

ORDINANCE 26-__

AN ORDINANCE OF THE CITY OF MARCO ISLAND AMENDING CHAPTER 1, "GENERAL PROVISIONS," SECTION 1-15, "APPEALS;" CHAPTER 18, "ENVIRONMENT," ARTICLE VI, "PALM LETHAL YELLOWING (PLY) DISEASE," SECTION 18-176, "PUBLIC NOTICE;" CHAPTER 40, "SPECIAL DISTRICTS," ARTICLE II, "HIDEAWAY BEACH DISTRICT," SECTION 40-37, "APPLICABLE FINANCIAL DISCLOSURE, NOTICING, AND REPORTING REQUIREMENTS;" CHAPTER 54, "WATERWAYS," ARTICLE IV, "BOAT DOCKING FACILITIES," DIVISION 2, "REGULATIONS," SECTION 54-115, "BOAT DOCK EXTENSIONS, PROTRUSION, OR ENCROACHMENT INTO THE RIPARIAN SETBACK;" CHAPTER 30, "LAND DEVELOPMENT CODE," ARTICLE I, "IN GENERAL," SECTION 30-4, "INTERPRETATIONS;" SECTION 30-5, "VESTED RIGHTS;" ARTICLE XI, "COASTAL CONSTRUCTION SETBACK LINE VARIANCE," SECTION 30-756, "PROCEDURES FOR OBTAINING VARIANCES;" ARTICLE VII, "SUBDIVISION STANDARDS," SECTION 30-575, "APPROVAL PROCEDURE FOR SUBDIVISION PLATS," SECTION 30-581, "DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS;" ARTICLE IX, "SITE DEVELOPMENT PLANS, SITE DEVELOPMENT PLAN AMENDMENT, SITE PLANS WITH DEVIATIONS, AND SITE IMPROVEMENT PLAN STANDARDS," SECTION 30-673, "SITE DEVELOPMENT PLAN, SITE DEVELOPMENT PLAN AMENDMENT, AND SITE IMPROVEMENT PLAN SUBMITTAL REQUIREMENTS," SUB-SECTION (10), "NEIGHBORHOOD INFORMATION MEETING (NIM)," ARTICLE XII, "TEMPORARY USE PERMITS," SECTION 30-794, "MODEL HOMES AND MODEL SALES CENTER PERMITS;" AND ARTICLE VI, "SIGNAGE," SECTION 30-522, "SIGN PERMITS," OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES, TO ELIMINATE THE NEED FOR PUBLIC NOTICES IN NEWSPAPERS FOR CITY APPROVAL PROCESSES, BUT FOR THOSE NOTICES REQUIRED PURSUANT TO FLORIDA LAW PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 38-40(1), of the City of Marco Island 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, of the City of Marco Island Code of Ordinances, requires that the Planning Board determine the need and justification for a Land

44 Development Code ("LDC") amendment, as well as the proposal's consistency with the
45 City of Marco Island's Comprehensive Plan; and
46

47 **WHEREAS**, the need and justification for this Ordinance is to eliminate the need
48 for the publication of public notices in newspapers for City related matters and public
49 hearings held pursuant to the City's Code of Ordinances; and
50

51 **WHEREAS**, Objective 1.1 of the Future Land Use Element, Policy 1.1.4 of the City
52 of Marco Island Comprehensive Plan states as follows:
53

54 The City will encourage where appropriate meaningful opportunities for
55 public participation in the land development approval process for privately
56 initiated development and redevelopment, and actively seek the input of its
57 citizenry in implementing the Comprehensive Plan and LDC; and
58

59 **WHEREAS**, it is the City's intent to utilize the Collier County Public Notice Website
60 pursuant to Section 50.0311, Florida Statutes, and as a result, there will be no need to
61 utilize publication in local newspapers. Notices posted on the Collier County Public Notice
62 Website and the City's website are sufficient to insure that residents and businesses
63 receive notice of pending City matters and public hearings; and
64

65 **WHEREAS**, the elimination of newspaper publication for a majority of land use
66 matters will also save the City the expense associated with the publication of the notices;
67 and
68

69 **WHEREAS**, upon consideration of testimony by the City's Growth Management
70 staff and consideration of this Ordinance, the Planning Board found that this Ordinance
71 is consistent with the City's Comprehensive Plan, and in particular, Objective 1.1 of the
72 City's Comprehensive Plan's Future Land Use Element; and
73

74 **WHEREAS**, the Planning Board has found that, as a result of the foregoing, this
75 Ordinance will promote the public health, safety, aesthetics, and welfare of the
76 community; and
77

78 **WHEREAS**, the City Council adopts the findings of the Planning Board, also sitting
79 as the City's Local Planning Agency.
80

81 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
82 **OF MARCO ISLAND, FLORIDA:**
83

84 **SECTION 1. Recitals.** Each and all the foregoing recitals be and the same are
85 hereby incorporated into this Ordinance as if specifically set forth herein.
86

87 **SECTION 2. Amendment and Adoption.** That Chapter 1, “General Provisions,”
88 Section 1-15, “Appeals,” of the City of Marco Island Code of Ordinances be, and the same
89 is hereby amended to read as follows:
90

91 **Chapter 1 General Provisions**
92

93 **Sec. 1-15. Appeals.**

94 (1) Hearing. The city council shall conduct a de novo review of
95 the appeal at a quasi-judicial public hearing after providing notice
96 to the public no less than seven days prior to the public hearing
97 on the Collier County Public Notice Website. ~~noticed in a~~
98 ~~newspaper of general circulation at least seven days prior to the~~
99 ~~hearing.~~ The city council shall make a final determination based
100 on the following criteria:
101

102 **SECTION 3. Amendment and Adoption.** That Chapter 18, “Environment,” Article
103 VI, “Palm Lethal Yellowing (PLY) Disease,” Section 18-176, “Public Notice,” of the City of
104 Marco Island Code of Ordinances be, and the same is hereby amended to read as follows:
105

106 **Chapter 18 – Environmental**
107

108 * * * *

109 **Article, VI, Palm Lethal Yellowing (PLY) Disease**

110 * * * *

111 **Sec. 18-176. Public notice.**

112 (3) At least 15 days prior to the mandated inoculation periods, the
113 city shall inform property owners of their duties and
114 responsibilities under this article by providing public notice ~~in a~~
115 ~~newspaper of general circulation published within the city,~~ in city
116 hall and on the city's website.
117

118 ~~**SECTION 4. Amendment and Adoption.** That Chapter 38, “Planning,” Section~~
119 ~~38-80, “Notices and hearings,” of the City of Marco Island Code of Ordinances be, and~~
120 ~~the same is hereby amended to read as follows:~~
121

122 ~~**Chapter 38 – Planning Development Agencies**~~

123 ~~* * * *~~

124 ~~**Sec. 38-80. Notices and hearings.**~~

125 ~~The city may require the applicant to provide the required~~
126 ~~notification. In such case, the applicant shall provide proof of~~
127 ~~notification by submittal to the city of the following:~~

~~(1) An affidavit of publication from the newspaper, which shall be submitted at least three workdays prior to each public hearing; and~~

SECTION 45. Amendment and Adoption. That Chapter 40, “Special Districts,” Article II, “Hideaway Beach District,” Section 40-37, “Applicable financial disclosure, noticing, and reporting requirements,” of the City of Marco Island Code of Ordinances be, and the same is hereby amended to read as follows:

CHAPTER 40 – SPECIAL DISTRICTS

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Article II – Hideaway Beach District

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Sec. 40-37. Applicable financial disclosure, noticing, and reporting requirements.

The district will provide all financial disclosures required by state law relating to dependent special districts, including but not limited to, all financial disclosures relating to bonds, financing, ad valorem taxes, non-ad valorem special assessments, and the like. ~~Any and all meetings of the district board shall be noticed in a newspaper of general circulation for not less than one week prior to the meeting.~~ Any and all notices that are required to be provided to the landowners within the district shall be provided ~~by U.S. Mail delivery or~~ by posting public notice on the Collier County Public Notice Website ~~in a designated area within the district, which area shall be specified by the district board.~~ The district will comply with all reporting requirements required by state law relating to dependent special districts.

SECTION 56. Amendment and Adoption. That Chapter 54, “Waterways,” Article IV, “Boat Docking Facilities,” Division 2, “Regulations,” Section 54-115, “Boat dock extensions, protrusion or encroachment into the riparian setback,” of the City of Marco Island Code of Ordinances be, and the same is hereby amended to read as follows:

Chapter 54 – WATERWAYS

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Article IV – Boat Docking Facilities

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Division 2 -Regulations

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Sec. 54-115. Boat dock extensions, protrusion or encroachment into the riparian setback.

Notice of public hearing(s) shall be provided to all property owners within 300 feet of the subject petition. In the case of residential, commercial, PUD and/or DRI extension requests, the petitioner shall be responsible for, and bear such costs for, all public notification requirements, including ~~newspaper advertisements in a newspaper of general circulation and~~ mailing by first class U.S. mail of public notices to all property owners within 300 feet. Proof of ~~advertising and~~ mailing shall be presented to city staff prior to placing the subject boat dock extension on the planning board and city council agendas.

SECTION 67. Amendment and Adoption. That Chapter 30, "Land Development Code," Article I, "In General," Section 30-4, "Interpretations," and Section 30-5 Vested Rights," of the City of Marco Island Code of Ordinances be, and the same are hereby amended to read as follows:

Chapter 30 – LAND DEVELOPMENT CODE

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Article I – In General

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Sec. 30-4 Interpretations

(1) Notice of interpretation. The community development director shall provide public notification upon the issuance of an interpretation. For general interpretations of the building code, the comprehensive plan or land development code, notice of the interpretation and appeal time-frame shall be provided on the Collier County Public Notice Website~~advertised in a newspaper of general circulation in the city~~. For interpretations affecting a specific parcel of land, notice of the interpretation and appeal time-frame shall be ~~advertised in a newspaper of general circulation, and mail notice of the interpretation shall be sent~~mailed to all property owners within 300 feet of the property lines of the land for which the interpretation is effective.

* * *

Sec. 30-5 Vested rights ~~(An applicant claiming that certain property rights have bee)~~

(j) Public notice. For purposes of this section due public notice shall mean at least 15 days' notice of the time, place and subject of such hearing posted on the Collier County Public Notice Website~~published one time in a newspaper of general circulation~~

~~in the area.~~ Notice of the submission of an application for vested rights determination and, when applicable, of public hearings held pursuant to this division shall be prominently posted by the applicant on the property for which the vested rights determination is sought and shall be sent at the applicant's expense to property owners within 300 feet of the property lines of the subject property within 15 days of the date of receipt by the city of a completed application. Said notice shall briefly state the time and place of the hearing, the nature of the matter to be discussed and that written comments may be filed with the community development director.

SECTION 78. Amendment and Adoption. That Chapter 30, "Land Development Code," Article XI, "Coastal Construction Setback Line Variance," Section 30-756, "Procedures for obtaining variances," and Section 30-575, "Approval procedure for subdivision plats," Section 30-581, "Design standards and improvement requirements," and Section 30-673, "Site development plan, site development plan amendment, and site improvement plan submittal requirements," of the City of Marco Island Code of Ordinances be, and the same is hereby amended to read as follows:

Chapter 30 - LAND DEVELOPMENT CODE

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ARTICLE XI. – Coastal Construction Setback Line Variance

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Sec. 30-575 – Approval procedure for subdivision plats

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(b) Application for preliminary plat approval

Step No. 2. The subdivider or his agent shall prepare a preliminary plat of the proposed subdivision in accordance with requirements contained in section 30-576 and shall submit an application for preliminary plat approval to the community development department together with 20 copies of the preliminary plat. If a zoning change is required, the applicant shall submit a rezone petition simultaneously with the application for preliminary plat approval. The department shall review the preliminary plat, and, if it determines the plat to be in order, a notice of public hearing before the planning board shall be posted on the Collier County Public Notice Website ~~advertised in a newspaper of general circulation in the city~~ at least 15 days prior to the public hearing, setting forth the date, time and place of the public hearing. The community development department shall notify owners of property located within 300 feet of the property

involved in the petition, informing them of the date, time, place and reason for the public hearing.

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Sec. 30-756 - Procedures for obtaining variances.

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(b) The board of zoning appeals shall within 60 days of the filing of the petition, hold a noticed public hearing. Due public notice shall mean at least 15 days prior to the public hearing, the City shall post public notice of the time and place of such hearing ~~published one time in a newspaper of general circulation~~ on the Collier County Public Notice Website. The city manager reserves the right to forward any variance petition to the city planning board to conduct a public hearing and render a recommendation prior to submittal to the board of zoning appeals.

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Sec. 30-581 Design standards and improvement requirements

(aa) Vacation of streets, alleys, easements and subdivision plats.

* * *

(4) The planning board shall hold a public hearing to consider such petitions, and, as soon as practicable thereafter, the board shall submit its recommendation in writing to the city council, together with a copy of the minutes of the hearing. The city council shall hold a public hearing to consider the vacation, and shall post notice of the hearing not less than two weeks prior to the public hearing on the Collier County Public Notice Website. ~~, and shall publish notice thereof in a newspaper of general circulation in the city in not less than two weekly issues of the paper.~~

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Sec. 30-673 – Site development plan, site development plan amendment, and site improvement plan submittal requirements

(10) Neighborhood information meeting (NIM).

a. When a site development plan, site plan amendment, or site improvement plan involves a mixed-use project, a variance, or deviations from the LDC, the director shall require a NIM at the applicant's expense which will usually be held at least 30 days prior to the first public hearing on application.

The applicant is to provide to the director within not more than 15 days after the holding of the NIM an audio recording and a summary transcript of the NIM to the city as part of the application.

b. Advertisement for the NIM shall be posted on the Collier County Public Notice Website~~noticed in a newspaper of general circulation~~ at least 15 days prior to the NIM~~as provided in section 30-62(f)(3)~~a. Courtesy notices are also required. The applicant shall mailed notice of the NIM, no less than~~shall be sent~~ 15 days prior to the NIM, ~~mailed~~ to all real property owners of real property any part of which is located within 300 feet of the real property subject to a development permit application in the manner set forth in section 30-62(f)(2). A copy of any notice required by this paragraph (10) shall be kept available for public inspection during regular business hours of the office of the city clerk~~to city council~~ once said notice is filed with the clerk.

SECTION 89. Amendment and Adoption. That Chapter 30, "Land Development Code," Article II, "Zoning," Division 1, "Generally," Section 30-62, "Amendment Procedures," sub-section (c), "Consideration by the planning board," of the City of Marco Island Code of Ordinances be, and the same is hereby amended to read as follows:

Chapter 30 - LAND DEVELOPMENT CODE

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ARTICLE II. - Zoning

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Division 1 – Generally

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Sec. 30-62 - Amendment procedures

(c) Consideration by the planning board

(2) Notice requirements.

c. Neighborhood information meeting (NIM). Advertisement for the NIM shall be posted on the Collier County Public Notice Website~~noticed in a newspaper of general circulation~~ at least 15 days prior to the NIM~~as provided in section 30-62(f)(3)~~a. Courtesy notices are also required. The mailed notice of the NIM shall be mailed~~sent no less than~~ 15 days prior to the NIM ~~mailed~~ to all real property owners of real property any part of which is located within 300 feet of the real property subject to a development permit application in the manner set forth in section 30-62(f)(2).

SECTION 10. Amendment and Adoption. That Chapter 30, "Land Development Code," Article XI, "Coastal Construction Setback Line Variance," Section 30-756, "Procedures for obtaining variances," of the City of Marco Island Code of Ordinances be, and the same is hereby amended to read as follows:

Chapter 30 – LAND DEVELOPMENT CODE

* * *

ARTICLE XI. – Coastal Construction Setback Line Variance

* * *

~~Sec. 30-756 – Procedures for obtaining variances.~~

~~* * *~~

~~(b) The board of zoning appeals shall within 60 days of the filing of the petition, hold a noticed public hearing. Due public notice shall mean at least 15 days' notice of the time and place of such hearing published one time in a newspaper of general circulation. The city manager reserves the right to forward any variance petition to the city planning board to conduct a public hearing and render a recommendation prior to submittal to the board of zoning appeals.~~

SECTION 914. Amendment and Adoption. That Chapter 30, "Land Development Code," Article XII, "Temporary Use Permits," Section 30-794, "Model homes and model sales center permit," of the City of Marco Island Code of Ordinances be, and the same is hereby amended to read as follows:

Chapter 30 - LAND DEVELOPMENT CODE

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ARTICLE XII. – Temporary Use Permits

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Sec. 30-794 Model Homes and model sales center permit.

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(6) Extension of a temporary use permit issued for a model home or for a model sales center.

a. The extension of a temporary use permit for a model home or model sales center may be granted for a maximum of one year per extension, and a cumulative maximum of three years, and shall require public notice and a hearing by the planning board. Notice of the public hearing shall be prominently posted on the property for which the extension is sought. Notice of the public hearing shall be [posted on the Collier County Public Notice Website](#) ~~advertised in a newspaper of general circulation at least~~ ~~at least once~~ 15 days prior to the hearing. Notice of the time and place of the public hearing shall be sent at least 15 days in advance of the hearing by mail to all owners of property within 300 feet of the subject

property. The planning board's action shall be based upon consideration of the following factors:

* * *

SECTION 1012. Amendment and Adoption. That Chapter 30, "Land Development Code," Article VI, "Signage," Section 30-522, "Sign permits," of the City of Marco Island Code of Ordinances be, and the same is hereby amended to read as follows:

Chapter 30 - LAND DEVELOPMENT CODE

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ARTICLE VI. – Signage

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Sec. 30-522 - Sign permits

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(c) Variances

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(3) *Other sign variances.* The city council is empowered to grant variances to the size, height, maximum number of, and other minimum setback requirements for signs to permit the erection of signs not in strict conformity with this chapter as provided below:

* * *

b. Notice of city council public hearing. Notice of public hearing before the city council is given at least 15 calendar days in advance of the public hearing. The owner of the property for which variance is sought, or his agent or attorney designated by him on his petition, shall be notified by mail. Notice of the public hearing shall be prominently posted on the property for which the variance is sought and shall be ~~advertised in a newspaper of general circulation in the city~~ posted on the Collier County Public Notice Website at least ~~one time~~ 15 calendar days prior to the hearing.

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 ____ day of _____, 2026.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA

Joan Taylor, City Clerk

By: _____
Darrin Palumbo, Chairman

Approved as to form and legal sufficiency:

Alan L. Gabriel, City Attorney