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**CITY OF MARCO ISLAND
ORDINANCE NO. 10-07**

AN ORDINANCE AMENDING ORDINANCE 07-12 OF THE CITY OF MARCO ISLAND, REGARDING THE EFFECTIVE PERIOD FOR PREVIOUSLY ADOPTED AMENDMENTS TO SECTION 30-522 REGARDING OPEN HOUSE DIRECTIONAL SIGNS; PROVIDING FOR INCLUSION IN THE CODE, CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 30-521 contains the purpose and intent of regulation of signage in the City of Marco Island; and

WHEREAS, the regulation of signage requires a delicate balance between the need to regulate and encourage fair competition and uniform business practices, the protection of First Amendment rights afforded individuals under the United States Constitution, and the minimization of secondary impacts of signage on residential neighborhoods, which can endanger the public safety or otherwise destroy or impair aesthetic or visual qualities of the City of Marco Island; and

WHEREAS, the City Council of the City of Marco Island, Florida (“City Council”) desires to provide for permanent adoption of the standards for open house directional signage within Section 30-522(2) of the Code of Ordinances, which were previously amended by Ordinance No. 07-12 on January 7, 2008, and time limited until June 1, 2010; and

WHEREAS, in order to make the previous amendments to Section 30-522(2) permanent, the City Council desires to amend the effective date provision of Ordinance 07-12 to remove this time limitation; and

WHEREAS, the City of Marco Island City Council has determined that the proposed changes contained herein are consistent with the Marco Island Comprehensive Plan and further the intent and purpose of signage regulation in the City of Marco Island; and

WHEREAS, the Marco Island Planning Board, sitting as the Local Planning Agency, held a duly advertised public hearing on April 23, 2010 and determined that the proposed changes contained in this Ordinance are consistent with the City of Marco

1 Island Comprehensive Plan and Florida law, and recommended adoption of this
2 Ordinance to the City Council; and

3
4 **WHEREAS**, after reviewing the City of Marco Island Planning Board's
5 recommendation, the recommendation of City staff, and comments from the public, the
6 City Council finds that the proposed amendments to its Code of Ordinances are in
7 compliance and consistent with Florida law and its adopted Comprehensive Plan; and

8
9 **WHEREAS**, the City Council further finds that adoption of this Ordinance is in
10 the best interest of the residents of the City of Marco Island.

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13 **NOW, THEREFORE, BE IT ORDAINED BY THE MARCO ISLAND CITY**
14 **COUNCIL AS FOLLOWS:**

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16 **Section 1. City Code Amended.**

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18 That Ordinance 07-12, adopted on January 7, 2008, amending Chapter 30 "Land
19 Development Code," Article VI "Signage" of the City Code of Ordinances of Marco
20 Island, is hereby amended to read as follows:

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22 *** **

23
24 **Section 30-522. Temporary Signs.**

25
26 (2) Open House Directional Signs. ~~One~~ **Three** right-of-way directional signs ~~is~~ **are**
27 allowed during a supervised open house. Said off-site directional signs shall comply with
28 the standards of subsections (1) a.1. and (1) b. of this section. ~~and~~ **Off-site directional**
29 **signs** shall be placed at the intersection of ~~the arterial or collector~~ **any** streets providing
30 access to ~~the street on which the open house is being conducted~~ **and may only be placed**
31 **in the right-of-way (along the sidewalk or in the swale) of the intersection of said**
32 **streets.** No other off-site signs shall be permitted. Such sign shall be removed at the
33 completion of the open house, and during non-supervised hours **and no later than 6:00**
34 **p.m. or sunset, whichever occurs earlier.** **No intersection shall contain more than**
35 **one directional sign for each supervised open house.**

36
37 *** **

38
39 **Section 2. Incorporation, Conflict, and Severability.**

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41 (a) It is the intention of the City Council and it is hereby ordained that the
42 provisions of this Ordinance shall become and be made a part of the Code
43 of Ordinances of the City of Marco Island, Florida, and that the word
44 "ordinance" may be changed to "section", "articles", or other appropriate
45 words.
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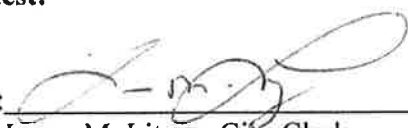
(b) All sections or parts of section of the Code of Ordinances of the City of Marco Island, all City Ordinances or parts of Ordinances, and all City Resolutions or parts of Resolutions in conflict herein are hereby repealed to the extent of such conflict.


(c) In the event this Ordinance conflicts with any other Ordinance of the City of Marco Island or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

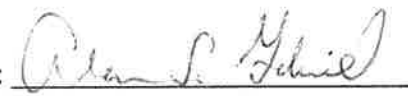
Section 3. Effective Dates.

This Ordinance shall take effect immediately upon adoption by the Marco Island City Council. ~~The amendments to Section 30-522 of the Code of Ordinances shall remain in effect until June 1, 2010 after which period the requirements and regulations of Section 30-522 as they existed prior to the effective date of this Ordinance shall be fully reinstated.~~

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 7th day of June, 2010.

Attest:
By: 
Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND FLORIDA
By: 
Frank R. Recker, Chairman

(SEAL)
Reviewed for legal sufficiency:
By: 
Alan L. Gabriel, City Attorney

