

MEMORANDUM

DATE: April 24, 2024

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

FROM: Jeff Katims, AICP, CNU-A

SUBJECT: Second Workshop on Code of Ordinances Audit

Background and Workshop Purpose:

The first Council workshop in April 2023 was a presentation of findings and recommendations. The recommendations fell broadly into the following categories:

- Improve the overall function of the code by eliminating conflicts, and by providing clarifications, proper syntax, and modern terminology.
- Streamline the code through organizational revisions that include centralizing and consolidating redundant provisions repeated throughout code, by replacing chapter and verse provisions found in Florida Statutes with statutory references, and through exporting provisions that don't need to be in the code.

The Council accepted the recommendations in the first bullet point. The Council also accepted the recommendations in the second bullet point for centralizing and consolidating code provisions, utilizing statutory references, and exporting fees and fines to separate fee schedules established by resolution. The Council expressed interest in the concept of moving non-regulatory provisions out of the code but stopped short of directing it.

The purpose of this second workshop is to provide the Council with a preview of the progress draft, formatted in strike-through and underline format, and to obtain any final direction the Council wishes to provide prior to the adoption process. The draft can be characterized as 90 percent complete. The remaining tasks are the resolution of some remaining questions and comments with City staff and the preparation of resolutions adopting fee and penalty schedules.

Summary of Changes and Key Points

The purpose of providing a progress draft is to allow Council to see the effect of the types of changes that have been proposed but not to suggest a line-by-line review, since there will be changes prior to the final draft that will be presented for adoption. As a reminder, the draft does not include Chapter 30, Land Development Code, as that is being revised by Community Affairs. Changes contained in the progress draft can be summarized as follows:

- Reworded language where needed to streamline and clarify.

- Consistent use of terminology and updated terminology where appropriate.
- Eliminated redundant provisions.
- Centralized and consolidated penalties and enforcement provisions from throughout the code into Chapter 14, Code Compliance. Several provisions for nuisance abatement and recovery of abatement cost are also consolidated into Chapter 14.
- Standardized the definitions of terms used in multiple chapters with the same intended meaning and centralized and them in Section 1-2 (general code definitions).
- Standardized approximately one dozen appeals provisions outside of Chapter 30 and consolidated them into new Section 1-15.
- Moved Article VII (Sexual Offenders) from Chapter 18 (Environment) to a new Chapter 11 entitled, Miscellaneous Offenses
- Moved Article I in Chapter 6 (General Provisions, but actually devoted to hurricane preparedness) to a new Article VII in the same chapter, thereby reserving Article 1 for future general provisions.
- Fee and fine schedules are deleted, and will be incorporated into resolutions concurrent with adoption of the amended code.
- Substituted statutory references for provisions replicated in the code, particularly in Chapter 2, Article V (Finances) and Chapter 38 (Planning)
- Many administrative and procedural provisions in Chapter 38 (Planning) can be integrated with similar procedures in Chapter 30 (land development code) and to administrative forms. The draft includes the language that can eventually be deleted in concert with the updating of Chapter 30. As well, it is recommended that alcoholic beverage establishment separation requirements and variance provisions be moved to Ch. 30 during its rewrite.

Non-regulatory Provisions

The above-listed draft revisions to the code improve its functionality but only very modestly reduce its volume. There are non-regulatory provisions that can be removed from the code and adopted by resolution but have not been removed absent Council direction. Examples include travel policy and procedures, investment policy, and noise ordinance enforcement policy (i.e. issuance of warnings). The code of ordinances provides a central location for the disposition of such matters, which may favor retaining these in the code.

Next Steps

The remaining steps are to resolve the last remaining questions and comments raised over the course of the project, incorporate any City Council direction from this workshop, final editing, and proceed to first reading if Council determines it is ready to do so. Resolutions adopting fee schedules and any other exported provisions will be prepared for passage at the time of ordinance adoption.