

ORDINANCE 21-15

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA; AMENDING SECTION 30-526, "SIGNS IN COMMERCIAL, PUBLIC USE AND COMMUNITY FACILITY DISTRICTS" OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES BY AMENDING SECTION 30-526(G) TO ALLOW FOR DIGITAL MENU SIGN AND DIGITAL PRESELL SIGN FOR DRIVE THRU ESTABLISHMENTS; MAKING FINDINGS; PROVIDING FOR SEVERABILITY/INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 38-40(1), City Code of Ordinances, the Planning Board serves as the City's Local Planning Agency and Land Development Regulation Commission; and

WHEREAS, Section 30-62(c)(3)d., Code of Ordinances of the City of Marco Island, Florida, requires that the Planning Board determine the need and justification for a Land Development Code ("LDC") amendment, as well as the proposals consistency with the City Comprehensive Plan; and

WHEREAS, the need and justification for this Ordinance is to provide for fair and consistent regulations that are easily enforced; and

WHEREAS, Objective 1.7 Land Use Element of the City's Comprehensive Plan provide:

Objective 1.7: The City will enforce existing and future Land Development regulations to eliminate and/or reduce uses of land inconsistent with the Future Land Use Map and the community's character.

WHEREAS, upon consideration of testimony by the City's growth management staff and consideration of this Ordinance, the Planning Board finds that this Ordinance is consistent with the City's Comprehensive Plan, and in particular Objective 1.7 of the Comprehensive Plan's Future Land Use Element; and

WHEREAS, Section 30-62(c)(3)d., Code of Ordinances of the City of Marco Island, Florida, requires that the Planning Board determine the need and justification for a Land Development Code ("LDC") amendment; and

WHEREAS, the Planning Board has found that the need and justification of this Ordinance is to promote fair and consistent regulations that are easily enforced; and

WHEREAS, the Planning Board has found that, as a result of the foregoing, this Ordinance will promote the public health, safety, aesthetics, and welfare of the community; and

WHEREAS, the City Council adopts the findings of the Planning Board, also sitting as the City's Local Planning Agency.

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

SECTION 1. Recitals. Each and all the foregoing recitals be and the same are hereby incorporated into this Ordinance as if specifically set forth herein.

SECTION 2. Amendment and Adoption. That section 30-526 of the Code of Ordinances, City of Marco Island, Florida, is hereby amended to read as follows:

Sec. 30-526. Signs in commercial, public use and community facility districts.

The following standards apply to all permanent signs in commercial districts.

(g) *Signs adjacent to drive through lanes:* A property with a drive through service lane may provide one of the following signs for each permitted drive through lane:

(1) One monument sign not to exceed 24 square feet and eight feet in height, located within three feet of, and oriented towards, the drive through lane; or

(2) One electronic sign, not exceeding three square feet, located directly above the drive through service lane. Graphics, pictures, logos, motion or flashing are prohibited. Text changes shall occur only when there is a change in the availability of services in the drive through lane; or

(3) One digital menu sign, not to exceed 24 square feet and six feet in height, located within three feet of, and oriented towards, each drive through lane; and one digital presell sign, which is a sign to promote menu items, not to exceed 10 square feet and six feet in height located within three feet of, and oriented towards, each drive through lane. Digital presell sign must be within 25 feet of the menu sign. The cumulative sign area between the menu sign and presell sign cannot exceed 30 square feet for each drive through lane. All digital signs shall automatically adjust to the ambient light levels available and be shielded from the road and adjacent residential property.

SECTION 4. Severability/Interpretation.

(a) If any term, section, clause, sentence or phrase of this Ordinance is for any reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the other or remaining terms, sections, clauses, sentences, or phrases portions of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

(b) In interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken-through~~ words include deletions from existing text. Asterisks (* * *) indicate a deletion from the Ordinance of text, which continues to exist in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

SECTION 5. Effective Date. This Ordinance shall be effective immediately upon adoption by the City Council on second reading.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 1st day of November 2021.

ATTEST:



Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Erik Brechnitz, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney

