

- b. All fences and walls shall be maintained in a manner that will not detract from the neighborhood or community.
 - c. No fence or wall within any district shall block the view of passing motorists or pedestrians so as to constitute a hazard.
 - d. Fences and walls shall be constructed of conventional building materials such as, but not limited to concrete block, brick, wood, decorative iron or steel, and chain link. Coated chain link and chain link fencing is prohibited in the front yards of residential zoning districts, and all commercial zoning districts except as specified above.
 - e. Fences and walls shall be constructed to present the finished side of the fence or wall to the adjoining lot or any abutting right-of-way. Where due to the presence of an existing fence or wall or continuous landscape hedge on the adjoining parcel, this provision may be administratively waived where said request has been requested in writing.
 - f. When determined to be beneficial to the health, safety, and welfare of the public, the community development director may waive height limitations of fences and walls in all districts.
 - g. Existing ground levels shall not be altered for the purpose of increasing the height of a proposed wall or fence.
5. *Fence height measurement for all districts.* The height of a fence or wall located outside of the building line shall be measure from the ground level at the fence location. However, if the community development director determines that ground levels have been altered so as to provide for a higher fence, the community development director shall determine the ground level for the purposes of measuring the fence height. In determining whether the ground level has been altered for the purposes of increasing the height of the fence, the community development director may consider, but is not limited to consideration of, the following facts:
- a. General ground elevation of the entire lot.
 - b. In case of a lot with varying ground elevations, the average elevation over the length of the fence, and at points in the vicinity of the fence.

- c. The ground elevation on both sides of the fence. In measuring the fence height, the ground elevation on the side of the fence location that is at the lowest elevation shall be used as a point from which the fence height is to be measured.
- d. Fences or walls shall be permitted principal uses; however a fence or wall shall not, in any way, constitute a use or structure, which permits, requires and/or provides for any accessory uses and/or structures.

SECTION TEN: MISCELLANEOUS STRUCTURES.

1. School bus shelters, bicycle racks, bus stop benches, and mailboxes, shall be permitted in any zoning district. Brochure racks, delivery boxes, newspaper boxes/racks for public sale and distribution shall only be permitted in the RT residential tourist and C-1 through C-5 commercial zoning districts. No advertising sign shall be permitted on any such structure. All such structures are exempt from district setbacks, however each shall comply with regulations pursuant to sight distance triangles. Brochure racks, delivery boxes, and newspaper boxes/racks shall be removed from zoning districts prohibiting such uses within one year of adoption of this ordinance. Zoning districts permitting brochure racks, delivery boxes, and newspaper boxes/racks shall comply with the architectural and site design guidelines provided for in Chapter 30, Article VIII, within two years of adoption of this ordinance.

SECTION ELEVEN: GUESTHOUSE.

1. No guest accommodation facility in a single-family residential district, whether a freestanding guesthouse or guest accommodations which are structurally integrated with the main dwelling, may be utilized for commercial purposes. Leasing or renting a guest accommodation facility shall constitute a violation of this zoning code. Similarly, if main residence is leased or rented, a guest accommodation facility accessory to it may not be occupied by the property owner, since that would constitute the unlawful utilization of single-family zoned property for two-family dwelling purposes. Guesthouses shall not be constructed on lots which are smaller than 43,560 square feet in area, nor shall the living area of a guesthouse be larger than 40 percent of the air conditioned, enclosed living area (excluding garages, carports, patios, porches, utility areas, and the like) of the principal dwelling. Detached guesthouses shall not be closer than 20 feet to the principal dwelling. A guesthouse may be constructed prior to a principal

dwelling, provided the guesthouse meets the minimum requirements of a single-family residence in the district in which it is being constructed. At such time as a principal residence is constructed, then the floor area percentages listed above shall apply.

SECTION TWELVE: SOLID WASTE DISPOSAL.

1. Pursuant to Collier County Ordinance No. 90-30, as amended, solid waste disposal shall be required in the form of bulk container service (garbage dumpsters) for all commercial, institutional, residential tourist, and multi-family developments.
2. *Screening.* All trash or recycle receptacles shall be located so as to be easily accessible to the residents and the solid waste hauler, and shall be 100% screened on all sides by opaque materials to prevent visibility of containers by neighboring property owners and from adjacent streets at the first floor level. Screening materials shall be consistent with design treatments of primary building facades, landscape plan, and in accordance with Chapter 30, Article VIII.
 - a. The following materials and structures may be used for screening as required above:
 - i. Wood, plastic, or fences of similar materials.
 - ii. Concrete block and stucco wall, brick wall, masonry wall, or walls of similar material.
 - iii. Vegetative screening in conjunction with a. and b. above.

Screening, as required above, shall be maintained and/or installed at a minimum of 6 feet in height and a maximum of 8 feet in height provided there is no obstruction of vision of adjacent streets, right-of-way or sight distance triangles. Opaque gates shall be installed on the front of the dumpster enclosure.

3. *Minimum requirements and locational restrictions.* In the case of multifamily developments, at least one standard size bulk container (dumpster) per every ten dwelling units shall be required. All such containers are subject to the following locational restrictions:
 - a. Solid waste bulk containers may be located within a required yard provided they do not encroach into a required landscape area, and further provided that there be no blockage of the view of motorists or pedestrians so as to constitute a hazard.

- b. In the case of multi-family developments containing more than one structure, no solid waste bulk container (garbage dumpster) shall be located greater than 200 feet from the structure it is intended to serve.
5. *Exceptions.* The community development director, or his designee, may allow the following exceptions to the above requirements.
- a. Solid waste bulk containers (dumpsters) may be substituted by individual solid waste disposal service (unit by unit curbside pick-up) subject to the following:
 - i. In the case of individually owned multi-family dwelling units (condominiums), individual (curbside) solid waste disposal service may be substituted for the required bulk containers (dumpsters) upon documentation that the subject unit or condominium association, having been turned over from the developer to the residents, has voted in the majority to eliminate the use of dumpsters in favor of individual curbside service for all or part of a particular development, subject to acceptance from both the community development director and the waste hauler. Additionally, the association shall demonstrate that there is adequate access to facilitate curbside pickup and that all individual units have an enclosed location other than the residential structure, such as a carport or garage, for the storage of individual solid waste containers.

SECTION THIRTEEN: INTEGRAL CARETAKER'S RESIDENCE IN COMMERCIAL DISTRICTS.

1. The community development director may authorize the construction of a caretaker's residence in the C-1/T, C-2, C-3, C-4 commercial districts and C-5 heavy commercial district; subject to the following:
 - a. The residence shall be constructed as an integral part of the principal structure and shall be entered from within the principal structure. Exits required to comply with fire code shall be permitted.
 - b. The caretaker's residence shall be an accessory use and shall be for the exclusive use of the property owner, tenant, or designated employee operating maintaining the principal structure.
 - c. Off-street parking shall be provided as for a single-family residence.

- d. Any other requirement which the community development director determines necessary and appropriate to mitigate adverse impacts of such use in the district.

SECTION FOURTEEN: CONDOMINIUMS.

1. This zoning code shall be construed and applied with reverence to the nature of the use of such property without regard to the form of ownership. Condominium forms of ownership shall be subject to this code as is any other form of ownership. Condominiums of any kind, type or use shall comply with the provisions of F.S. ch. 718, as amended, known as the "Condominium Act."

SECTION FIFTEEN: DEED RESTRICTIONS.

1. Significant portions of Marco Island are subject to recorded deed restrictions. As the City of Marco Island is not responsible for enforcement of private deed restrictions, it is incumbent upon individuals to know what private restrictions may apply to their property.

SECTION SIXTEEN: RELATIONSHIP TO STATE AND FEDERAL STATUTES.

1. *Required state and/or federal permits.* Where proposed use or development required state or federal development orders or permits prior to use or development, such development orders or permits must be secured from state or federal agencies prior to commencement of any construction and/or development, including any changes inland configuration and land preparation.
2. *Development of regional impact.* Where a proposed use or development is a development of regional impact (DRI), it shall meet all of the requirements of F.S. ch. 380, as amended, prior to the issuance of any required city development orders or permits and commencement of construction or development. Submission of the application for development approval (ADA) for a DRI shall be simultaneous with the submission of any rezoning and/or conditional use application or other land use related petition required by this code to allow for concurrent reviews and public hearings before both the planning board and city council of the ADA and rezone and/or conditional use applications. The DRI and rezone and/or conditional use shall be approved prior to the issuance of any required city

development orders or permits and commencement of construction or development.

SECTION SEVENTEEN: PROHIBITED ANIMALS IN RESIDENTIAL DISTRICTS.

1. The following animals are to be considered farm animals and are not permitted to be kept in residential districts except as provided for in zoning district regulations: turkeys, chickens, ducks, geese, pigs, horses, cows, goats, hogs, and the like.

SECTION EIGHTEEN: GROUP HOUSING DEVELOPMENT STANDARDS:

1. *General requirements.* All group house structures shall meet the following requirements specified for each type of structure:
 - a. Site development plan (SDP) approval in conformance with the Land Development Code (with the exception of a family care facility).
 - b. All applicable state and county building and fire code standards.
 - c. All applicable state and county licensing requirements.
2. *Family care facility.* A family care facility shall be treated as a single dwelling unit for the purpose of determining applicable development standards and, therefore, shall conform to the standards identified for a single-family dwelling unit in the zoning district assigned to the property, as well as other applicable standards found in the zoning code. However, a new family care facility shall not be located within a radius of 1,000 feet of another existing family care facility.
3. *Group care facility (category I and category II).* A group care facility shall be governed by the development standards identified in the zoning district assigned to the property and the following standards:
 - a. *Minimum habitable floor area.*
 - i. Group care facility (category I): 1,500 square feet plus 200 square feet per live-in person, beginning with the seventh live-in person.
 - ii. Group care facility (category II):
 - a) Homeless shelters: 1,500 square feet plus 150 square feet per live-in person, beginning with the seventh live-in person.

- b) Uses other than the homeless shelters: 1,500 square feet plus 200 square feet per live-in person, beginning with the seventh live-in person.

4. *Minimum lot area.*

- a. Group care facility (category I): 6,000 square feet plus 1,500 square feet per live-in person, beginning with the seventh live-in person.

- b. Group care facility (category II):

- i. Homeless shelters: 6,000 square feet plus 400 square feet per live-in person, beginning with the seventh live-in person.
- ii. Uses other than homeless shelters: 6,000 square feet plus 1,500 square feet per live-in person, beginning with the seventh live-in person.

5. *Parking required.* Two parking spaces per five beds (minimum requirement: two parking spaces).

6. *Separation requirements.*

- a. A new group care facility shall be required to be located greater than a radius of 1,200 feet from any other existing group care facility (applicable to the RMF-6, RMF-12, RMF-16, and RT zoning districts).
- b. A new group care facility shall be required to be located greater than a radius of 500 feet from any other existing group care facility (applicable to the RSF-2, RSF-3, and RSF-4 zoning districts).
- c. Distance requirements shall be measured along a straight line from the nearest point of the existing group care facility property to the nearest point of the proposed new group care facility property.

7. *Special setback requirements.* No structure shall be erected within 20 feet of any abutting lot or parcel that is zoned residential, nor within 25 feet of a road right-of-way.

8. *Landscaping requirements.* As provided for in Chapter 30, Article IV.

9. *Other care housing facilities.* All other care housing environments as defined in this Code, including but not limited to care units, assisted living units, continuing care retirement communities, nursing homes,

and dwelling units that are part of an aging-in-place living environment shall adhere to the following standards in addition to those established by the underlying zoning district.

10. *Maximum floor area ratio.* The maximum floor area ratio shall not exceed a factor of 0.45 (0.45 times the area of the property equals the gross floor area).
11. *Additional submittal requirements:* In addition to the required SDP or conditional use submittal requirements of this Code, developments containing independent housing units providing an assisted living and nursing care component must be graphically represented as part of the conditional use and/or site development plan application. This graphic representation shall depict all common areas as well as a typical independent housing unit and shall include dimensions and square footage of each component. Additionally, ratio of independent units to assisted units, and the number of skilled nursing beds shall be indicated. The application shall include a statement of available assistance with "activities of daily living," including but not limited to ambulation, grooming, feeding, financial management, medicine management, and so on.
12. *Maximum height.* The maximum height shall be the same as the underlying zoning district except as otherwise modified through the conditional use process for residentially zoned districts.
13. *Special setback requirements.* No structure shall be erected within 20 feet of any abutting lot or parcel which is zoned residential, nor within 25 feet of a road right-of-way.
14. *Parking required.*
 - a. Independent living units. One per dwelling unit.
 - b. Assisted living units. 0.75 per assisted unit.
 - c. Nursing care units. Two parking spaces per five beds.

SECTION NINETEEN: AUTOMOBILE SERVICE STATIONS.

1. The following regulations apply to the location, layout, drainage, operation, fencing, landscaping, parking and permitted sales and service activities of automobile service stations:

- a. *Lot size.* Minimum 18,000 square feet.
2. *Minimum frontage.* An automobile service station shall not be located on a lot with less than 150 feet of frontage on a dedicated street or highway.
- a. *Minimum depth.* One hundred twenty feet.
 - b. *Minimum yards.*
 - i. *Front yard setback.* Fifty feet.
 - ii. *Side yard setback.* Forty feet.
 - iii. *Rear yard setback.* Forty feet.
 - c. *Canopy.* Ten feet beyond pump setback line.
 - d. *Storage tanks.* Storage tanks shall be located below grade.
 - e. *Lighting.* As provided for in Chapter 6, Article V.
 - f. *Location of structures, pumps, etc.* No main or accessory building, no sign of any type, and no gasoline pump, tank, vent, pump island or pump island canopy shall be located within 25 feet of any residentially zoned property. Gasoline pumps and pump islands shall be located not closer than 30 feet to the street property lines and shall be located no closer than 40 feet to any side or rear property line. Pump island canopies shall be located not closer than 20 feet to the street property line. If such setback requirements mentioned above are closer than setback requirements for the zoning district in which the automobile service station is located, such service station appurtenances shall be removed before the property is converted to a use other than an automobile service station. Removal of fuel storage tanks is required. Freestanding vents are not permitted.
 - g. *Entrance and exit.* No automobile service station shall have an entrance or exit for vehicles within 200 feet along the same side of a street of a school, public playground, child care center, church, hospital, public library, or any institution for dependents or for children, except where such property is in another block.
 - h. *Fence requirements.* If an automobile service station abuts a residential district, a wall of solid decorative material five feet in height or a wall of landscaping must be provided and properly

maintained. If the station is separated from the residential zone by an alley, then the wall shall be erected along the lot line also. In addition, all outside trash areas for used tires, auto parts, and other items shall be enclosed on all sides by a five-foot-high decorative fence or wall which shall conform to all fence setback regulations. All walls and buildings shall be protected by a barrier to prevent vehicles from contacting the wall.

- i. *Outside display of products.* Petroleum products in cans and windshield wiper blades may be displayed outside the service station building in the standard racks provided for such display, provided such racks shall not be placed closer to a street line than the pump island. There shall be no outside display or stacking of tires or other merchandise.
- j. *Trash facilities.* Adequate, completely enclosed trash storage facilities shall be provided on the site. On an interior lot, such facilities shall be located at the rear of the service station's main structure; on a corner lot, such facilities shall be located, where possible, on the side of the main structure with street frontage carrying the lesser volume of traffic.
- k. *Vehicle sales.* There shall be no vehicle sales conducted on the premises.
- l. *Drainage.* The entire lot, excluding the area occupied by a building, shall be properly drained and hard-surfaced with concrete or plant-mixed bituminous material, except for the required landscaped areas.
- m. *Parking areas.* As required in Chapter 30, Article V.
- n. *Landscaping.* As required in Chapter 30, Article IV.
- o. *General uses and services.* In addition to the retail dispensing of automobile fuels and oil, only the following services may be rendered and sales made except as indicated:
 - i. Sales and servicing of spark plugs, batteries, distributors and distributor parts.
 - ii. Sales, mounting, balancing and repair of tires and wheel alignments, but not recapping of tires.
 - iii. Sales and replacement of water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, wiper blades, grease retainers,

- wheel bearings, shock absorbers, mirrors, exhaust systems, and the like.
- iv. Provision of water, antifreeze, flushing of the cooling system, air conditioning recharge, and the like.
 - v. Washing and polishing of automobiles and sale of automobile washing and polishing materials, but this only allows auto detailing as an accessory use, but this provision does not allow carwashes except in those zoning districts where carwash is a permitted use; and such carwashes shall be subject to criteria specified in the zoning district.
 - vi. Providing and repairing fuel pumps and lines.
 - vii. Minor servicing and repair of carburetor and fuel injection systems.
 - viii. Emergency wiring repairs.
 - ix. Providing repair and replacement of brake rotors, drums and pads.
 - x. Minor motor adjustments not involving removal of the head or crankcase.
 - xi. Greasing and lubrication.
 - xii. Sales of cold drinks, candies, tobacco, and similar convenience goods for service station customers, but strictly and only as accessory and incidental to the principal business operation.
 - xiii. Provision of road maps and other information outside of the enclosed areas.
 - xiv. No mechanical work shall be allowed outside of the enclosed areas.
 - xv. No automobile service station shall be permitted where any oil drainage pit or visible appliance for any such purpose other than refueling cars is located within 20 feet of any street right-of-way or within 45 feet of any residential district, except where such appliance or pit is located within a wholly enclosed building.
 - xvi. Uses permissible at an automobile service station do not include major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles (except as expressly permitted in item 17 below), commercial garage as an accessory use, or other work involving undue noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in such stations. An automobile service station is not a facility for the sale of automobile vehicles, a repair garage, a body shop, or a truckstop.
 - xvii. The temporary storage of vehicles shall be permitted if the vehicles are to be serviced at the service station or if the

vehicles have been towed by the service station and are being held for servicing, for an insurance company, or for sale or salvage. Any such vehicle(s), other than those vehicles serviced daily, shall be stored within an area surrounded by an opaque fence not less than six feet high. Said vehicles shall not be stored longer than 90 days.

- xviii. Convenience grocery stores selling motor fuel must conform with all provisions of this code.

SECTION TWENTY: OPEN SPACE REQUIREMENTS IN ALL ZONING DISTRICTS.

1. *Usable open space requirements.* Usable open space shall include active and passive recreation areas such as playgrounds, golf courses, beach frontage, waterways, lagoons, floodplains, nature trails, and other similar open spaces. Open space areas shall also include those areas set aside for preservation of native vegetation and landscaped areas. Open water area beyond the perimeter of the site, street rights-of-way, driveways, off-street parking areas, and off-street loading areas shall not be counted in determining usable open space. Open space requirements for Planned Unit Developments (PUD's) are stated in the PUD zoning district standards.
2. *Residential developments.* In residential developments, at least 60 percent of the gross area shall be devoted to usable open space. This requirement shall not apply to individual single-family lots less than five acres in size.
3. *Commercial and mixed use developments.* In developments of commercial or mixed use including residential, at least 30 percent of the gross area shall be devoted to usable open space. This requirement shall not apply to individual parcels less than five acres in size.

SECTION TWENTY-ONE: TOWNHOUSE DEVELOPMENT.

1. Townhouse development as defined in this code when authorized in the RMF and RT zoning districts either as a permitted or conditionally permitted use shall be designed to meet the development standards of such zoning district.

SECTION TWENTY-TWO: KITCHENS IN DWELLING UNITS.

1. A dwelling unit may have a second kitchen provided all rooms in the dwelling unit are, and remain internally accessible.

SECTION TWENTY-THREE: FLOOR AREA REQUIREMENTS FOR TIMESHARES, MULTI-FAMILY STRUCTURES, HOTELS AND MOTELS.

1. Timeshare facilities – 500 square foot minimum with a 1,500 square foot maximum except that 20 percent of the units may be utilized for suites greater than 1,500 square feet.
2. Multi-family structures – efficiency, minimum 450 square feet; one bedroom, minimum 600 square feet; two bedrooms or more, minimum 750 square feet.
3. Hotels and motels – 300 square foot minimum with a 1,000 square foot maximum except that 20 percent of the units may be utilized for suites greater than 1,000 square feet.

SECTION TWENTY-FOUR: FLAGPOLES.

1. Flagpoles are permitted in all zoning districts subject to the following:
 - a. Residential and Agricultural zoning districts:
 - i. One flagpole is permitted and shall not exceed twenty-five (25) feet in height above finished grade.
 - ii. A flagpole over fifteen (15) feet in height shall require a building permit prior to installation.
 - iii. Up to three (3) non-commercial flags may be flown from an approved flagpole.
 - iv. Flagpoles shall be setback a minimum of seven and one half (7.5) feet from a property boundary, zero (0) feet from seawalls, and five (5) feet from a principal and/or accessory structure.
 - v. The width of the flag shall not exceed 20 percent of the length of the pole to which it is attached.
 - b. Commercial, Golf Course and Residential Tourist zoning districts:
 - i. Three flagpoles are permitted and shall not exceed thirty-five (35) feet in height above finished grade.
 - ii. A flagpole over fifteen (15) feet in height shall require a building permit prior to installation.
 - iii. Up to three (3) non-commercial flags may be flown from an approved flagpole.

- iv. Flagpoles shall be setback a minimum of seven and one half (7.5) feet from a property boundary, zero (0) feet from seawalls, and five (5) feet from a principal and/or accessory structure.
 - v. The width of the flag shall not exceed 30 percent of the length of the pole to which it is attached.
- c. Ordinances 98-13 and 02-11 shall apply to the above referenced zoning districts.

SECTION TWENTY-FIVE: ACCESS MANAGEMENT PLANS
(reserved)

SECTION TWENTY-SIX: STANDARDS FOR PARKING WITHIN THE MARCO LAKE DRIVE BUSINESS DISTRICT (MLDBD).

1. *Continuation of Marco Lake Drive Business District.* The Marco Lake Drive Business District, created by Collier County ordinance 95-31, is hereby continued. The physical limits of the Marco Lake Drive Business District (MLDBD) remain as depicted on the Official Zoning Atlas Map of the subject area. All of the lots which constitute the MLDBD are zoned commercial and have frontage on Marco Lake Drive. The MLDBD Highlands Subdivision, as recorded in Plat Book 3, Page 72, of the public records of Collier County, Florida.
2. *Existing uses.* Uses in existence as of the date of district creation (April 18, 1995), are exempt from the minimum parking requirements as set forth in ordinance 01-16 subject to the following conditions:
 - a. Existing uses shall not reduce the number of spaces below that which is provided as of the effective date of this amendment.
 - b. The strip of parking located along the eastern edge of Marco Lake Drive is designated public parking, no storage of commercial vehicles or overnight parking shall be permitted thereon.
3. *Expansion or new development.* Parking to support any new development within the boundaries of the MLDBD shall be provided at 75 percent of the minimum requirement as set forth in Chapter 30, Article V for uses which have a parking intensity of one space per 200 square feet or less, for the square footage of the expansion or new construction only. Any expansion or new construction for uses having a parking intensity greater than one space per 200 square feet shall

provide the minimum parking required as set forth in Chapter 30, Article V. Any expansion or new construction shall include the on-site installation of parking for the disabled as provided in Chapter 30, Article V.

4. *Change in existing use.* A change in any use shall be exempt from the minimum parking requirements as set forth in Chapter 30, Article V up to an intensity level of one parking space per 200 square feet. A change of use to an intensity of greater than one space per 200 square feet shall provide parking for the use as set forth in Chapter 30, Article V, and shall provide on-site parking for the disabled as set forth therein.
5. *Off-site parking agreements.* In no way shall the provisions of the Marco Lake Drive Business District (MLDBD) be constructed so to prevent establishments within the boundaries from taking advantage of off-site parking arrangements as set forth in chapter 30, Article V.

SECTION TWENTY-SEVEN: 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 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 Marco Island, Florida, all Marco Island ordinances or parts of ordinances, and all Marco Island 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 TWENTY-EIGHT: 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 4th day of November, 2002.

Attest:

CITY OF MARCO ISLAND, FLORIDA



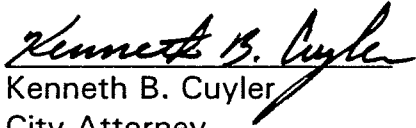
Laura Litzan
City Clerk

By:



E. Glenn Tucker, Chairman

Approved as to form and
Legal sufficiency:



Kenneth B. Cuyler
City Attorney