, who on oath says that he is the
Publisher of Marco Island Eagle, a weekly newspaper,
published at Marco Island, Collier County, Florida, that the attached
copy of advertising, being a Legal Notice
in matter of Notice of Public Hearing in the
Court was published in
said newspaper in the issues of
August 5, 1998

Affidavit further says that the said Marco Island Eagle
is a newspaper published at Marco Island, in said Collier County,
Florida and that said newspaper has heretofore been continuously
published in said Collier County, Florida, each week, and has been
entered as second class mail matter at the post office in Marco, in
said Collier County, Florida, for a period of one year next preceding
the first publication of the attached copy of advertisement; and affi-
ant further says that he 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.

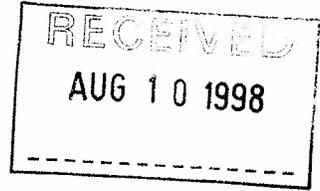
Cheryl S. Ferrara

Sworn to and subscribed before this 5th day
of August, A.D. 1998.

Carol J. Ziska



My Commission Expires _____



111 LEGAL NOTICES

NOTICE OF PUBLIC AMENDMENT TO CITY LAND DEVELOPMENT PROHIBITING THE PERMITTING OF BOATHOUSES, BOAT COVERS AND STRUCTURES EXTENDING INTO THE WATER.

The City of Marco Island is considering prohibiting the permitting and construction of boathouses, and similar structures extending into the water. and to establish a definition of "destroy". The Marco Island Planning Board will meet on this subject at 9:00 AM, August 21, 1998, at 101 Sandhill Street. Persons wishing to comment are encouraged to do so. All testimony will be forwarded to the City Council for their consideration and draft ordinance. Copies of the draft ordinance are available from the Deputy City Clerk at City Hall, 950 Marco Island, FL 34145.

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EVENTS & INFORMATION
YOUR FIN
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irs a day!
6765 SPORTS U
6770 BASEBALL
6775 NFL UPDA
6785 NBA UPD
6790 COLLEGE
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