

ORDINANCE _____

AN ORDINANCE OF THE CITY OF NAPLES, FLORIDA AMENDING THE NAPLES CODE OF ORDINANCES TO CREATE A NEW SECTION 1-17 OF CHAPTER 1, GENERAL PROVISIONS, TO BE TITLED “PUBLIC NOTICE REQUIREMENTS”, PROVIDING FOR ELECTRONIC PUBLICATION OF REQUIRED NOTICES AND ADVERTISEMENTS ON A PUBLICLY ACCESSIBLE COUNTY WEBSITE, PROVIDING FOR ANNUAL NOTIFICATION TO RESIDENTS AND PROPERTY OWNERS TO RECEIVE NOTICES BY MAIL OR E-MAIL, AND ESTABLISHING A REGISTRY FOR THIS PURPOSE IN ACCORDANCE WITH SECTION 50.0311, FLORIDA STATUTES; AMENDING SUBSECTION (a)(1) OF SECTION 2-53, NOTICE OF BUSINESS TO BE TRANSACTED; SUBSECTION (4) OF SECTION 2-83, APPEAL PROCEDURE; EXTENSION OF TIME FOR COMPLIANCE; SECTION 2-764, NOTICE BY PUBLICATION; SUBSECTION (b)(2) OF SECTION 12-5, LIMITATION UPON GRANT; SUBSECTION (e) OF SECTION 30-163, VIOLATIONS; SUBSECTION (b) OF SECTION 30-170, PRETREATMENT; SECTION 38-67, PUBLIC NOTICE; SECTION 44-8, DEFINITIONS OF THE LAND DEVELOPMENT CODE; SUBSECTION (e)(2) OF SECTION 46-34, APPROVAL OF CONDITIONAL USES; SUBSECTION (b) OF SECTION 46-36, VARIANCES TO COASTAL CONSTRUCTION CONTROL LINE; SUBSECTION (b)(4) OF SECTION 46-38, VACATION OF STREET, ALLEY, EASEMENT OR SUBDIVISION PLAT; SUBSECTION (i) OF SECTION 46-41, CLAIMS FOR VESTED RIGHTS; SUBSECTION (4)(a)1 OF SECTION 52-93, DREDGING, FILLING AND OTHER MARINE CONSTRUCTION IN INLAND WATERS; SUBSECTION (c) OF SECTION 54-31, APPROVAL PROCEDURE; SUBSECTION (m)(2)a. OF SECTION 56-48, SATELLITE ANTENNAS, TOWERS AND MASTS; SECTION 58-804, PROCEDURE FOR APPROVAL OF PD ZONING; AND SUBSECTION (i)(1) OF SECTION 58-1078, AIRPORT NOISE IMPACT ZONE LAND USE REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO REFERENCE THE NEW SECTION 1-17; PROVIDING ADMINISTRATIVE PROCEDURES, DEFINITIONS, AND RULES OF CONSTRUCTION; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, SCRIVENER’S ERRORS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, certain Florida statutory provisions require that public notices and advertisements of a municipality be given in the manner prescribed by State Statute (“Legal Notices”); and

WHEREAS, specifically, Chapter 50, Florida Statutes, previously provided that legal notices were required to be published in a newspaper, and meet certain minimum requirements; and

WHEREAS, the City of Naples (“City”), consistent with the aforementioned statutory provisions, advertised and published its Legal Notices in newspapers of general circulation, which publication requirements are also incorporated into the City’s Code of Ordinances (“Code”); and

WHEREAS, Section 50.0311, Florida Statutes, was enacted by the Florida Legislature to give a governmental agency the option to publish certain legally required advertisements and public notices on a publicly accessible website of the county in which it lies, rather than in a newspaper of general circulation, if certain requirements are met; and

WHEREAS, the threshold requirement for use of such a website is that the cost of publishing advertisements and public notices on the website is less than the cost of publishing advertisements and public notices in the newspaper; and

WHEREAS, Collier County has established a publicly accessible website (Website) in accordance with Section 50.0311, Florida Statutes and the City has determined that the cost of publishing advertisements and public notices on the Website is less than the cost of publishing such advertisements and public notices in the newspaper; and

WHEREAS, the City has participated in a Pilot Program beginning in July of 2024 by publishing in the newspaper and on the County's Website with a link to the County's Website from the City's Homepage; and

WHEREAS, the City has published notices in the newspaper once a month from January 2025 through June 2025 notifying the public that the City of Naples intends on utilizing the Collier County Clerk of Courts designated publicly accessible website to solely publish legally required advertisements and public notices, rather than in the newspaper, after a six-month period; and

WHEREAS, the City Council finds that the City's alternate use of the County's Website in lieu of newspaper publication will promote efficiency and provide a cost savings to City of Naples taxpayers and that all statutory requirements for the City's use of the Website have been met; and

WHEREAS, a Business Impact Statement was prepared and posted on the City's website on the _____ day of _____, 2025, as required by Section 166.041(4), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That the above recitals and Whereas clauses are adopted into this Ordinance as if they were fully set forth herein and the content of such clauses represents the legislative intent of this ordinance.

Section 2. That the Code of Ordinances, City of Naples, Florida, is hereby amended by adding a new section to be numbered 1-17 of Chapter 1, General Provisions, which section reads as follows:

Sec. 1-17. Public Notice Requirements.

- (a) *Publication.* Whenever legal notice is required by Florida law, and except as otherwise set forth in this Code, the city of Naples may cause such notice to be published in a newspaper of general circulation in Naples or Collier County, Florida, not less than 15 days prior to the date of the public hearing or such shorter or longer period of time as may be required or allowed by Florida law or this Code. Alternatively, in lieu of publication in a newspaper of general circulation, publication requirements may be satisfied electronically on the publicly accessible website of Collier County as allowed by Chapter 50, Florida Statutes, as may be amended from time to time, and the provisions of subsection (e)(1) and (2) below shall apply to such electronic publication. Such electronic notices shall be posted for a minimum of 15 consecutive days prior to the date of the public hearing or for such shorter or longer period of time as may be required or allowed by Florida law or this Code.
- (b) *Contents of notice.* The contents of any notice published in accordance with this section shall comply with Florida law or this Code, as applicable
- (c) *Applicability to all public hearings.* The notice requirements set forth in this section shall be applicable to all public hearings for the particular application or action before recommending bodies and bodies before which final action will be taken, including any appeal.
- (d) *Costs of notice.* The applicant (where applicable) for the application or action shall be responsible for the cost of all notices.
- (e) *Publishing on website.* When advertisements or public notices are published on a publicly accessible website consistent with Chapter 50, Florida Statutes, the following shall apply to such electronic publication:
- (1) A link to advertisements and public notices published on a publicly accessible website shall be conspicuously placed on the homepage of Naples's official website. All advertisements and public notices published on a publicly accessible website as provided in this section shall be in searchable form and indicate the date on which the advertisement or public notice was first published on the website.
 - (2) an annual notice shall be published in a newspaper of general circulation or another publication that is mailed or delivered to all residents and property owners throughout its jurisdiction, indicating that property owners and residents may receive legally required advertisements and public notices by first-class mail or e-mail upon registration. A registry of names, addresses, and e-mail addresses shall be maintained of property

owners and residents who have requested in writing to receive legally required advertisements and public notices by first-class mail or e-mail.

Section 3. That subsection (a)(1) of Section 2-53, Notice of business to be transacted, of the Code of Ordinances of the City of Naples, is hereby amended to read as follows:

Sec. 2-53. Notice of business to be transacted.

- (a) No business at any regular or special meetings of the city council shall be transacted, except such business as may be specifically set forth in:
- (1) A notice containing time, date and location ~~which shall be printed one time in a newspaper published and of general circulation in the city~~ not more than seven or less than two days before such meeting in accordance with section 1-17 of this Code; or

Section 4. That Subsection (4) of Section 2-83, Appeal procedure; extension of time for compliance, of the Code of Ordinances of the City of Naples, is hereby amended to read as follows:

Sec. 2-83. Appeal procedure; extension of time for compliance.

- (4) The board shall set a date and time for a public hearing, which hearing shall be held within 30 days after notice of appeal has been received. Notice of such public hearing shall be published ~~in a newspaper of general circulation in the city~~ in accordance with section 1-17 of this Code at least 7 days prior to the date of the hearing. The applicant or agent or attorney shall be notified in writing of the date and time for the hearing, with a copy of the notice to be furnished to the city attorney.

Section 5. That Section 2-764, Notice by publication, of the Code of Ordinances of the City of Naples, is hereby amended to read as follows:

Sec. 2-764. Notice by publication.

After filing the assessment roll in the office of the assessment coordinator, as required by subsection 2-763(b), the assessment coordinator shall publish ~~once in a newspaper of general circulation~~ in accordance with section 1-17 of this Code ~~within the city~~ a notice stating that at a meeting of the council on a certain day and hour, not earlier than 20 calendar days from such publication, which meeting shall be a regular, adjourned or special meeting, the council will hear objections

of all interested persons to the final assessment resolution and approve the aforementioned preliminary assessment roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act.

Section 6. That subsection (b)(2) of Section 12-5, Limitation upon grant, of the Code of Ordinances of the City of Naples, is hereby amended to read as follows:

Sec. 12-5. - Limitation upon grant.

(b) Any franchise granted pursuant to this article is a privilege personal to the original franchisee. It cannot, in any event, be sold, transferred, leased, assigned or disposed of as a whole or in part, or otherwise, without prior consent of the city, and then only under such conditions as may be prescribed in such consent; provided, however, that no such consent shall be unreasonably withheld. Any sale or transfer of a franchise shall be subject to at least the following requirements:

(2) Unless otherwise already provided for by local law, notice of the hearing must be given 14 days before the hearing by publishing notice of it once ~~in a newspaper of general circulation in the area being served by the franchise in accordance with section 1-17 of this Code.~~ The notice must contain the date, time, and place of the hearing and must briefly state the substance of the action to be considered by the city.

Section 7. That subsection (e) of Section 30-163, Violations, of the Code of Ordinances of the City of Naples, is hereby amended to read as follows:

Sec. 30-163. - Violations.

(e) Whenever the city manager finds that any user has violated or is violating these regulations, a wastewater contribution permit, or any prohibition, limitation or requirements contained herein, the city manager may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for satisfactory correction thereof shall be submitted to the city manager by the user. Each quarter, the city manager will publish ~~in the local newspapers~~ in accordance with section 1-17 of this Code the list of violators of these regulations for that quarter.

Section 8. That subsection (b) of Section 30-170, Pretreatment, of the Code of Ordinances of the City of Naples, is hereby amended to read as follows:

Sec. 30-170. - Pretreatment.

- (b) The city manager shall annually publish in accordance with section 1-17 of this Code ~~the largest daily newspaper~~ a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the users during the same 12 months.

Section 9. That Section 38-67, Public notice, of the Code of Ordinances of the City of Naples, is hereby amended to read as follows:

Sec. 38-67. Public notice.

Prior to the mandating treatment periods, the city manager must place a public notice in accordance with section 1-17 of this Code ~~a newspaper of general circulation published within the city~~ to inform property owners of their duties and responsibilities under this division.

Section 10. That Section 44-8, Definitions of the Land Development Code of the Code of Ordinances of the City of Naples, is hereby amended to read as follows:

Sec. 44-8. Definitions.

Public notice means at least 15 days' public notice, published one time in accordance with section 1-17 of this Code ~~a newspaper of general circulation in the city~~, which states the date, place, time and nature of the business with which the notice is concerned.

Section 11. That subsection (e)(2) of Section 46-34, Approval of conditional uses, of the Code of Ordinances of the City of Naples, is hereby amended to read as follows:

Sec. 46-34. Approval of conditional uses.

- (e) Review and approval procedure.

- (2) The city manager shall review the petition, and if it determines the petition to be in order, notice of public hearing before the planning advisory board shall be advertised in accordance with section 1-17 of this Code ~~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 that the petition will be considered by the planning advisory board.

Section 12. That subsection (b) of Section 46-36, Variances to coastal construction control line, of the Code of Ordinances of the City of Naples, is hereby amended to read as follows:

Sec. 46-36. Variances to coastal construction control line.

- (b) *Method of approval.* The city council may, upon petition of affected riparian upland owners, and after due public notice and hearing, grant a variance to the setback line established in this land development code. The city council shall, within 60 days from the date of the petition, hold a public hearing thereon. A notice of the public hearing shall be published one time ~~in a newspaper of general circulation in the city~~ in accordance with section 1-17 of this Code at least 15 days prior to the date of the hearing, setting forth the time and place of such hearing. The 60-day requirement set out in this subsection is directory and not mandatory. The city council may, at such hearing, recess or continue the hearing from time to time as is necessary.

Section 13. That subsection (b)(4) of Section 46-38, Vacation of street, alley, easement or subdivision plat, of the Code of Ordinances of the City of Naples, is hereby amended to read as follows:

Sec. 46-38. Vacation of street, alley, easement or subdivision plat.

- (b) Review of petitions.

- (4) The city council shall hold a public hearing to consider the vacation. Notice of the hearing shall be published in accordance with the notice provisions contained in F.S. § 166.041(3)(a). However, where the vacation is also a vacation or annulment of a plat, as provided in F.S. § 177.101, the notice shall be published in accordance with section 1-17 of this Code ~~as required in that section~~. The city manager shall notify owners of property located within 500 feet of the property involved in the petition, informing them of the date, time, place and reason for the public hearing. Failure to notify all owners of property located within 500 feet by mail will not render any action taken on such petition void.

Section 14. That subsection (i) of Section 46-41, Claims for vested rights, of the Code of Ordinances of the City of Naples, is hereby amended to read as follows:

Sec. 46-41. Claims for vested rights.

- (i) Public notice. Due public notice for vested rights hearings held pursuant to subsection (e) of this section shall be given. For purposes of this section due public notice shall mean at least 15 days' notice of the time, place and subject of such hearing published 1 time in accordance with section 1-17 of this Code. ~~in the section where legal notice of general ordinances is placed, in a newspaper of general circulation in the city.~~ Notice of a vested rights public hearing held pursuant to this section shall be prominently posted on the property for which the vested rights determination is sought and shall be sent to property owners within 500 feet of the property lines of the subject property at least 15 days prior to the scheduled public hearing. 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 city manager.

Section 15. That Subsection (4)a.1. of Section 52-93, Dredging, filling and other marine construction in inland waters, of the Code of Ordinances of the City of Naples, is hereby amended to read as follows:

Sec. 52-93. Dredging, filling and other marine construction in inland waters.

- (4) Approval procedure. Upon receipt of an application, the city manager shall make a determination as to whether the proposed activities occur in the manmade canal or natural water body and inform the applicant of such decision.
- a. Approval by city council. Approval of the city council must be obtained for all dredge and fill activities, except as provided in subsection (a)(4)b of this section, in accordance with the following procedure:
1. The application shall be submitted to the city manager in compliance with subsection (a)(3) of this section. The city manager will investigate and review the proposed plan and give notice of a public hearing to consider the application ~~in a newspaper of general circulation in the city~~ in accordance with section 1-17 of this Code at least ten days prior to the public hearing. Such publication shall include a brief description of the proposed work and the location thereof. Copies of such notice shall be mailed to the property owners described in the application.

Section 16. That Subsection (c) of Section 54-31, Approval procedure, of the Code of Ordinances of the City of Naples, is hereby amended to read as follows:

Sec. 54-31. Approval procedure.

- (c) If a zoning change is required, the applicant shall submit a rezone petition simultaneously with the application for preliminary plat approval. The city manager shall review the preliminary plat, and, if the city manager determines the plat to be in order, notice of public hearing before the planning advisory board shall be ~~advertised in a newspaper of general circulation in the city~~ in accordance with section 1-17 of this Code at least 15 days prior to the public hearing, setting forth the date, time and place of the public hearing. The city manager shall notify owners of property located within 500 feet of the property involved in the petition, informing them of the date, time, place and reason for the public hearing. Failure to notify all owners of property located within 500 feet by mail will not render any action taken on such petition void.

Section 17. That Subsection (m)(2)a. of Section 56-48, Satellite antennas, towers and masts, of the Code of Ordinances of the City of Naples, is hereby amended to read as follows:

Sec. 56-48. Satellite antennas, towers and masts.

- (m) Location permit. In those instances where compliance with the location or height requirements of this section will prevent reasonable signal reception, an exception to the regulations of this section may be requested through the submission of an antenna location permit. Exceptions to the height and location requirements of this section shall be considered only when it is demonstrated that reception will be impaired across a broad range of transmission sources. The inability to receive signals from a specific source shall not be considered adequate justification for an exception from this section.

- (2) Public hearing required. Following the submittal of a complete application package, the city manager shall schedule a public hearing regarding the antenna location permit for the next available planning advisory board meeting.

- a. Notice of the public hearing shall be published ~~in a newspaper of local circulation~~ in accordance with section 1-17 of this Code not less than 15 days in advance of the meeting date.

Section 18. That Section 58-804, Procedure for approval of PD zoning, of the Code of Ordinances of the City of Naples, is hereby amended to read as follows:

Sec. 58-804. Procedure for approval of PD zoning.

The city manager shall review the application and required exhibits submitted pursuant to this division and shall determine that the documents are adequate as to form and informational content. The city manager shall then review the submittal with the appropriate city departments for their comments. Subsequent to the review, comments and discussion of the submittal, and of such modifications as the developer may make to it, the city manager shall prepare a recommendation and present it and the applicant's petition to the planning advisory board at a public hearing before the board, which has been advertised once ~~in a newspaper of general circulation~~ in accordance with section 1-17 of this Code at least 15 days prior to the public hearing and in accordance with section 46-45. For further details regarding the procedure for rezoning property, see chapter 46.

Section 19. That Subsection (i)(1) of Section 58-1078, Airport noise impact zone land use regulations, of the Code of Ordinances of the City of Naples, is hereby amended to read as follows:

Sec. 58-1078. Airport noise impact zone land use regulations.

(i) Notification of potential noise impact.

- (1) Public notice of the existence of maps depicting noise impacted areas shall be published at least three times ~~in a newspaper of general circulation in Collier County~~ in accordance with section 1-17 of this Code.

Section 20. This Ordinance shall be codified in the Code of Ordinance of the City of Naples, Florida.

Section 21. All ordinances and parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

Section 22. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this

Ordinance as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 23. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

Section 24. This Ordinance is to be liberally construed to accomplish its objectives.

Section 25. This Ordinance shall be published in accordance with the requirements of law.

Section 26. This Ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS 20TH DAY OF MAY 2026.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS _____ DAY OF _____, 2026.

Attest:

Patricia L. Rambosk, City Clerk

Teresa Lee Heitmann, Mayor

Approved as to form and legal sufficiency:

Matthew McConnell, City Attorney

Date filed with City Clerk: _____

Words stricken through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.