

**DATE:** July 24, 2024

**TO:** Honorable members of the City of Marco Island City Council

**FROM:** Jeff Katims, AICP, CNU-A

**SUBJECT:** First Reading of Ordinance Revising Code of Ordinances

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On May 6, 2024, the Council held a workshop to discuss the progress draft of the code update. The draft provided for the workshop was approximately 95 percent complete. Changes made to complete the draft after the workshop are highlighted in yellow (and were included in the advance copy provided to Councilors in late June).

As of the date of this memorandum, comments from one Councilor and the Fire Marshall were received. The comments that are summarized below are incorporated into the ordinance for first reading:

Page(s)	Line(s)	Section	Topic	Text change
12	30	2-121	City clerk duties	Added the clerk's role as Secretary of the Marco Island Community Parks Foundation to the list of official duties.
52	4 -10	4-28	Unlawful acts in alcoholic beverage establishments	As per comments received at the workshop, references to "anatomically" female persons was eliminated in favor of "female persons."
154 155 155	31 -36 1 - 9 10-12	22-31  22-32	Adoption by reference of fire protection and life safety codes	Update the references to the Florida Fire Protection Code.
156	28-331	22-34	Fire fees	Revise fee categories to reflect Collier County fee schedule organization

The following comments were received but not incorporated into the ordinance for first reading for the reasons indicated:

Page	Line(s)	Section	Topic	Requested change	Reason for not incorporating into first reading draft
92	6-179	42	Emergency repairs...		

91	---	6-179	Permissible emergency repairs without permit	Allow emergency repairs to sheetrock without a building permitted	This is a substantive amendment that may be outside the scope of this ordinance. Would also seek Building Official opinion as to whether installing new sheetrock that is not a ceiling is considered an emergency repair that should be allowed without building permit.
133	28-29	18-142	Definition of "protection zone" for threatened and endangered species	Create a single uniform set of dimensions to cover the six protection zones in the code (see row below for related request).	This appears to be a substantive amendment that may be outside the scope of this ordinance. May require research and coordination with FWC.
135	1 - 29	18-145	Dimensions for protection zones	Simplify the three different zones ( two for burrowing owls and one for gopher tortoises) and two different markers (PVC pipe for owls and flags for tortoises). It needs to be simplified so residents and contractors understand the zone and Code Enforcement can more effectively enforce compliance.	
144	35	18-211	Stormwater regulations definitions	"Swale" needs to be added to the other types of watercourses.	Request that public works reviews this request.
217	2 - 3	38-71	Title of article.	Both the section and title need to be changed to "Development and Redevelopment Agreements" The entire article (all sections) needs to be edited to include the words "and redevelopment" following the word development wherever it is used in Article 111.	The term, "development agreement" is a recognized and legally defined term. The term, "development" includes redevelopment.
228	19 - 25	42-36	Duty of abutting property owner to	Remove the word schools. This would make the duty	This constitutes a substantive amendment

			maintain sidewalks.	to construct sidewalks apply all safe routes besides school (church, park, YMCA, Government center etc.).	that is outside the scope of this ordinance. The authority of the Council to require construction of sidewalks can be expanded, but should be done by separate ordinance, and would require a re-working of this subsection in order not to be vague.
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Should additional comments be received between today's agenda deadline and first reading, we will summarize them in the manner done in this memorandum.