

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

42 **WHEREAS**, Section 30-62(c)(3)d, of the City of Marco Island Code of Ordinances,
43 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
to the public no less than seven days prior to the public hearing
on the Collier County Public Notice Website. ~~noticed in a~~
~~newspaper of general circulation at least seven days prior to the~~
~~hearing.~~ The city council shall make a final determination based
99 on the following criteria:

100

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

104

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~~
~~newspaper of general circulation published within the city,~~ in city
115 hall and on the city's website.

116

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

119

120 **Chapter 38 – Planning Development Agencies**

121 * * * *

122 **Sec. 38-80. Notices and hearings.**

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

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

131
132 **SECTION 45. Amendment and Adoption.** That Chapter 40, "Special Districts,"
133 Article II, "Hideaway Beach District," Section 40-37, "Applicable financial disclosure,
134 noticing, and reporting requirements," of the City of Marco Island Code of Ordinances be,
135 and the same is hereby amended to read as follows:

136
137 **CHAPTER 40 – SPECIAL DISTRICTS**

138 * * *

139 **Article II – Hideaway Beach District**

140 * * *

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

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

156
157 **SECTION 56. Amendment and Adoption.** That Chapter 54, "Waterways," Article
158 IV, "Boat Docking Facilities," Division 2, "Regulations," Section 54-115, "Boat dock
159 extensions, protrusion or encroachment into the riparian setback," of the City of Marco
160 Island Code of Ordinances be, and the same is hereby amended to read as follows:

161
162 **Chapter 54 – WATERWAYS**

163 * * *

164 **Article IV – Boat Docking Facilities**

165 * * *

166 **Division 2 -Regulations**

167 * * *

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

170 Notice of public hearing(s) shall be provided to all property
171 owners within 300 feet of the subject petition. In the case of
172 residential, commercial, PUD and/or DRI extension requests, the
173 petitioner shall be responsible for, and bear such costs for, all
174 public notification requirements, including ~~newspaper~~
175 ~~advertisements in a newspaper of general circulation and mailing~~
176 by first class U.S. mail of public notices to all property owners
177 within 300 feet. Proof of ~~advertising and mailing~~ shall be
178 presented to city staff prior to placing the subject boat dock
179 extension on the planning board and city council agendas.
180

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

185 **Chapter 30 – LAND DEVELOPMENT CODE**

186 * * *

187 **Article I – In General**

188 * * *

189 **Sec. 30-4 Interpretations**

190 (1) Notice of interpretation. The community development director
191 shall provide public notification upon the issuance of an
192 interpretation. For general interpretations of the building code, the
193 comprehensive plan or land development code, notice of the
194 interpretation and appeal time-frame shall be provided on the
195 Collier County Public Notice Website~~advertised in a newspaper~~
196 ~~of general circulation in the city~~. For interpretations affecting a
197 specific parcel of land, notice of the interpretation and appeal
198 time-frame shall be ~~advertised in a newspaper of general~~
199 ~~circulation, and mail notice of the interpretation shall be~~
200 ~~sent mailed~~ to all property owners within 300 feet of the property
201 lines of the land for which the interpretation is effective.
202

203 * * *

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

206 (j) Public notice. For purposes of this section due public notice
207 shall mean at least 15 days' notice of the time, place and subject
208 of such hearing posted on the Collier County Public Notice
209 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

ARTICLE XI. – Coastal Construction Setback Line Variance

Sec. 30-575 – Approval procedure for subdivision plats

(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

254 involved in the petition, informing them of the date, time, place
255 and reason for the public hearing.
256

257 * * * *
258

259 **Sec. 30-756 - Procedures for obtaining variances.**
260

261 * * *
262

263 (b) The board of zoning appeals shall within 60 days of the
264 filing of the petition, hold a noticed public hearing. Due public
265 notice shall mean at least 15 days prior to the public hearing,
266 the City shall post public notice of the time and place of such
267 hearing ~~published one time in a newspaper of general~~
268 ~~circulation on the Collier County Public Notice Website~~. The
269 city manager reserves the right to forward any variance
270 petition to the city planning board to conduct a public hearing
271 and render a recommendation prior to submittal to the board
272 of zoning appeals.
273

274 * * *
275

276 **Sec. 30-581 Design standards and improvement requirements**
277

278 (aa) *Vacation of streets, alleys, easements and subdivision plats.*
279

280 * * *
281

282 (4) The planning board shall hold a public hearing to consider
283 such petitions, and, as soon as practicable thereafter, the
284 board shall submit its recommendation in writing to the city
285 council, together with a copy of the minutes of the hearing.
286 The city council shall hold a public hearing to consider the
287 vacation, and shall post notice of the hearing not less than two
288 weeks prior to the public hearing on the Collier County Public
289 Notice Website. , and shall publish notice thereof in a
290 newspaper of general circulation in the city in not less than
291 two weekly issues of the paper.
292

293 * * *
294

295 **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

* * *

ARTICLE II. - Zoning

* * *

Division 1 – Generally

* * *

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 944. Amendment and Adoption. That Chapter 30, "Land Development Code," Article XII, "Temporary Use Permits," Section 30-794, "Model homes 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

* * *

ARTICLE XII. – Temporary Use Permits

* * *

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

* * *

(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

382 property. The planning board's action shall be based upon
383 consideration of the following factors:
384

385 **SECTION 1042. Amendment and Adoption.** That Chapter 30, "Land
386 Development Code," Article VI, "Signage," Section 30-522, "Sign permits," of the City of
387 Marco Island Code of Ordinances be, and the same is hereby amended to read as follows:

388 **Chapter 30 - LAND DEVELOPMENT CODE**

389 ***

390 **ARTICLE VI. – Signage**

391 ***

392 **Sec. 30-522 - Sign permits**

393 ***

394 (c) **Variances**

395 ***

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

400 ***

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

411
412 **SECTION 4. Severability/Interpretation.**

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

419
420 (b) In interpreting this Ordinance, underlined words indicate additions to
421 existing text, and ~~stricken~~ words include deletions from existing text. Asterisks (*
422 * * *) indicate a deletion from the Ordinance of text, which continues to exist in the Code
423 of Ordinances. It is intended that the text in the Code of Ordinances denoted by the

424

425 asterisks and not set forth in this Ordinance shall remain unchanged from the language
426 existing prior to adoption of this Ordinance.
427

428 **SECTION 5. Effective Date.** This Ordinance shall be effective immediately upon
429 adoption by the City Council on second reading.
430

431 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this _____ day
432 of _____, 2026.
433

ATTEST:

CITY OF MARCO ISLAND, FLORIDA

434 _____ Joan Taylor, City Clerk
435
436

By: _____ Darrin Palumbo, Chairman

437 Approved as to form and legal sufficiency:
438
439

440 _____ Alan L. Gabriel, City Attorney