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ORDINANCE 16-01

**AN ORDINANCE OF THE CITY OF MARCO ISLAND
FLORIDA, AMENDING SECTION 30-88, "STRUCTURAL
AND SITE DESIGN GUIDELINES," ARTICLE II,
"ZONING," DIVISION 2, "RESIDENTIAL SINGLE
FAMILY DWELLING (RSF) RESTRICTIONS;"
ALLOWING FOR AN APPEAL PROCESS TO
STRUCTURAL AND SITE DESIGN GUIDELINES
REVIEW; PROVIDING FOR INCLUSION IN THE CODE;
PROVIDING FOR CONFLICTS; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
DATE.**

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, the City of Marco Island is authorized to protect the public health, safety and welfare of its residents and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, Section 1.01 of the City of Marco Island Charter empowers the City to adopt, amend, or appeal ordinances, resolutions and codes as may be required for the benefit of the City; and

WHEREAS, Section 30-623, of the City of Marco Island Land Development Code provides standards and regulations for the appeal of all new construction, redevelopment and renovations of a commercial project; however, those same rights of appeal do not apply to single family residences; and

WHEREAS, the City's Zoning Department recommends that an appeal process consistent with Section 30-623, of the City of Marco Island Land Development Code be available to a residential applicant upon the finding by the Zoning Department that a proposed residential design does not comply with the City's applicable structural and site design guidelines; and

WHEREAS, the proposed design review appeal process will require public hearings and review and recommendation from the Planning Board and review and approval by the City Council; and

WHEREAS, the Planning Board reviewed and approved the Zoning Department recommendation on November 6, 2015; and

¹ Proposed additions to existing City Code text are shown by underlining; proposed deletions from existing City Code text are shown by ~~strikethrough~~.

40 **WHEREAS**, the City Council desires to modify and amend the City’s current land
41 development regulations to establish an appeal process for a residential applicant upon the
42 finding that a proposed residential design does not comply with the City’s structural and site
43 design guidelines.

44
45 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE**
46 **CITY OF MARCO ISLAND, FLORIDA¹ :**

47
48 **SECTION 1. Recitals.**

49
50 The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true,
51 correct and reflective of the legislative intent underlying this Ordinance.

52
53 **SECTION 2. Amendments to City of Marco Island Residential Single Family**
54 **Dwelling (RSF) Districts.**

55
56 The City of Marco Island Land Development Code is hereby revised by amending Division
57 2. “Residential Single Family Dwelling (RSF) Districts,” Section 30-88, “Structural and Site Design
58 Guidelines” in Article II “Zoning,” as follows:

59
60 **Chapter 30, CITY OF MARCO ISLAND LAND DEVELOPMENT CODE**

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62

63
64 **ARTICLE II. – ZONING**

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66

67 **DIVISION 2. RESIDENTIAL SINGLE FAMILY DWELLING (RSF) DISTRICTS.**

68

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70 **Sec. 30-88. - Structural and site design guidelines.**

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72 Recommended design guidelines have been established to help owners, architects, landscape
73 architects, and builders to become active participants in the development of the community by
74 encouraging design quality, and by promoting architectural and site design elements that
75 complement and enhance the surrounding built environment. The City shall review and approve
76 all applicable projects for consistency with the following minimum standards. However, in any
77 event, the City may return for revisions, building plans, where in the City’s judgment, the
78 massing, architectural style, roofline, or other features, or site elements are inconsistent with the
79 intent and purpose of these guidelines.

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80 An immediate appeal may be brought within thirty (30) days to the City Planning Board for
81 recommendation to City Council for those cases that cannot be resolved at staff level. Staff shall
82 describe the areas of concern, inconsistencies, and/or departure(s) from this article.
83

84 Fees for this appeal process are outlined in the City of Marco Island fees schedule for the appeal
85 of administrative decision.
86

87

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89 **SECTION 3. Codification.**

90

91 It is the intention of the City Council, and it is hereby ordained that the amendments to
92 the City of Marco Island Land Development Code made by this Ordinance shall be codified in
93 Article II, Division 2 of the City of Marco Island Code of Ordinances, and that the sections of
94 this Ordinance may be re-numbered and re-lettered as necessary, and that the word "Ordinance"
95 may be changed to "Section," "Article," or other appropriate word.
96

96

97 **SECTION 4. Conflicts.**

98

99 All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict
100 with the provisions of this Ordinance are hereby superseded and resolved to the extent of any
101 conflict in favor of the provisions of this Ordinance.
102

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103 **SECTION 5. Severability.**

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105 If any term, section, clause, sentence, or phrase of this Ordinance is for any reason held to
106 be invalid, illegal, or unconstitutional by a court of competent jurisdiction, the holding shall not
107 affect the validity of the other or remaining terms, sections, clauses, sentences, or phrases of this
108 Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or
109 unenforceable term, provision, clause, sentence, or section did not exist.
110

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111 **SECTION 6. Effective Date.**

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113 This Ordinance shall become effective immediately following its adoption by the City
114 Council.
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117 **ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA**
118 **this 19th day of January 2016.**
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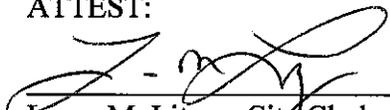
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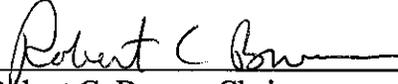
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ATTEST:



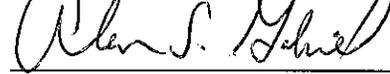
Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Robert C. Brown, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney

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