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CITY OF MARCO ISLAND

ORDINANCE NO. 12-13

**AN ORDINANCE OF THE CITY OF MARCO ISLAND,
FLORIDA AMENDING THE CODE OF ORDINANCES,
CHAPTER 30: ARTICLE VI, TO REVISE SEC. 30-522 (1)
REQUIREMENTS FOR TEMPORARY REAL ESTATE SIGNS;
REVISE SEC. 30-522 (6) TEMPORARY POLITICAL SIGNS;
PROVIDING FOR DEFINITIONS, STANDARDS, REPEAL OF
CONFLICTING PROVISIONS AND 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 home rule 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 1.02 of the Marco Island City Charter empowers the City to adopt, amend, or repeal ordinances, resolutions and codes as may be required for the benefit of residents and governance of the City; and

WHEREAS, the City Council of the City of Marco Island, Florida (“City Council”) recognizes that changes to the adopted Code of Ordinances and Land Development Code are periodically necessary in order to ensure that the City’s Codes are current and consistent with the City’s planning and regulatory needs; and

WHEREAS, Section 30-522 (1) sets forth requirements for the temporary real estate signs and there is sufficient reason to modify certain requirements for those signs; and

WHEREAS, Section 30-522 (6) sets forth requirements for the temporary political signs and there is a need to clarify their placement in all zoning districts; and

WHEREAS, the Marco Island Planning Board, sitting as the Local Planning Agency, held a duly advertised public hearing on May 4, 2012 and determined that the proposed changes contained in this Ordinance are consistent with the City of Marco Island Comprehensive Plan and Florida law, and recommended adoption of this Ordinance to the City Council; and

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

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

49 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**
50 **MARCO ISLAND, FLORIDA:**

51

52 **SECTION 1. Recitals.**

53

54 The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true, correct
55 and reflective of the legislative intent underlying this Ordinance and are hereby made a specific part
56 of this Ordinance.

57

58 **SECTION 2. Amendment and Adoption.**

59

60 The amendments to the Code of Ordinances contained in this Ordinance are hereby amended or
61 created and adopted as follows:

62

63 **Sec. 30-522. - Temporary signs.**

64

65 The following signs do not require a building permit:

66

67 (1) *Real estate signs* (~~see illustrations 1 and 2 below~~): One ground or wall "for sale" or "for rent"
68 sign is permissible for each lot having street frontage pursuant to the criteria listed below. If a lot
69 also has frontage on a navigable water body or a golf course, one such sign shall be permitted on
70 each frontage. It is the intent of this article that "for rent" signs hereinafter erected shall be for the
71 purpose of identifying residential properties offered for long term occupancy (six months and one
72 day). Signs identifying residential properties offered for short term occupancy (less than six
73 months) shall not be allowed.

74

a. Maximum size:

75

1. Residential single-family: One and one-half square feet.

76

2. Residential multifamily: Four square feet.

77

3. Nonresidential: Four square feet.

78

b. Maximum height: Three feet as measured from finished grade around the base of the sign.

79

c. Setbacks:

80

1. Said signs may be placed at the property line of the subject property. Said signs are
81 prohibited within the public right-of-way.

82

2. In no case shall such sign be located any closer than ten feet to the edge of the pavement
83 of any adjacent public street.

84

3. Signs may be located either parallel to or perpendicular to the adjacent right-of-way.

85

~~d. Color:~~

86

~~1. White background.~~

87

~~2. Lettering may be any single color.~~

88

~~3. Twenty percent of the sign face may include the display of a logo which may include
89 multiple colors.~~

90

e d. Copy:

91

1. "For sale" or "for rent".

92

2. Name, address, telephone number, picture, email and website address of any two of the
93 following:

94

i. Property owner.

95

ii. Real estate broker.

- iii. Investment company or business firm licensed to sell real estate in the state.
- iv. Salesperson.
- v. Real estate agent.

3. "Pending" or "sold" may be attached to the face of the sign within the 12-inch × 18-inch sign face until closing has been completed.

4. Signs may be double-faced, provided each sign face contains the same copy. The real estate agent's name is not required to be the same on each side of the sign.

5. No additional riders or information boxes shall be affixed to this sign.

f e. Sign supports:

1. Supports shall not exceed two inches by two inches.

2. All supports shall be either white or black.

g f. Signs may not be illuminated.

h g. Real estate signs shall be removed within seven days after the ownership has changed or the property is no longer for sale or rent.

i h. In addition to the real estate sign, one "open house" sign, no larger than four square feet, may be erected on the property where the open house is taking place. Such sign shall be removed at the completion of the open house, and during non-supervised hours.

Illustration-1

Illustration-2

(6) *Political sign*: Political campaign signs and posters shall be permitted subject to the following requirements:

a. Prior to the erection, installing, placing, or displaying of a political sign a bulk temporary permit shall be obtained by a candidate. ~~The permit number shall appear on every sign or on the pole supporting the sign.~~

b. Political campaign signs or posters ~~within residentially zoned or used property shall not exceed four square feet or less in size, and shall be permitted in all zoning districts. Such signs and posters shall be located a minimum of 18 inches from the upland side of the sidewalk (or the property line if no sidewalk exists) and shall not exceed four feet in height not be located closer than five feet to any property line. Political signs placed within residential districts shall require written permission from the property owner.~~

c. ~~Political~~ Larger political campaign signs or posters ~~will~~ may be permitted in all non-residential zoning districts including the Residential Tourist zoning district. ~~Such signs shall have within a maximum copy area of 40 square feet per sign, shall be limited to eight feet in height, and shall be located no closer than 15 feet to any property line. The number of such signs shall be limited to one sign for each lot or parcel per bulk permit issued for each candidate or issue.~~

d. ~~The maximum height of any political campaign sign or poster, except those that may be affixed to a wall, shall be limited to four feet. The number of political campaign signs or posters shall be limited to one sign for each lot or parcel per bulk permit issued for each candidate or issue. Political signs placed within the City shall require a candidate to obtain written permission from the property owner.~~

e. All supports shall be securely built, constructed and erected to conform with the requirements of this code.

143 f. Political signs shall not be erected more than 60 calendar days prior to an election or political
144 event and shall be removed within seven calendar days after the election, event, or after the
145 campaign issue has been decided.
146 g. Political signs may not be placed on any city right-of-way.

147
148 **SECTION 3. Inclusion in the Code of Ordinances.**

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150 It is the intention of the City Council and it is hereby ordained that the amendments
151 to the City of Marco Island Code of Ordinances made by this Ordinance shall become part of the
152 City of Marco Island Code of Ordinances, that the sections of this Ordinance may be renumbered
153 and relettered as necessary, and that the word "Ordinance" may be changed to "Section, "Article" or
154 other appropriate word.

155
156 **SECTION 4. Conflicts.**

157
158 All ordinances or parts of ordinances and all resolutions or parts of resolutions in
159 conflict with the provisions of this Ordinance are hereby repealed.

160
161 **SECTION 5. Severability.**

162
163 If any section, clause, sentence or phrase of this Ordinance is for any reason held
164 invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the
165 validity of the remaining portions of this Ordinance.

166
167 **SECTION 6. Effective Date.**

168
169 This Ordinance shall be effective immediately upon adoption by the City Council on
170 second reading.

171
172 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 1st day
173 of October, 2012.

174
175 Attest:


CITY OF MARCO ISLAND FLORIDA

176
177
178 By: 
179 Laura M. Litzan, City Clerk

By: 
Larry Magel, Chairman

180
181
182 (SEAL)

183
184 Reviewed for legal sufficiency:

185
186
187 By: 
188 Burt L. Saunders, City Attorney