



CALVIN, GIORDANO & ASSOCIATES

City of Marco Island Land Development Code Update

Phase 1 – Identified Issues

Richard D. Cannone, AICP, Planning Administrator

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Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS

City of Marco Island Land Development Code Update

Table of Contents

Issue/Item #1

Inconsistency between the original Deltona Deed Restrictions and the current Zoning Code.....Page 5

Issue/Item #2

Residential Setback Requirements.....Page 7

Issue/Item #3

Encroachment of pool (or other mechanical) equipment into setback.....Page 10

Issue/Item #4

Commercial & Residential Design Standards.....Page 13

Issue/Item #5

Calculation of Garage Area.....Page 18

Issue/Item #6

Parking.....Page 19

Issue/Item #7

Construction Site Maintenance.....Page 21

Issue/Item #8

Oversized homes and setbacks.....Page 22

Issue/Item #9

Dock Setbacks.....Page 23

Issue/Item #10

Eliminate the C-2 Zoning District.....Page 26

Issue/Item #11

Revise Landscape Ordinance.....Page 27

Issue/Item #12

Strengthen nonconforming structure provisions.....Page 31

Issue/Item #13

Fences coating chain link in parks accessory without structure allowed for utilities.....Page 32

Issue/Item #14

Utility Sheds.....Page 33

Issue/Item #15

Stormwater requirements.....Page 34

Issue/Item #16

FEMA encroachments as a result of height.....Page 35

Issue/Item #17

Dock Permitting.....Page 37

Issue/Item #18

Mobile food vending.....Page 39

Issue/Item #19

Guesthouses.....Page 40

Issue/Item #20

Mix of uses within the tower center.....Page 42

Issue/Item #21

Definitions.....Page 43

Issue/Item #22

Submittal requirements.....Page 44

Issue/Item #23

Redevelopment focused code.....Page 46

Issue/Item #24

Erosion control.....Page 48

Issue/Item #25

Height.....Page 49

Issue/Item #26

Signage.....Page 50

Issue/Item #27

Pervious area.....Page 51

Issue/Item #28

Uses within C3 and C4.....Page 52

Issue/Item #29

Sidewalks.....Page 53

Issue/Item #30

PUD Minimum Acreage.....Page 54

Issue/Item #31

Measuring pervious area prior to CO/CC.....Page 56

Issue/Item #32

Use of NGVD and NAVD.....Page 57

Issue/Item #33

Dry lots and access to “boat docking facilities”Page 58

City of Marco Island Land Development Code Update

ISSUE/ITEM #1	Inconsistency between the original Deltona Deed Restrictions and the current Zoning Code.
PURPOSE/BACKGROUND	As a result of the MICA deed restrictions being in place prior to the incorporation of the city a number of inconsistencies were created upon the adoption of the city's zoning code.
SUMMARY OF PUBLIC INPUT	<ol style="list-style-type: none"> 1. Deed restriction – Deltona made those, Collier City didn't support (Sec. 30-1015 & Sec. 30-86a) 2. Deed restrictions –provisions to allow twilight exist 3. Align MICA and zoning <ol style="list-style-type: none"> a. Architectural provisions confusion b. MICA setbacks (adopt in code?) c. Pool – pool enclosure d. Sheds – free standing shed (Sec. 30-86e) e. Bike storage 4. MICA deed restrictions - different setbacks 5. Screen enclosure agreements summary cool MICA & code should be amended to adopt MICA 6. Rift bet city & MICA, City approval then MICA 7. Old Marco and Hideaway (own deed restrictions) 8. MICA – continue codes can change 9. MICA main focus is residential 10. MICA & City need to be on same page 11. Twilight deed restrictions 12. 1966 - Deltona restrictions were the code (no code existed) 13. Deed restrictions not being enforced (Marco Island Civic Association has not communicated to residents how deed restrictions apply) 14. C-3 property (Marco) not governed by MICA <p>On 11/4/16 representatives from MICA, Growth Management, City Attorney and CGA met to go over various inconsistencies in the code/deed restrictions as well as discuss input received to date. The requests specific to the LDC are included in the policy section below.</p>
POLICY DIRECTION	<ol style="list-style-type: none"> 1. Amended various sections of the code to mention that areas are governed by deed restrictions that

	<p>may be more restrictive.</p> <ol style="list-style-type: none"> 2. Include a MICA link from the City's Web Site 3. Clarify setback requirements for Chickee Hut and Tiki Bar 	
RELEVANT SECTION(S)	<p>Sec. 30-1015. - Deed restrictions. Significant portions of Marco Island are subject to recorded deed restrictions. As the city is not responsible for enforcement of private deed restrictions, it is incumbent upon individuals to know what private restrictions may apply to their property.</p> <p>Sec. 30-86. - Supplemental standards and regulations.</p> <p>(a) Deed restrictions. Significant portions of the city are subject to recorded deed restrictions. As the city is not responsible for enforcement of private deed restrictions, it is incumbent upon individuals to know what private restrictions may apply to their property.</p> <p>Sec. 30-86 e) Utility structures.</p> <p>(1) Utility storage structures (sheds) shall be physically attached to, and architecturally integrated into the principal structure.</p> <p>(2) Such attachment may be located below the base flood elevation if devoted solely to storage use.</p> <p>(3) No freestanding utility shed of any type or material shall be permitted.</p>	Require Comprehensive Plan Changes

ISSUE/ITEM #2	Residential Setback Requirements
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<p>PURPOSE/BACKGROUND</p>	<p>Residential setbacks need to be clarified:</p> <ol style="list-style-type: none"> 1. The zoning ordinance does not explain setbacks for corner lots. There are two fronts and two sides. There is also no description of how to determine lot frontage for corner lots (is frontage both fronts combined?) (Sec. 30-85) 2. The description of shoulder lots needs further explanation; (Sec. 30-10 definitions) 3. The ordinance has no explanation for how to measure frontage length of partial cul-de-sac lots, with straight and curved frontage. (Sec. 30-85) 4. Pool cage construction: at 10' currently in zoning ordinance but the building code reflects a need for 15' from seawall. For properties with seawalls the setback requirement in the zoning ordinance should reflect the building code. Also, pool or pool cage can be at 10', does that mean the pool deck or pool? Clarification is needed. (Sec. 30-1002) 5. The code mentions shoulder lots only in regard to house setbacks but does not mention accessory structures. Generally shoulder lots are poorly explained. 6. Tiki bar in accessory structure chart needs correction, waterfront does not require setback from primary structure but on non-waterfront requires a 10' setback. (Sec. 30-1002) 7. Sec 30-485 last paragraph allows exceptions to the setback requirement for driveways of 7.5' or 5' for side loading garages. Allows them up to 2' from property line under certain circumstances, not sure where exhibits for acceptable design are located and not sure that we want that. Also, Sec. 30-88(8) has same information but doesn't appear to allow 2' from property line.
<p>SUMMARY OF PUBLIC INPUT</p>	<p>Access issue with 7.5' setback Driveway setback inconsistency (Sec. 30-485 & Sec. 30-88(8))</p> <ul style="list-style-type: none"> • 7.5' property line • 2' property line <p>0 lot lines / 30' setbacks Include language for chickee huts MICA provided drawings identifying setbacks for shoulder and corner lots</p>
<p>POLICY DIRECTION</p>	<ol style="list-style-type: none"> 1. Should the clarification provide In Collier County Land Development Code Staff Clarification Staff Clarification SC 97-001 (attached) including the diagram, be incorporated into the Land Development code? 2. Should the setback measurement for a pool be measured from the wet face of the wall?

PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES		Required Comprehensive Plan Changes
	<p>1. Sec. 30-85 Table showing front side & rear setbacks and table with side setbacks based on lot frontage, corner and interior differentiated but no explanation of measurement.</p> <p>2. Sec. 30-10 Definitions: Lot, shoulder means a waterfront corner lot which straddles the waterway, has a property line which extends into the water and contains a seawall or bulkhead or shoreline which is indented from the property line thus creating a strip of land which is under water and is usually used for the docking of a boat.</p> <p>3. Sec. 30-85 table contains specifications for corner and interior lots but no explanation for partial cul-de-sac lots.</p> <p>4. Sec. 30-1002 includes setback table for accessory structures and lists "Swimming pool and/or screen enclosure" at 10'.</p> <p>5. Sec. 30-10 definition makes no reference to setbacks and the accessory setback table Sec. 30-1002 lists no setbacks for shoulder lots.</p> <p>6. Sec. 30-1002 accessory structure table tiki structures have differing setbacks from primary structures.</p> <p>7. Sec. 30-485 Driveways shall be setback a minimum of 7.5 feet from any property line for front-loading garages or five feet for side-loading garages. The setback is required to facilitate the installation and maintenance of landscape materials and prohibits vehicular parking. For purposes of accommodating design issues associated with on-site parking spaces, including certain lot shapes and side-loaded garages, exceptions for these setbacks may be made for a distance along the property line not exceeding 30 linear feet, but in no case shall a driveway setback be</p>	

approved which is less than two feet from a property line at any point. Acceptable exceptions are depicted in exhibits one, two, and three which is attached to and made a part of this section. Prior to the issuance of a driveway permit, the applicant shall demonstrate that the proposed design will not result in adverse stormwater runoff effects on neighboring property(s).

Sec. 30-88(8) Driveways.

- a. Vehicle access facilities shall be constructed as described in section 30-483.
- b. Vehicle access facilities shall have a minimum setback of 7.5 feet from any property line for front-loading garages or five feet for side-loading garages. The setback is required to facilitate the installation and maintenance of landscape materials.

ISSUE/ITEM #3	Encroachment of pool (or other mechanical) equipment into setback	
PURPOSE/BACKGROUND	<ol style="list-style-type: none"> 1. Pool equipment and pad mounted AC needs to be clarified and it may make sense for a change to the code to limit the noise created by equipment built into cutouts. (Sec. 30-86) 2. Generator setbacks are not called out. We have been allowing 4'. (Sec. 30-86) 3. 7.5' and 8' setbacks with encroaching structures may not allow for emergency access or for repairs needed between houses; (Sec. 30-85 & 30-86) 4. Change Sec. 54-114 Minor after-the-fact encroachments to be more punitive. The fee is only \$300 so most dock contractors will choose to the variance rather than correcting dock encroachments or being more careful during construction. 	
SUMMARY OF PUBLIC INPUT	<p>New pool equipment, need an agreement because it cannot be elevated Encroachment into setback with pool equipment</p> <ul style="list-style-type: none"> • Not more than 2' • Insulation of equipment, pool equipment 3 wide, 1 off, 4 000 building • April 15th previously not enforced 	
POLICY DIRECTION	<p>Should the code be amended to for the encroachments; or Require Noise attenuation for the "cut-outs"; and/or Not allow for "after the fact variances" (i.e. hardship self-imposed)?</p>	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<p>1, 2 & 3. Sec. 30-86 - Supplemental standards and regulations. (b) Exceptions to required yards. Every part of every required yard shall be open and unobstructed from 30 inches above the general ground level of the graded lot upward except as listed below. Such exceptions, when utilized in yards where recorded easements exist, are allowed with the explicit understanding that any structural improvement(s) or vegetation located within a recorded easement are subject to removal, at the owner's sole expense, when authorized entities must enter upon such easement area to repair, improve, reconstruct or make such lawful improvements as deemed necessary.</p> <p>(3) Window-mounted air-conditioning units, chimneys, fireplaces, bay windows, or pilasters shall not project over two feet into a required yard.</p>	<p>Required Comprehensive Plan Changes</p>

(4) Wall-mounted, cube mounted, or cantilevered air conditioning units shall not project over two feet into a required side or four feet into the rear yard. Units permitted prior to January 1, 2002, shall not project over four feet into a required side or rear yard.

(7) Fences, walls, privacy walls, vegetative materials, hedges, pool equipment and pad-mounted air conditioners are permitted in required yards, subject to conditions contained herein.

(10) Generators shall not project more than four feet into any required yard.

4. Sec. 54-114. - Minor after-the-fact encroachments.

(a) Minor after-the-fact encroachments may be approved administratively by the community development director or his designee. Encroachments of up to 0.5 feet into the required setback for a boat docking facility for which a certificate of occupancy has not been issued, and encroachments of up to 1.0 feet into the required setback for a boat docking facility for which a certificate of occupancy has been issued may be granted administratively.

(b) In order to apply for an administrative variance for a boat docking facility, the property owner or his agent shall submit the following to the community development director or his designee:

(1) A survey prepared and certified by a Florida registered engineer or surveyor identifying the exact location and size of the encroachment.

(2) A statement of how and when the encroachment was created.

(3) A statement of current ownership and ownership at the time the encroachment was created.

(4) A letter of no objection from each adjacent property owners.

(5) Any other factors which may show that the

	encroachment was not intentionally created. (6) Applicable fee as listed in the schedule of fees.	
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ISSUE/ITEM #4	Commercial & Residential Design Standards	
PURPOSE/BACKGROUND	<ol style="list-style-type: none"> 1. Need to revise architectural code to: <ol style="list-style-type: none"> a. include illustrations noted as being on file with the clerk; (Sec. 30-624) b. include alternative architectural review; (commercial) (Sec. 30-623) c. include more specific language regarding roof forms for residential (potentially change setbacks or step-back flat roofs to allow for light); (Sec. 30-88) d. include an alternative architectural review or appeal process for residential; (Sec. 30-88) e. Change 45% of façade to 45% of façade length for garages; (Sec. 30-88(5)) f. Put teeth in Site Design Guidelines, create design review committee for certain projects so it isn't staff versus the applicant and the board has a full understanding of the architectural code; (Sec. 30-88 & Sec. 30-623) g. Make architectural overlay districts more specific and clear; (Sec. 30-628) h. Potentially require stepped back second/higher levels to decrease impacts on views and neighbors looking at large masses of wall; (Sec. 30-88) i. Multifamily zoning needs to have architectural and design requirements clearly stated; (Sec. 30-106) j. Maximum setbacks not minimum setbacks for commercial buildings; (Sec. 30-185) k. Requirements for windows or other architectural detail for housing is not strong; (Sec. 30-88) l. Include requirements for massing; (Sec. 30-88) m. Percent coverage of lots is too high, need to find a way to not max out the lots with complete coverage (67%) (Sec. 30-435e3) n. Alternative architectural review for industrial municipal buildings (Sec. 30-624) 	
SUMMARY OF PUBLIC INPUT	Commercial Design Standards <ul style="list-style-type: none"> • Fenestration • Back of building look like front of building • Alley backed up top residential area • Is architectural overly producing what was envisions 	
POLICY DIRECTION	Incorporate the revisions identified by staff?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	Sec. 30-624. - Design regulations. (a) First floor facades and window heights... (See illustration 4.1, on file in the office of the city clerk.)	Required Comprehensive Plan Changes

Sec. 30-623. - Design review.

(a) All new construction, redevelopment and renovations of commercial buildings and projects shall be reviewed by the city staff for compliance with the regulations contained in this article. An immediate appeal may be brought to the city planning board for cases that cannot be resolved at staff level. Staff shall describe the areas of concern, inconsistencies, and/or departure(s) from this article.

Sec. 30-88 Structural and Site Design Guidelines.

(1) Roofs, general.

- a. Roof design plays an important role in breaking down the massing of a large residence. By utilizing different roof volumes that correspond with the interior rooms, a larger building is visually broken down into smaller elements.
- b. To avoid massing, roofs shall provide one of the following:
 1. Changes in roof pitch or roof plane.
 2. Roof pitch of greater than 4:12.
 3. A mixture of roof types (i.e., gables and hips).

Sec. 30-88 Structural and Site Design Guidelines.

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

Sec. 30-88(5) Garages.

a. To further emphasize the subordinate role of the garage area to the total structural mass, one of the following shall be required:

1. The garage shall not exceed more than 45 percent of the primary facade.
2. The garage shall be a side-loading garage.
3. The garage shall be setback at least five feet behind the plane of the front facade.

b. To further enhance street appeal, windows on the garage wall facing the street and extra thick (16-inch) walls at the garage opening are encouraged, but not required for building plan approval.

Sec. 30-88 & Sec.30-623 do not leave any room for judgement or discretion of staff. Having some ability to work with the applicant on design, especially in a committee format, would allow for better design accommodations.

Sec. 30-628 Architectural overlay districts 1—4.

The purpose of the architectural overlay districts (1—4) is to encourage development in conformance with the city's comprehensive plan, the future land use map, and city zoning map; to promote and enhance the Island's small town character and prominent styles of architecture; with the intent to develop pedestrian friendly, high quality, commercial and mixed use projects. Exterior building colors and materials contribute significantly to the visual impact of a building, of which shall be well designed and integrated into a comprehensive design style for the project. The following information represents architectural styles, building materials and design standards for overlay districts one, two, three, and four:

Sec. 30-88 (3) Walls, general.

- a. The scale relationship of each building component should relate to the overall massing of the structure.
- b. Changes in the mass are required on the street side facade of the structure, and encouraged, but not required, on two or more sides of the structure.

Sec. 30-106 - Parking, landscaping, lighting, signage, and architectural and site design standards.

- (a) Minimum off-street parking. As required in the land development code.
- (b) Landscaping. As required in the land development code.
- (c) Lighting. Pursuant to the city outdoor lighting ordinance.
- (d) Signs. As required in the land development code.
- (e) Architectural and design standards. (Reserved.)

Sec. 30-185. - Dimensional standards.

The following dimensional standards shall apply in the C-1, C-1/T district:

- (1) Minimum lot area: 20,000 square feet.
- (2) Minimum lot width: 100 feet.
- (3) Minimum yard requirements:
 - a. Front yard: 25 feet.

Sec. 30-88 (4) Windows and doors.

- a. Windows are one of the major components of the structure and provide definition and the architecture of the residence.
 - 1. New structures shall provide architectural detailing, banding or other trim detail at windows along the front facade.
 - 2. Feature windows, additional banding/trim on other windows, and operable shutters scaled to match the window size are encouraged, but not required for

	<p>building plan approval.</p> <p>b. The entrance to the home shall be one of the most prominent elements of the facade.</p> <p>1. Sidelight windows, decorative glass, and transoms add visual interest to the door, and are encouraged, but not required for building plan approval.</p> <p>Sec. 30-88. - Structural and site design guidelines.</p> <p>(3) Walls, general.</p> <p>a. The scale relationship of each building component should relate to the overall massing of the structure.</p> <p>b. Changes in the mass are required on the street side facade of the structure, and encouraged, but not required, on two or more sides of the structure.</p> <p>Sec. 30-435. - Plant material and installation standards.</p> <p>e3) Impervious surfaces, single-family districts. No more than 67 percent of the total lot area within a single-family zoning district shall be covered with impervious surfaces. The use of pervious pavers will be considered in the calculation to the extent the applicant provides credible evidence of the permeability of the surface. Impervious surfaces may not cover a French drain, if required, except that up to two four-foot-wide walkways to a dock facility may be used;</p> <p>n. Sec. 30-624 Design Regulations</p>	
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ISSUE/ITEM #5	Calculation of Garage Area	
PURPOSE/BACKGROUND	45% maximum does not work for 3-Car garages on 80x100 lots	
SUMMARY OF PUBLIC INPUT	Garage area (detail) (Sec. 30-88(5)) <ul style="list-style-type: none"> • Linear/surface 45% • Side entry exemption • 3 car garage main issue 80' x 10' - 80' lot 	
POLICY DIRECTION	Create alternate design standards or maintain requirement?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	Sec. 30-88. - Structural and site design guidelines. (5) Garages. a. To further emphasize the subordinate role of the garage area to the total structural mass, one of the following shall be required: <ol style="list-style-type: none"> 1. The garage shall not exceed more than 45 percent of the primary facade. 2. The garage shall be a side-loading garage. 3. The garage shall be setback at least five feet behind the plane of the front facade. b. To further enhance street appeal, windows on the garage wall facing the street and extra thick (16-inch) walls at the garage opening are encouraged, but not required for building plan approval.	Required Comprehensive Plan Changes

ISSUE/ITEM #6	Parking
PURPOSE/BACKGROUND	<p>1. Parking Options</p> <p>ARTICLE V. - OFF-STREET PARKING AND LOADING:</p> <ul style="list-style-type: none"> • The City should consider a parking fund that applicants can pay into. This fund should go towards future parking structures or a tram system to get patrons around the areas of the City that are under parked. Potentially allow for a public private partnership. Opportunity to work with redevelopment to allow businesses into space without adequate parking on site. Payment in lieu of required off street parking or business improvement district. <ul style="list-style-type: none"> ○ This option would probably require the City to purchase some property for parking structures. • Environmentally sensitive areas should have options to decrease parking or impact, • 30-483 specifically calls out churches, should be types of meeting spaces not specifically religious. • Increase allowable density and building height for structured parking • Street redesign to allow on street parking as well as upgrade the street layout to a more regular block pattern to create more access to the sites and alleys, etc. This would be incorporated with form based code. <p>2. Require bike racks not just optional (Sec. 30-488(4)c)</p> <p>3. Sec 30-488 is titled “Minimum off-site parking requirements” but should be titled “Minimum off-<u>street</u> parking requirements”.</p> <p>4. Alley parking and offsite parking - Language is unclear. (Sec. 30-484)</p> <p>5. Examine overnight parking requirements; (Sec. 30-1026)</p>
SUMMARY OF PUBLIC INPUT	<p>Maintain and limit growth - promote and sustain small island, no more room, parking should have been incorporated in the business plan</p> <p>Parking / alleys and driveways</p> <ul style="list-style-type: none"> • Alleyway parking – conditional use • Induce businesses to fix and all benefit to expand • Public/private 50/50 partnership <ul style="list-style-type: none"> ○ 26 parking spaces ○ 13 reserved <p>Common sense bike rack (tree)</p> <p>Bike Rack and shading</p> <p>Off-site parking 50% credit – mitigation be fair (not excessive, dollar for dollar)</p>

	<p>Shared parking</p> <ul style="list-style-type: none"> • Sherwin Williams parking not used at night <p>Beach parking – provide notification system before bridge</p>	
POLICY DIRECTION	Incorporate the revisions identified by staff?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<p>1. Article V -Off Street Parking & Loading</p> <p>2. Sec. 30-488(4)c. Bicycle rack. One parking space credit shall be granted for providing a bicycle rack(s) and pedestrian bench(s) on-site. The bicycle rack shall be capable of storing a minimum of four bicycles and the pedestrian bench shall be a minimum of five feet in length. Bicycle racks and benches shall be placed in a visible location within 15 feet of the front building elevation(s) or along the pedestrian access path. The area around the bicycle rack and bench shall be landscaped with either one minimum 14-foot shade tree and four three-gallon shrubs or three six-foot (gray wood) palm trees and four three-gallon shrubs per every bicycle rack and bench provided. The landscaping is in addition to any other landscape requirements of this code.</p> <p>3. Sec. 30-488. - Minimum off-site parking requirements. There is no minimum number of spaces that must be provided off of the site, only minimum spaces provided off of the street.</p> <p>4. Sec. 30-484 & Sec. 30-488</p> <p>5. Sec. 30-1026b2 The strip of parking located along the eastern edge of Marco Lake Drive is designated public parking, no storage of commercial vehicles or overnight parking shall be permitted thereon.</p>	<p>Required Comprehensive Plan Changes</p>

ISSUE/ITEM #7	Construction Site Maintenance	
PURPOSE/BACKGROUND	<ol style="list-style-type: none"> 1. Need construction site requirements to ensure sites are orderly, safe, and well maintained. Good example in Naples code. Residential and commercial should both be included. (Sec. 30-793) 2. Why do we have construction temporary use permits for anything other than off-site construction? If construction is on the site where the plan was approved and there is a building plan, there should be no need for a construction permit. We know it will require construction! (Sec. 30-793) 3. Seawall staging lots are problematic for neighbors and will eventually be unavailable as the Island approaches build-out and vacant lots are not available. (Sec. 30-793(3)) 	
SUMMARY OF PUBLIC INPUT	None	
POLICY DIRECTION	Incorporate the revisions identified by staff?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<ol style="list-style-type: none"> 1. Sec. 30-793. - Construction temporary use permit. (2) Temporary construction and development permits... 2. Sec. 30-793. - Construction temporary use permit. (2) Temporary construction and development permits... 3. Sec. 30-793. - Construction temporary use permit. (3) In addition to the uses described above, a construction temporary use permit shall be obtained for the use of a vacant lot for the seawall manufacture, construction, repair and related boat dock construction activities on all vacant lots or parcels 	<p style="text-align: center;">Required Comprehensive Plan Changes</p>

ISSUE/ITEM #8	Oversized homes and setbacks	
PURPOSE/BACKGROUND	1. Height of structures measured from base flood elevation. Areas with very high base flood elevations (for example 10'+) lead to houses that tower over surrounding homes. Better measure may be from crown of road. (Sec. 30-85c)	
SUMMARY OF PUBLIC INPUT	Examine alternatives	
POLICY DIRECTION	Incorporate the revisions identified by staff or other methods?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	1. Sec. 30-85. - Dimensional standards & regulations (c) Maximum height. (1) Principal structures: Thirty-five feet as measured from required base flood elevation, or applicable measurement point, to the mean height level between eaves and ridge of a gable, hip or gambrel roof.	Required Comprehensive Plan Changes

ISSUE/ITEM #9	Dock Setbacks	
PURPOSE/BACKGROUND	<ol style="list-style-type: none"> 1. Dock regulations for single and multi-family should be different (Sec. 54-110) 2. Staff should not be tasked with determining whether the proposed dock may infringe on other docks' use (Sec. 54-111a6) 3. Seagrass protection, is this a state requirement? No sure how staff would make these determinations (Sec. 54-112j) 4. 54-113(e)3 allows exemption from final survey for PWC swivel lift, an exemption can be requested for redecking, this should be included in ord. 5. Sec. 54-112(b) should include the word "legally". Legally, nonconforming docks 6. Docks: Clarify that 7.6' setback is only allowed when the lot is 50' or less, any lot wider than 50' requires a greater setback, with the maximum the City can require at 15' (Sec. 54-111b) 	
SUMMARY OF PUBLIC INPUT	<p>Dock setbacks – old setbacks, new setbacks...change side setbacks 15 foot side setback.</p> <ul style="list-style-type: none"> • Blocking access • 1,000 SF triggers state review • Examine every foot out, bring in a foot • Issue with staging use of lot • Naples (2 staging areas in city) • Can't use for 1 year <p>Waterways committee every dock needed variance code change % of deduction</p>	
POLICY DIRECTION	Incorporate the revisions identified by staff?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<ol style="list-style-type: none"> 1. Sec. 54-110 Sec. 54-110. - Permitted accessory use. Boat docking facility(s) shall be permitted as an accessory use on any waterway lot in any single-family district, except as otherwise provided, subject to the criteria set forth in this article. Boat docking facility(s) shall be permitted as an accessory use on any waterway lot in any multifamily district subject to the criteria set forth in this article. Boat docking facility(s) shall be permitted as an accessory use 	Required Comprehensive Plan Changes

on any waterway lot in any commercial zoning district for which the boat dock facility is customary and incidental to the established principle use of the property... (all dimensional regulations are the same for residential single family, residential multi-family and commercial).

2. **Sec. 54-111a6.** Staff shall determine whether or not the proposed location and design of the boat docking facility and moored vessel(s) in combination is such that it may infringe upon the use of neighboring properties, including any existing boat docking facilities.

3. **Sec. 54-112j** Seagrass bed protection:

1. Where new boat docking facilities or boat dock extensions are proposed, the location and presence of seagrass or seagrass beds within 200 feet of any proposed dock facility shall be identified on an aerial photograph having a scale of one inch = 200 feet when available, or a scale of one inch = 400 feet when such photographs are not available. The location of seagrass beds shall be verified by a site visit by the community development director or his designee prior to the approval of any boat dock extension or the issuance of any building permit.

2. All proposed boat docking facilities shall be located and aligned to stay at least ten feet from any existing seagrass beds, except where a continuous bed of seagrasses exists off the shore of the property and adjacent to the property, and shall minimize negative impacts to seagrasses and other native shoreline, emergent and submerged vegetation and hard bottom communities.

3. Where a continuous bed of seagrasses exists off the shore of the property and adjacent to the property, the applicant shall be allowed to build a boat docking facility across the seagrasses or within ten feet of seagrasses. Such boat docking facilities shall comply with the following conditions:

a. The dock shall be at a height of at least 3.5 feet N.G.V.D.

b. The terminal platform of the dock shall not exceed 160 square feet.

c. The access dock shall not exceed a width of four

	<p>feet.</p> <p>d. The boat docking facility shall be sited to impact the smallest area of seagrasses possible.</p> <p>4. The applicant or petitioner shall be required to demonstrate how negative impacts to seagrasses and other native shoreline vegetation and hard bottom communities have been minimized prior to the approval of any boat dock extension or the issuance of any building permit.</p> <p>4. Sec. 54-113e A certificate of completion may be issued upon submission and approval of a final survey prepared and certified by a Florida registered engineer or surveyor, showing the as-built location and depicting compliance with the standards set forth.</p> <p>(1) A certificate of completion must be issued within 90 days of the issuance of a certificate of use or the permit will become invalid.</p> <p>(2) The installation of a PWC lift which swivels and stores a PWC onto an existing dock or the installation of seawall support pilings shall be exempt from the final survey requirement.</p> <p>5. Sec. 54-112b Any proposed expansion of or addition to (excluding boatlifts or mooring cover assist systems) an existing nonconforming boat docking facility, whether attached to or detached from an existing boat docking facility, shall require the entire boat docking facility be brought into conformance with the requirements of this article. Any repair or replacement of the structure within the existing footprint shall not require that the facility be brought into compliance with the standards set forth in this article.</p> <p>6. Sec. 54-111b Side yard setback requirements for boat docking facilities and swivel PWC lifts:</p> <p>(1) Boat docking facilities shall have side yard setbacks equivalent to 15 percent of the seawall length, as measured along the waterfront and from each applicable riparian line.</p> <p>a. The minimum required setback shall be 7.5 feet.</p> <p>b. The maximum required setback shall be 15 feet.</p>	
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ISSUE/ITEM #10	Eliminate the C-2 Zoning District
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PURPOSE/BACKGROUND	Eliminate C-2 zoning district as this district is not assigned to any properties within the City.	
SUMMARY OF PUBLIC INPUT	None	
POLICY DIRECTION	Should the C-2 zoning district be eliminated?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES		Required Comprehensive Plan Changes

ISSUE/ITEM #11	Revise Landscape ordinance	
PURPOSE/BACKGROUND	<ol style="list-style-type: none"> 1. Need to revise landscape: <ol style="list-style-type: none"> a. buffer code should eliminate the term alternative, or offer enhanced landscaping options; (Sec. 30-441c) b. no canopy vs. palms, too confusing. (Sec. 30-435) c. clarify the height of palms for a single story home, (Sec. 30-435) d. Need to include list that is referenced in code or refer to a website; (Sec. 30-435a) 2. Artificial turf is not allowed in the code but should be allowed as the 20% allowed nonorganic material; (Sec. 30-435e) 3. Create a tree fund and require that the trees are planted within a certain radius of the associated project. 4. Landscape for new homes should include a 10' low maintenance zone along waterways. (Sec. 30-435e2) 	
SUMMARY OF PUBLIC INPUT	<p>10' setbacks, concerned about fertilize don't go so far we are paving our back yards Root systems are very important; don't allow our back yards to be paved. Single-Family landscape requirements – needs to be simplified 50% canopy, 50% palm 20 foot coverage Fertilizer Ordinance, not supportive Artificial ground cover, not supportive Swales – dredge alt. Tree mitigation - canopy trees too large and lot to small “right tree and right place”</p> <ul style="list-style-type: none"> • Payment or actual planting <p>Too much landscape (limiting parking)</p>	
POLICY DIRECTION	Incorporate the revisions identified by staff?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<p>Sec. 30-441. - Minimum landscape buffering and screening between uses.</p> <p>(c) Landscape buffering and screening standards shall conform to the minimum buffering and screening standards of the zoning district it most closely resembles. The community development director or designee may approve alternative landscape buffering and screening standards when such alternative standards have been determined by use of professional acceptable standards to be</p>	Required Comprehensive Plan Changes

equivalent to or in excess of the intent of this code.

Sec. 30-435

(b) Trees and palms. All required new individual trees shall be species having an average mature spread or crown of greater than 20 feet and having trunk(s), which can be maintained in a clean condition with over ten feet of clear wood. Trees adjacent to walkways, bike paths and rights-of-way shall be maintained in a clean condition with over ten feet of clear wood. Trees having an average mature spread or crown less than 20 feet may be substituted by grouping the same so as to create the equivalent of a 20-foot crown spread. For code-required trees, at least 50 percent of the trees shall be canopy type trees and 50 percent may be palms. The minimum size of the trees at the time of installation shall be as follows:

Sec. 30-435b Single-family single story structures.

Canopy trees:

(50 percent) Ten feet, four-foot spread, 1.75 inch caliper (at 12 inches above the ground).

(50 percent) Eight feet, three-foot spread, 1.50 inch caliper (at 12 inches above the ground).

Sec. 30-435a1 ...The "Recommended Trees and Shrubs for the City of Marco Island List" is available for reference at city hall.

Sec. 30-435e Ground covers. Prior to the issuance of a site permit, certificate of completion or certificate of occupancy for any single-family residence, multifamily, commercial, or institutional development, ground coverings, as described below, shall be installed. Artificial turf or similar synthetic turf materials are expressly prohibited as ground covers unless otherwise approved by

standards and specifications approved by city council.

3. No applicable section of code.

Sec. 30-435e2 Florida-friendly landscape. Florida-friendly landscape practices are encouraged in all zoning districts. Landscape areas utilizing Florida-friendly designs are those that comply with the principals of Florida-Friendly Landscape consistent with the standards provided in the following publications, as may be amended from time to time:

- "Florida Yards and Neighborhoods (FYN) and Environmental Landscape Management (ELM)," the University of Florida Cooperative Extension Service (UF-IFAS)
- "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries (2008)," Florida Water Management Districts
- "The Florida Yards & Neighborhoods Handbook", Florida Water Management Districts
- "Waterwise Florida Landscape Guide," Xeric Landscaping with Florida Native Plants," Association of Florida Nurseries
- "Waterfront Property Owner's Guide," Florida Department of Environmental Protection

Landscape designs utilizing the Florida-friendly landscape principles are encouraged for the protection of water quality and water conservation and should incorporate the following nine principals:

- a. The right plant in the right place;
- b. Efficient watering with properly zoned irrigation systems;
- c. Appropriate fertilization;
- d. Mulching properly;
- e. Attraction of wildlife;
- f. Responsible management of yard pests with limited

	use of chemicals; g. Recycling yard waste; h. Reduction of stormwater runoff; and i. Waterfront protection.	
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ISSUE/ITEM #12	Strengthen nonconforming structure provisions	
PURPOSE/BACKGROUND	Need stronger language regarding replacement of existing nonconforming structures. Structure being replaced or repaired had to have been permitted in the first place. (Sec. 30-6)	
SUMMARY OF PUBLIC INPUT	None	
POLICY DIRECTION	Incorporate the revisions identified by staff?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<p>Sec. 30-6. - Nonconformities.</p> <p>(a) Generally. Within the zoning districts established by the land development code or amendments that may later be adopted, there may exist lots, structures, uses of land, water and structures, and characteristics of use which were lawful before this code was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this code or future amendments. It is the intent of this division to permit these nonconformities to continue until they are voluntarily renovated or removed as required by this code, but not to encourage their survival. It is further the intent of the land development code that the nonconformities shall not be enlarged upon, expanded, intensified, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.</p>	<p>Required Comprehensive Plan Changes</p>

ISSUE/ITEM #13	Fences <ul style="list-style-type: none"> • coating chain link in parks • accessory without structure • allowed for utilities 	
PURPOSE/BACKGROUND	1. Fences are currently allowed as an accessory use without a primary structure, this should be changed (Sec. 30-1009f4) 2. Chain link fences need to be allowed for utilities. (Sec. 30-1009) 3. Fence ordinance needs to allow coated chain link for playing fields in parks. (Sec. 30-1009) 4. Need language for fencing around residential construction sites and maintenance of construction sites; (Sec. 30-793)	
SUMMARY OF PUBLIC INPUT	None	
POLICY DIRECTION	Incorporate the revisions identified by staff?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	1. Sec.30-1009f4 Fences or walls shall be permitted principal uses; however a fence or wall shall not, in any way, constitute a use or structure, which permits, requires and/or provides for any accessory uses and/or structures. 2 & 3. Sec. 30-1009 (d) Commercial districts. For the purpose of this section, commercial districts shall include: C-1/T, C-2, C-3, C-4, C-5, P public use district; and commercial parcels of PUD planned unit developments. Fences or walls shall be allowed subject to the following. (3) Fences or walls in commercial districts shall be limited to eight feet in height and shall be permitted subject to the following conditions: Chain link fencing is prohibited in all commercial zoning districts except within the Elkcam Circle zoning overlay as specified in article VIII. 4. Sec. 30-793. - Construction temporary use permit. During the construction of any development for which a site development plan has been approved or a building permit issued, the developer may request a temporary use permit.	Required Comprehensive Plan Changes

ISSUE/ITEM # 14	Utility Sheds	
PURPOSE/BACKGROUND	Conflicting information in 30-1002 and 30-86 , one says that utility sheds are not allowed and the other says that utility sheds must meet certain setbacks. While 30-86 is specifically residential and 30-1002 is for all zoning districts, it should be made clear that utility sheds are not allowed in residential districts even if it can be built to meet the setbacks.	
SUMMARY OF PUBLIC INPUT	Detached sheds are not permitted in the deed restrictions (MICA)	
POLICY DIRECTION	Revise the code to be consistent with MICA?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<p>Sec. 30-86. - Supplemental standards and regulations. (e) Utility structures. (1) Utility storage structures (sheds) shall be physically attached to, and architecturally integrated into the principal structure. (2) Such attachment may be located below the base flood elevation if devoted solely to storage use. (3) No freestanding utility shed of any type or material shall be permitted.</p> <p>Sec. 30-1002. - Accessory buildings and structures Utility Buildings, Front Setback=25', Side Setback 7.5' or 8', Rear Setback= 25', Structure to Structure= 10'</p>	<p>Required Comprehensive Plan Changes</p>

ISSUE/ITEM #15	Stormwater requirements	
PURPOSE/BACKGROUND	<ol style="list-style-type: none"> 1. Storm water management for residential (Sec. 30-964c6) 2. 50% impervious or 67% with storm water management plan. 3. 30-88 Erosion Control needs to be written in such a way as to be enforceable. 4. Storm drainage plans are not required for residential. New construction may be having a large impact on existing development because of high impervious percentage and minimal setbacks and increased elevation because of flood. 5. Storm water management for residential construction. No stormwater management when the impervious cover is 50% or less. From 50% to 67% a stormwater management plan showing water retention is required. 6. Some reference to a drainage plan that is more specific (Sec. 30-964c6) 	
SUMMARY OF PUBLIC INPUT	<p>Stormwater issue (clearly defined) – manage stormwater on property (K&M) Site Management Plan Look at addressing other issue before maintenance</p>	
POLICY DIRECTION	Incorporate the revisions identified by staff?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<ol style="list-style-type: none"> 1. Sec. 30-964. - Information required for application. (c) Mapping and support graphics. (6) Proposed drainage plan indicating basic flow patterns, outfall and off-site drainage. 	Required Comprehensive Plan Changes

ISSUE/ITEM #16	FEMA requirements and encroachments as a result of height	
PURPOSE/BACKGROUND	Raised elevations of new homes require additional stairs to reach the front door (Sec. 30-1002 accessory setbacks & Sec. 6-111 Administrative Chapter of Florida Building Code Adopted 107.1.2)	
SUMMARY OF PUBLIC INPUT	Triggers that kick in in new flood elevations – zoning vs. building Raising floor of building FEMA older homes flood insurance	
POLICY DIRECTION	Should stairs be allowed further encroachment, currently 4’ encroachment into setback allowed?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<p>Sec. 30-1004. - Exceptions to required yards.</p> <p>(a) Yard encroachments. Every part of every required yard shall be open and unobstructed from 30 inches above the general ground level of the graded lot upward except as listed below. Such exceptions, when utilized in yards where recorded easements exist, are allowed with the explicit understanding that any structural improvement(s) or vegetation located within a recorded easement are subject to removal, at the owner's sole expense, when authorized entities must enter upon such easement area to repair, improve, reconstruct or make such lawful improvements as deemed necessary.</p> <p>(6) Fire escapes and balconies that are unroofed and unenclosed shall not project over three feet into a required side or rear yard of a single-family residential dwelling. Staircases shall not project over four feet into any required yard of a single-family residential dwelling.</p> <p>107.1.2 9.Lowest finished floor. Plans shall show that construction of the lowest floor and lowest living floor (in NAVD) meets the elevation criteria listed below or engineered property to a site specific design and is certified by an architect or engineer, when conflicts exist between the FIRM elevation and others, the higher elevation shall be required:</p>	<p>Required Comprehensive Plan Changes</p>

	<p>a) FIRM elevation - the elevation that has been established by the Flood Insurance Rate Maps (FIRM). These are the approved maps adopted by the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP), for both Marco Island and Collier County, Florida.</p> <p>b) Paved Road - a minimum of 18 inches above the crown of the nearest street or interior roadway system if finished with paving; or</p> <p>c) Graded or Unfinished Road - 24 inches above the crown if graded or otherwise unfinished; or</p> <p>d) Nine Feet NAVD; or</p> <p>e) One (1) foot above base flood elevation (BFE); or</p>	
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ISSUE/ITEM #17	Dock Permitting	
PURPOSE/BACKGROUND	Growth Management Staff along with the Code Advisory Committee discussed a number of issues related to permitting docks in the City.	
SUMMARY OF PUBLIC INPUT	The Code Advisory Committee purposed possible solutions to a number of the issues identified, which will be provided to the newly hired LDC consultant for inclusion in the suggested modifications to the City's Code	
POLICY DIRECTION	Incorporate changes/solutions identified with the Code Advisory Committee?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<p>Problem: Lack of proper drawings submitted as site plans; inaccurate measurements</p> <p>Solution: Require professional surveys that show the proposed dock in relation to those on abutting properties; along with detailed (and accurate) drawings.</p> <p>Problem: Inspection conducted at end of construction when errors are already built and not easily corrected. Solution: Conduct first inspection when pilings are installed; second inspection at completion.</p> <p>Problem: Dock builders do not close out permits to avoid discovery of non-compliant docks. Solution: No new permits will be issued to the dock builder if there are outstanding permits that are not closed.</p> <p>Problem: The language in Section 54-111 (A) (6) stating " <i>staff</i> shall determine whether or not the proposed location and design of the boat docking facility and moored vessel(s) in combination is such that it may infringe upon the use of the neighbors properties, including any existing boat docking facilities" is ambiguous.</p>	<p>Required Comprehensive Plan Changes</p> <p><u>Future Land Use Element</u></p> <p><u>Future Land Use Element</u> None; Consistent with Current GOP's</p>

	<p>Solution: Omit language, or add an appeal process for petitioners to follow.</p> <p>Problem Staff has inaccurately read the dimensional standards to require 7.5 foot side yard set instead of the required 15% of the seawall length.</p> <p>Solution: Remove any language that detracts from the 15% requirement.</p>	
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ISSUE/ITEM #18	Mobile food vending	
PURPOSE/BACKGROUND	Mobile food vendors are not allowed in the City of Marco Island, they are only allowed as part of a special event such as farmers market, seafood festival, etc. (Collier County is the same) apparently it is allowed in C-4.	
SUMMARY OF PUBLIC INPUT	None	
POLICY DIRECTION	Should mobile food services be eliminated as an “as of right” permitted use	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	DIVISION 10. - GENERAL COMMERCIAL (C-4) DISTRICT (10) Eating and drinking establishments (full service restaurants - 72211, mobile food services - 72233, drinking places - 72241, excluding bottle clubs. All establishments engaged in the retail sale of alcoholic beverages for on-premises consumption are subject to locational requirements of the land development code).	Required Comprehensive Plan Changes

ISSUE/ITEM #19	Guesthouses	
PURPOSE/BACKGROUND	<p>Guest house should be defined more clearly. Potentially by the 220V hookup along with separate long-term living arrangement. Collier County definitions: Guesthouse: An accessory dwelling structure which is attached to or detached from, a principal dwelling located on the same residential parcel and which an accessory dwelling serves as an ancillary use providing living quarters for the occupants of the principal dwelling, their temporary guests or their domestic employees and which may contain kitchen facilities. Guesthouses are not permitted in development that is receiving an AHDB. See LDC sections 4.01.02, 5.03.03 and 2.05.02 for additional information. Guest quarters/guest suites: An attached or detached room or suite, which could be used as a temporary sleeping accommodation, which is integrated as part of the principal use of the property and may contain running water as long as it is not configured or of a size that may accommodate a kitchen. (Sec. 30-1011)</p>	
SUMMARY OF PUBLIC INPUT	None	
POLICY DIRECTION	Incorporate the revisions identified by staff?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<p>Sec. 30-1011. - Guesthouse. No guest accommodation facility in a single-family residential district, whether a freestanding guesthouse or guest accommodations which are structurally integrated with the main dwelling, may be utilized for commercial purposes. Leasing or renting a guest accommodation facility shall constitute a violation of this zoning code. Similarly, if main residence is leased or rented, a guest accommodation facility accessory to it may not be occupied by the property owner, since that would constitute the unlawful utilization of single-family zoned property for two-family dwelling purposes. Guesthouses shall not be constructed on lots which are smaller than 43,560 square feet in area, nor shall the living area of a guesthouse be larger than 40 percent of the air conditioned, enclosed living area (excluding garages, carports, patios, porches, utility areas, and the like) of the principal dwelling. Detached guesthouses shall not be closer than 20 feet to the principal dwelling. A guesthouse</p>	<p>Required Comprehensive Plan Changes</p>

	<p>may be constructed prior to a principal dwelling, provided the guesthouse meets the minimum requirements of a single-family residence in the district in which it is being constructed. At such time as a principal residence is constructed, then the floor area percentages listed above shall apply.</p>	
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ISSUE/ITEM #20	Mix of uses within the town center	
PURPOSE/BACKGROUND	Need more appropriate uses, design and description for intent of town center overlay. Should reflect true town center design with walkability, pedestrian scale and more density to attract businesses with the additional residential value for redevelopment. Currently only allowed 50% commercial and 50% residential, need higher residential. (Sec. 30-628(1))	
SUMMARY OF PUBLIC INPUT	Conflicts with ratio's in deed restrictions (MICA)	
POLICY DIRECTION	Incorporate the revisions identified by staff?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<p>Sec. 30-628. - Architectural overlay districts 1—4.</p> <p>Overlay district one (town center mixed use district). The purpose of architectural overlay district no. 1 (see Exhibit A) is to encourage development in conformance with the intended character (Mediterranean, Polynesian, and Bermuda Island style, or a Southwest Florida Vernacular style) of the town center mixed use district; to provide incentives for redevelopment that is directed towards supporting pedestrian, bicycle and vehicular access; and to enhance the image and architectural attractiveness of commercial and mixed use development.</p> <p>a. Minimum yard requirements: Front, rear, and side yard setbacks per existing commercial zoning regulation. For property located along a navigable waterway, landscaping provided along the side yard shall be preserved as a view corridor, maintained at three feet and below for shrubs and above seven feet for canopy trees. (See illustration 8.1.1, on file in the office of the city clerk.)</p> <p>b. Elkcam Circle Zoning Overlay: Reserved.</p> <p>c. For exterior building materials and style standards see supplemental illustration 8.1.3, on file in the office of the city clerk.</p>	<p>Required Comprehensive Plan Changes</p>

ISSUE/ITEM #21	Definitions	
PURPOSE/BACKGROUND	<ol style="list-style-type: none"> 1. Definition for “Contiguous” we do have a definition for Abutting Property or Adjacent property (Sec. 30-10) 2. Need additional definitions for Article VII, subdivisions: boundary line adjustment, property line vacation, property split... (Sec. 30-572) 3. Sign code needs clarification, free standing signage is unclear; (Sec. 30-524) 4. No definition of utility structure in the accessory setback table (Sec. 30-1002) 5. Alley define (defined in Sec. 30-572, subdivision standards, need definitions for entire LDC together) 6. Define both a kitchen and Wet Bar 	
SUMMARY OF PUBLIC INPUT	Review all definitions or lack thereof	
POLICY DIRECTION	Incorporate the revisions identified by staff and address any other definitions that may arise as an issue?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<ol style="list-style-type: none"> 1. No definition of Contiguous in Sec. 30-10. 2. Sec. 30-572 only defines a subdivision of property. Additional definitions could add clarity to the process for those types of boundary adjustments. 3. Sec. 30-524. Four options for sizes and numbers of tenants based on frontage and a variety of other criteria. 4. Sec. 30-1002 needs clarity on what a utility structure is. 5. Definition for alley is located in subdivision standards. All definitions for the LDC should be located in one place, Sec. 30-10. 	Required Comprehensive Plan Changes

ISSUE/ITEM #22	Submittal requirements	
PURPOSE/BACKGROUND	<ol style="list-style-type: none"> 1. Require that documents, including residential, are submitted by a licensed architect or engineer; (Sec. 30-66) 2. Clarity in ordinance where staff needs to require additional permits for wetlands or environmentally sensitive habitats. Potentially, applicant should hire environmentalist for analysis to submit to staff; (Sec. 30-962) 3. Need to change the code to require a certified site plan accompany applications for fences, deck, pools, docks; (Sec. 54-113 docks, Sec. 30-1009 fences) 	
SUMMARY OF PUBLIC INPUT	Include area on application for sign off from MICA	
POLICY DIRECTION	Incorporate the revisions identified by staff?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<ol style="list-style-type: none"> 1. Sec. 30-66. - Building permit and certificate of occupancy compliance process 2. No applicable existing language. 3. Sec. 30-962. - Applicability; environmental impact statement (EIS) required. It shall be unlawful and no building permit, conditional use, zoning change, subdivision or other permit approval for development or site alteration shall be issued without first obtaining approval of an EIS, or exemption pursuant to this article, as required by this code: <ol style="list-style-type: none"> (1) Any site over ten acres with a ST overlay designation. (2) All sites seaward of the coastal construction control line (CCCL) that are 2.5 or more acres. (3) All sites landward of the coastal construction control line (CCCL) that are ten or more acres. (4) Any other development or site alteration, which in the opinion of the community development director, would have substantial impact upon environmental quality and which is not specifically exempted in this code. In determining whether such a project would have 	Required Comprehensive Plan Changes

	<p>substantial environmental impact the community development director shall base his decision on the terms and conditions described in this code and on the project's consistency with the comprehensive plan.</p> <p>4. Language in Sec. 54-113 needed for dock applications. Language in Sec. 30-1009 needed for fence applications.</p>	
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ISSUE/ITEM #23	Redevelopment focused Code	
PURPOSE/BACKGROUND	<p>1. Need redevelopment code to encourage quality development (Article IX)</p> <ol style="list-style-type: none"> a. Parking, infrastructure, impervious cover, include language that allows some outside the box redevelopment options. b. Potentially form based code c. Allow increased density for trade-offs, open space, structured parking, innovative design <p>2. Need clarification on which zoning districts are considered commercial and which are considered residential. Parks and Residential Tourist districts don't seem to fit either, additionally, large scale condominiums seem to fit commercial codes more readily. (Signage and Fencing (Sec. 30-1009) sections of code discuss only residential and commercial)</p> <p>Module comments – focus on redevelopment</p> <ul style="list-style-type: none"> • Collier Boulevard Palm trees on both sides of the streets vegetation • Beach access • 100 • Marriott <p>Palms of Collier (Streetscape)</p> <ul style="list-style-type: none"> • Looking more commercial 	
SUMMARY OF PUBLIC INPUT	<p>Stipulations in code about not increasing density, any PUD applied for should not increase density</p> <p>Allow for site plan with deviations</p> <p>90% of what's occurring is redevelopment</p> <p>Include community benefit provisions</p> <p>Vacant - adopt redevelopment site plan with deviations</p> <p>Areas for seawall repair – were can they stage</p> <ul style="list-style-type: none"> • Water treatment plant – possible dock and seawall loading zone • Sea wall and patio. 6' NGVD in stem wall, grey beam, drop below sea wall, level planter/patio. <p>Alleys - Water management district (requirement)</p> <ul style="list-style-type: none"> • Need middle ground shared (cleanup) • Alley conditions (presentation of city to visitors) <p>Density increase conflicts with council direction.</p>	
POLICY DIRECTION	Incorporate the revisions identified by staff?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<p>Sec. 30-1009. Fences b) Residential districts. For the purposes of this section, residential districts shall include: RSF residential single-family; RMF-6, RMF-12, and RMF-16 residential multiple-family; RT residential tourist; and residential increments of PUD residential planned unit</p>	Required Comprehensive Plan Changes

	development districts.	
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ISSUE/ITEM #24	Erosion Control	
PURPOSE/BACKGROUND	1. 30-88(10) Erosion Control needs to be written in such a way as to be enforceable.	
SUMMARY OF PUBLIC INPUT	None	
POLICY DIRECTION	Incorporate the revisions identified by staff?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<p>1. Sec. 30-88. - Structural and site design guidelines (10) Erosion control.</p> <p>a. Site plans shall contain sufficient detail and information to allow for a review of proposed on-site erosion control.</p> <p>b. Appropriate erosion control devices, including property adjacent to seawalls, shall be installed prior to the initiation of construction, and shall be maintained throughout completion of the project.</p> <p>c. Failure to maintain approved erosion control devices shall result in prompt code enforcement action and the suspension of on-site inspections until rectified.</p>	Required Comprehensive Plan Changes

ISSUE/ITEM #25	Height	
PURPOSE/BACKGROUND	1. 30-164(7) "Permitted conditional uses not to exceed 125 feet in height" should be removed.	
SUMMARY OF PUBLIC INPUT	None	
POLICY DIRECTION	Should the height limitation be removed as a conditional use?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<p>1. Multifamily Residential Sec. 30-164. - Conditional uses. The following uses are permitted as conditional uses in the residential tourist district (RT), subject to the standards and procedures established in the land development code:</p> <p>(7) Permitted uses not to exceed 125 feet in height.</p>	Required Comprehensive Plan Changes

ISSUE/ITEM #26	Signage	
PURPOSE/BACKGROUND	<ol style="list-style-type: none"> 1. Revisit the “Unified Sign Plan”; this is too messy and unclear. Owner of property should have to enforce a unified plan for all businesses within a center, not staff. (Sec. 30-525) 2. Sign Face measurement not clear and is not only limited to the “box”; (Sec. 30-524(1)a1) 	
SUMMARY OF PUBLIC INPUT	None	
POLICY DIRECTION	Incorporate the revisions identified by staff	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<ol style="list-style-type: none"> 1. Sec. 30-525 – Signage - Unified sign plan. Where multiple on-premises signs are proposed for a single site or project or in the case of a shopping center or multi-use building, a unified signage plan shall be employed. Applications for site development or site improvement plan approval shall be accompanied by a graphic and narrative representation of the unified signage plan to be utilized on the site. Existing commercial buildings and projects shall submit a unified sign plan to the City of Marco Island before January 1, 2004. Building permits for new signs shall not be issued at such commercial buildings which have not submitted a unified sign plan after December 31, 2003. The unified sign plan may be amended and resubmitted for approval to reflect style changes or changing tenant needs. Design elements which shall be addressed in both graphic and narrative form include... 2. Sec. 30-524(1)a1 i, ii, iii, iv many different criteria but nothing calls out specifically where the words and logos can be located. 	Required Comprehensive Plan Changes

ISSUE/ITEM #27	Pervious Area	
PURPOSE/BACKGROUND	1. Sec. 30-435 referenced 67% of the total lot area but it should be total land area of the lot (may need to have mean high water reference). Some lots include water and it can be counted as part of the pervious and the whole lot can be paved.	
SUMMARY OF PUBLIC INPUT	None	
POLICY DIRECTION	Incorporate the revisions identified by staff?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	1. Sec. 30-435e(3) Impervious surfaces, single-family districts. <u>No more than 67 percent of the total lot area within a single-family zoning district shall be covered with impervious surfaces.</u> The use of pervious pavers will be considered in the calculation to the extent the applicant provides credible evidence of the permeability of the surface. Impervious surfaces may not cover a French drain, if required, except that up to two four-foot-wide walkways to a dock facility may be used;	Required Comprehensive Plan Changes

ISSUE/ITEM #28	Uses within C3 and C4	
PURPOSE/BACKGROUND		
SUMMARY OF PUBLIC INPUT	<p>Expand conditional use</p> <ul style="list-style-type: none"> • C4 property • 100' – 75' • Car dealer (previously conditional use) moved to C5 • Options back in • C3 & C4 prohibit car dealers • Outdoor boat sales ok but indoor auto sales not ok <p>Careful with conditional use expansion</p> <ul style="list-style-type: none"> • Marriott (chiller tower) example <p>Storage in C4 – vehicle storage allowed but not furniture or household items</p> <p>Concern with conditional use - holding to that - not bringing in more intense uses</p> <p>Deed Restrictions have “use restrictions”</p>	
POLICY DIRECTION	Should any of the issue raised be addressed in the LDC?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES		Required Comprehensive Plan Changes

ISSUE/ITEM #29	Sidewalks	
PURPOSE/BACKGROUND		
SUMMARY OF PUBLIC INPUT	<ul style="list-style-type: none"> • Sidewalks & driveways should be consistent throughout city (Sec. 30-581) <ul style="list-style-type: none"> ○ Issue with driveway pavers not continuing • Want the sidewalks Elkcarn from Angler’s cove and Barfield 400 condo units need sidewalks <ul style="list-style-type: none"> ○ No sidewalks in Old Marco - Separate Old Marco area from rest of this island historical and different leaves it that way. 	
POLICY DIRECTION	Should any of the issue raised be addressed in the LDC?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<p>Sec. 30-581. - Design standards and improvement requirements. s) Sidewalks. Sidewalk locations shall be established by the city and indicated on the approved plat. Sidewalks shall be constructed on both sides of all streets and roadways and must be installed by the developer prior to acceptance of any street by the city.</p>	Required Comprehensive Plan Changes

ISSUE/ITEM #30	PUD 10 Acre (contiguous) Minimum Size	
PURPOSE/BACKGROUND	<p>The only concession for reduction of the 10 acre PUD requirements is in the Town Center Mixed Use area only.</p> <p>A reduction in acreage may be beneficial for certain areas designated Village Commercial and Community Commercial.</p>	
SUMMARY OF PUBLIC INPUT	None	
POLICY DIRECTION	Should a reduction in the PUD 10 acre minimum area outside of the Town Center be allowed?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<p>DIVISION 13. - PLANNED UNIT DEVELOPMENT (PUD) DISTRICT</p> <p>Sec. 30-383. - Minimum area required.</p> <p>The minimum area required for a PUD shall be ten contiguous acres except when located within the town center overlay where a five-acre minimum requirement must be met. Redevelopment projects within the town center overlay shall comprise a minimum of 2½ contiguous acres. To be considered as a redevelopment project for PUD zoning purposes, the project must include at least three of the following components:</p> <p>(1) Complete demolition of existing structures.</p> <p>(2) Partial demolition and rehabilitation of existing structures.</p> <p>(3) Complete rehabilitation (interior and exterior) of existing structures.</p> <p>(4) Substantial modification and reconfiguration of ingress/egress points, vehicular parking areas, and pedestrian facilities.</p> <p>(5) Incorporation of contiguous, vacant/infill parcels, into the development proposal.</p> <p>(6) Incorporation of public/civic space within the project boundaries.</p> <p>(7) Eligibility of the project for CDBG funding or actual CRA designation.</p>	Required Comprehensive Plan Changes

	<p>For purposes of the planned unit development district only, the term "contiguous" shall include properties separated by either an intervening planned or developed public street right-of-way.</p>	
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ISSUE/ITEM #31	Measuring pervious area prior to CO/CC	
PURPOSE/BACKGROUND	Currently the City does not require final pervious square foot calculation on the final spot survey, calculations provided by surveyor	
SUMMARY OF PUBLIC INPUT	None	
POLICY DIRECTION	Should pervious area be included as a requirement on the final spot survey?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES		Required Comprehensive Plan Changes

ISSUE/ITEM #32	Use of NGVD and NAVD	
PURPOSE/BACKGROUND	<p>Replace outdated references to the National Geodetic Vertical Datum of 1929 (NGVD) with references to the North American Vertical Datum of 1988 (NAVD).</p> <p>The new FIRM Maps for Collier County became effective for flood insurance purposes on May 16, 2012. As a result, the new maps updated DFIRM references the new vertical datum of NAVD 88.</p>	
SUMMARY OF PUBLIC INPUT	None	
POLICY DIRECTION	Should all relevant sections of the code be updated from NGVD to NAVD?	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES		Required Comprehensive Plan Changes

ISSUE/ITEM #33	Dry lots and access to “boat docking facilities” “Boat docking facility” is permitted a an accessory use in single family	
PURPOSE/BACKGROUND	<p>A code provision needs to be added requiring “dry lots” to have either deeded access, cross access easement, r a lease agreement or other instrument for gaining access to an adjacent “wet lot.”</p> <p>Currently a property owner owns two adjacent lots; one dry and on wet. They are building a house on the dry lot and offering access to the boat dock on the wet lot.</p>	
SUMMARY OF PUBLIC INPUT	None	
POLICY DIRECTION	<p>Should this practice be prohibited?</p> <p>If not, what standards should be put in place?</p>	
PROPOSED LANGUAGE, RELEVANT SECTION(S) & RELATED COMPREHENSIVE PLAN CHANGES	<p>Sec. 54-110. - Permitted accessory use.</p> <p>Boat docking facility(s) shall be permitted as an accessory use on any waterway lot in any single-family district, except as otherwise provided, subject to the criteria set forth in this article.</p> <p>Boat docking facility(s) shall be permitted as an accessory use on any waterway lot in any multifamily district subject to the criteria set forth in this article.</p> <p>Boat docking facility(s) shall be permitted as an accessory use on any waterway lot in any commercial zoning district for which the boat dock facility is customary and incidental to the established principle use of the property.</p> <p>All boat docking facilities are subject to, and shall comply with, all federal and state requirements and permits, including but not limited to the requirements and permits of the state department of environmental protection, the U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency.</p>	Required Comprehensive Plan Changes