

CITY OF MARCO ISLAND
ORDINANCE NO. 02-14

AN ORDINANCE TO ESTABLISH NEW SUBDIVISION STANDARDS AND REGULATIONS TO SUPERCEDE, REPLACE AND/OR SUPPLEMENT STANDARDS AND REGULATIONS FOUND IN THE COLLIER COUNTY LAND DEVELOPMENT CODE (ORDINANCE 91-102, AS AMENDED), AND CURRENTLY APPLICABLE TO SUBDIVISION ACTIVITY ON MARCO ISLAND; ESTABLISHING INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR GENERAL REQUIREMENTS; PROVIDING FOR EXEMPTIONS; ESTABLISHING APPROVAL PROCEDURES FOR SUBDIVISION PLATS; ESTABLISHING PRELIMINARY PLAT REQUIREMENTS; ESTABLISHING CONSTRUCTION PLAN REQUIREMENTS; ESTABLISHING RECORD PLAT REQUIREMENTS; PROVIDING REQUIRED CERTIFICATES ON FINAL PLAT; PROVIDING FOR FEES; PROVIDING FOR DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, state law requires municipalities to adopt Land Development Regulations within one year of Comprehensive Plan adoption; and

WHEREAS, the Marco Island Planning Board, as the Local Planning Agency, has conducted all required public hearings related to this ordinance, and has forwarded this ordinance to City Council with a recommendation of approval.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Marco Island, Florida that:

Section 1. Intent and Purpose.

It is the intent of this ordinance to provide for minimum standards regulating subdivisions. Such standards are necessary for the protection of the health, safety and general welfare of the citizens of the city. It is further the purpose of this ordinance to ensure that future subdivision activities conform with, and comply with all applicable codes and ordinances, including the comprehensive plan, of the City of Marco Island.

Section 2. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them as set forth in this section, except where the context clearly indicates a different meaning:

Alley means a roadway dedicated to public use which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Arterial street means a street that provides a high degree of mobility. Arterials connect major developments such as business districts, commercial centers, and residential communities. The average daily two-way trip generation rate exceeds 4,000 vehicle trips per day.

Collector street means a street that provides land access and public or private movement within residential, commercial and industrial areas. Collectors penetrate, but should not have continuity through, residential areas. Operating speeds and volumes are low. The average daily two-way trip generation rate ranges from 2,000 to 4,000 vehicle trips per day.

Local street means a street that provides land access, and can be local residential streets, local downtown streets, and local commercial/industrial streets. Local streets involve traveling to and from collector facilities. Trip lengths are short, volumes are low and speeds are low. The average daily two-way trip generation rate ranges from zero to 2,000 vehicle trips per day.

Private road means an approved road owned and maintained by the abutting property owners, and recorded on the final subdivision plat or other public records.

Subdivision means the division of a parcel of land into three or more parcels of land, for the purpose, whether immediate or future, of transferring ownership, or, if the establishment of a new street is involved, any division of a parcel of land. The term "subdivision" includes a resubdivision, and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Vehicular access easement, under limited circumstances, means a strip of land by which safe ingress/egress can be accommodated over and across residential zoned property(ies) to provide vehicular access to up to four residentially zoned lots. Said

vehicular access easement shall meet minimum standards of the city, and shall include appropriate pavement improvements for motor vehicle use, or a financial guarantee of completion posted with the city, prior to the issuance of any building permits for the lots served by the access easement. Said easement shall be recorded in the public records upon administrative review and approval by city staff.

Circumstances under which a vehicular access easement may be appropriate:

1. To serve lots of record that were originally platted with street frontage, but due to the Deltona Settlement Agreement, the street providing access cannot be constructed.
2. Where due to environmental constraints (e.g., wetlands, habitats, etc.) a vehicular access easement would be less impactful than a new public or private street.

Section 3. General Requirements

(a) It shall be unlawful for any person to create a subdivision of, or to subdivide, or to otherwise divide, any land in the City of Marco Island, except in strict conformance with the provisions of this ordinance and any applicable provisions of the comprehensive plan and the Land Development Code.

(b) No land shall be divided or subdivided, nor shall any subdivision occur or be created, platted, recorded or left unrecorded, nor shall any building permit for any structure to be constructed upon any land so subdivided be issued, unless such subdivision meets all of the provisions of this ordinance, the Land Development Code, and all of the provisions of any applicable federal, state and local laws, including the comprehensive plan.

(c) It shall be unlawful for any person to transfer, sell, or otherwise convey, to sell any land by reference to, exhibition of, or other use of, a plat of a subdivision of such land without having submitted a final subdivision plat of such land for approval to City Council as required by this ordinance and without having recorded the approved final subdivision plat as required in this ordinance.

(d) No approval of the final subdivision plat, improvement plans or authorization to proceed with construction activities in compliance with the same shall require the City of Marco Island to issue a development order or building permit if:

- (1) It can be shown that issuance of said development order or building permit will result in a reduction in the level of service for any public facility below the level of service established in the City of Marco Island comprehensive plan, or
- (2) Issuance of said development order or building permit is inconsistent with the comprehensive plan.

Notwithstanding the provisions of this ordinance, all subdivision and development shall comply with City of Marco Island ordinances regarding adequate public facilities.

Section 4. Exemptions.

The following shall be considered exempt from the subdivision procedures as outlined in this ordinance. However, such exemptions shall be reviewed and stamped "Exempt" by the Community Development Department prior to recordation of any documents related to the exempt subdivision.

- (a) The creation of two lots from one recorded lot of record if said lots created meet or exceed the minimum dimensional standards of the underlying zoning district, and all resultant lots have direct access to an existing public or private street. New lots created under this exemption shall be recorded and no further division allowed for a period of five years.
- (b) The combination or recombination of entire lots of record where no new streets or change in existing streets is involved.
- (c) The division of land into parcels of five (5) acres or more where no new street(s) are involved.
- (d) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots meet or exceed the minimum dimensional standards of the underlying zoning district.
- (e) The division of land within an existing cemetery for plots or lots.
- (f) The division of land created by any court in this state pursuant to the law of eminent domain, or by operation of law, or by order of any court.
- (g) The division of land which creates an interest or interests in oil, gas, or minerals which are now or hereafter severed from the surface ownership of real property.

Section 5. Approval Procedure for Subdivision Plats.

Preapplication:

Step No. 1. Prior to filing application for approval of a preliminary subdivision plat, the subdivider or his agent shall obtain from the community development department a list of data and requirements to be included in the preliminary plat, together with the overall plat approval procedure.

Application for Preliminary Plan Approval:

Step No. 2. The subdivider or his agent shall prepare a preliminary plat of the proposed subdivision in accordance with requirements contained in Section 6 and shall submit an application for preliminary plat approval to the community development department together with 20 copies of the preliminary plat. If a zoning change is required, the

applicant shall submit a rezone petition simultaneously with the application for preliminary plat approval. The department shall review the preliminary plat, and, if it determines the plat to be in order, a notice of public hearing before the planning board shall be advertised 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 of the public hearing. The community development department shall notify owners of property located within 300 feet of the property involved in the petition, informing them of the date, time, place and reason for the public hearing.

Step No. 3. At the public hearing, the planning board shall hear the petitioner or his designated representative and all other interested parties who may appear and request to be heard. Following the public hearing and after review of the preliminary plat, the recommendation of the community development department and other departments of the city, and the rezone petition, if applicable, the planning board shall submit its recommendation to the city council as soon as practicable. If rezoning is involved, the recommendation by the planning board will be made simultaneously on the preliminary plat and the rezoning after public hearing on the rezone petition.

Step No. 4. After considering the recommendation of the planning board, the city council may, after an advertised public hearing, approve or disapprove the preliminary plat by resolution. Concurrent with consideration of the preliminary plat city council shall take action on any rezone petition submitted simultaneously with the preliminary plat in accordance with procedures contained in the Land Development Code.

Application for Construction Plan Approval:

Step No. 5. After city council has approved the preliminary plat, the subdivider shall have the construction plans and specifications prepared per Section 7 and shall submit three copies thereof to the public works department for review. If the construction plans fully comply with all construction requirements, the public works director shall approve them, advise the community development department, after which the subdivider may proceed with subdivision development. Subdivisions which have received preliminary plat approval may proceed in accordance with development standards which were in effect at the time of preliminary plat approval, with the following exceptions: If construction plan approval has not been granted within one year of preliminary plat approval, or if the subdivision has not been completely developed within five years of preliminary plat approval, the construction plan approval shall expire, and new construction plans must be submitted for review and reapproval. Plans thus submitted for review and reapproval shall comply with all regulations in effect at the time the plans are resubmitted.

Applications for Record (Final) Plat Approval:

Record (final) plats will be approved by the city council either when all improvements are completed in accordance with the approved construction plans, or when security has been posted guaranteeing completion of improvements satisfactory in form to the

city attorney and city council, and equal in amount to 125 percent of the cost of all uncompleted improvements. A registered engineer shall prepare and submit a signed and sealed cost estimate, and the estimate must be approved by the city manager and city council.

Step No. 6. The subdivider has a record plat prepared, submits the original and one copy to the city manager or designee, and makes application for record plat approval. (See Section 8 for required information to be placed on the record plat.)

Step No. 7. When the city manager reports that the plat fully complies with all city requirements, the city council may grant final approval to the record plat.

Section 6. Preliminary Plat Requirements.

(a) The following information shall be furnished by the subdivider along with the application for preliminary plat approval:

- (1) The name and location of the proposed subdivision.
- (2) The name, address and telephone number of the subdivider.
- (3) The name, address and telephone number of the subdivision planner, engineer and surveyor.
- (4) Date, north point and scale.
- (5) A topographic survey at a one-foot vertical contour interval based on a mean low water datum, furnished by a licensed engineer or registered land surveyor.
- (6) The location of all existing improvements, utilities, drainageways, water surfaces, wooded areas, easements, roads, buildings, railroads, culverts etc., for the area to be developed, and sufficient adjacent lands surrounding the area to show the overall picture.
- (7) A location sketch showing the relationship of the proposed site to the surrounding area.
- (8) Proposed street and lot layout.
- (9) Method of sewage disposal and general description of proposed utility systems (water, sewer, gas, electric, telephone and television cable). Where it is proposed to use methods for sewage disposal other than central systems, the following are required:

- a. Subsoil examinations made by the county health department or by a licensed professional engineer at the rate of at least one such examination per acre of the proposed subdivision. Soil shall be examined to a depth of six feet where possible. The health department representative shall keep a duplicate log of each individual examination, which log shall show the various strata encountered, the approximate thickness of each, the depth of water-bearing sand, and the depth at which the water stabilizes. The health department or licensed engineer shall report the results of its examinations to the subdivider and the city.
 - b. Percolation tests as may be required or deemed necessary by the county health department or by the city.
- (10) Site and stormwater drainage management designs and calculations, furnished by a registered engineer.
 - (11) Proposed open areas, if any, including park sites, school sites, utility sites, community or publicly owned land, easements, etc.
 - (12) Proposed street trees and other elements in the right-of-way planting scheme.
 - (13) Present zoning and zoning of abutting land.
 - (14) Proposed zoning (if rezoning is petitioned).
 - (15) The acreage of the subdivision.

(b) Along with the application for preliminary plan approval, the subdivider shall furnish evidence in writing from appropriate state and county agencies that the preliminary plan complies with all state and county laws applicable thereto.

Section 7. Construction Plan Requirements.

(a) The following information shall be furnished by the subdivider and the appropriate utility companies at the time of application for approval of construction plans:

- (1) The name and location of the proposed subdivision.
- (2) The name, address and telephone number of the subdivider.
- (3) The name, address and telephone number of the subdivision planner, engineer and surveyor.

- (4) Date, north point and scale.
- (5) Existing and proposed topography at a one-foot vertical contour interval based on mean low water datum, furnished by a registered engineer or land surveyor. Spot elevations may be required to provide sufficient level of detail of localized topographical features.
- (6) Location of all existing improvements, utilities, drainageways, water surface, wooded areas, easements, roads, buildings, railroads and culverts.
- (7) A location sketch, showing the relationship of the proposed site to the surrounding area.
- (8) Street and lot layout, together with street profiles.
- (9) Utilities (water, sewer, gas, electric, telephone and television cable) plans.
 - a. Where it is proposed to use methods for sewage disposal other than a public or private central system, the following are required:
 1. Submission to the county health department of satisfactory engineering plans is required showing that the groundwater table can be maintained at not less than 36 inches below ground level.
 2. All fill used shall meet FDOT standards. No marl, clay, muck, hardpan or other such unstable material shall be used for fill.
 - b. Where it is proposed to install a sewage disposal system other than the existing central sewer system, the following are required:
 1. Submission to the county health department of acceptable plans of the sewage disposal system, which shall include the method of disposal of sewage effluent.
 2. Final plan approval and approval number of the sewage disposal system by the state board of health.

3. A license from the city granting permission to operate the proposed system.
 4. Satisfactory agreement between the city and the developer that as soon as the sewage disposal system is in operation all septic tank use will be discontinued and all sewage directed into the central system.
- c. Construction plan approval may also be obtained if the subdivider concludes a satisfactory agreement with a licensed operator in which the operator agrees to install and operate a sewage disposal system within the subdivision. The other provisions called for in this section must be complied with even though such an agreement is concluded.
- (10) Complete drainage plans and calculations, profiles and cross sections for on-site drainage improvements and, if necessary, off-site drainage improvements for stormwater outfalls and discharge.
 - (11) Open areas, including park sites, school sites, utility sites, community or publicly owned land, easements, etc.
 - (12) Landscaping, street trees, and other elements in the right-of-way plans.
 - (13) A typical street right-of-way cross-section, showing construction details for each type of street proposed.
 - (14) An affidavit by the surveyor or engineer certifying that all lots meet or exceed the minimum area and width requirements of the Land Development Code.
 - (15) A signed and sealed estimate by a licensed engineer of the cost of improvements, or bids by two reputable bondable contractors for completion of improvements.

(b) Subsequent to approval of the construction plans, if changes are made during construction, the approved construction plans shall be modified so as to be an as-built record of the completed construction, signed and sealed by the developer's licensed engineer. Three complete sets of record drawings shall be furnished to the city manager within 90 days after final inspection and acceptance of constructed improvements.

Section 8. Record Plat Requirements.

- (a) The following information shall appear on the record plat:
- (1) Recorded permanent reference monument, or description and tie to such control point, to which all dimensions, angles, bearings and similar data on the plat shall be referred.
 - (2) Tract boundary lines, right-of-way lines of streets, alleys and easements, and property lines, all to be described by accurate dimensions, bearings or deflection angles, radii, arcs and central angles of all curves.
 - (3) Name or number and right-of-way width of each street or other right-of-way, including canals or abutting waterways.
 - (4) Location, dimensions and purposes of any easements.
 - (5) Lot numbering. Lots shall be numbered progressively, or, if in blocks, progressively numbered in each block, and the blocks progressively lettered or numbered.
 - (6) Location and description of permanent reference monuments.
 - (7) The names of record owners of adjoining unplatted land.
 - (8) Reference to recorded subdivision plats of adjoining platted land by record name, plat book and page number.
 - (9) Bulkhead lines, where applicable, adequately described as to location.
 - (10) Title, scale and north arrow.
 - (11) The name of the subdivision.
 - (12) Accounting for all land. All land within the boundaries of the plat must be accounted for either by blocks, lots, parks, streets, alleys, canals or excepted parcels.
 - (13) A location sketch.
 - (14) Required certificates (See Section 9).
- (b) All final plats shall be drawn in India ink on tracing cloth 19 inches wide by 24 inches long or 24 inches wide by 36 inches long, including a three-inch binding margin on the left side.

- (c) All plats shall be prepared and filed in compliance with this ordinance and the state maps and plats statute, F.S. ch. 177. Computation sheets showing closure of boundary surveys shall accompany submission of the final plat.

Section 9. Required certificates on final plat.

Required certificates on the final plat are as follows:

- (1) Certificate of ownership and dedication for corporations.

CERTIFICATE OF OWNERSHIP AND DEDICATION
(For Corporations)

TABLE INSET:

STATE OF FLORIDA,
COUNTY OF COLLIER)

_____, a Florida Corporation by its duly elected President,
_____, and by its duly elected Secretary,
_____, acting by and with authority by its Board of Directors,
certifies ownership by said Corporation of the property described herein,
and does hereby dedicate and convey ownership to all of the streets,
walks, paths, alleys, thoroughfares, parks and other open spaces, canals
and drainage facilities, and underlying land thereon, shown on this plat to
the city for use by the general public forever.

IN WITNESS WHEREOF, the undersigned Corporation has caused these
presents to be executed by its President and attested by its Secretary.

TABLE INSET:

(CORPORATE SEAL)

By: _____
President

ATTEST:

Secretary

Approved by Mortgage Holders:

TABLE INSET:

STATE OF FLORIDA)
COUNTY OF COLLIER)

Before me, the undersigned Notary Public, personally appeared _____, President, and _____, Secretary of _____, a Florida Corporation, to me known to be the individuals described in and who executed the foregoing certificate of dedication, and they each duly acknowledged before me that they executed the same as such officers for and in behalf of said Corporation.

WITNESS my hand and official seal at Naples, Collier County, Florida, this _____ day of _____, A.D., 20_____.

TABLE INSET:

Notary Public, State of Florida at Large

My Commission expires _____.

(2) Certificate of ownership and dedication for individual owners.

CERTIFICATE OF OWNERSHIP AND DEDICATION
(For Individual Owners)

TABLE INSET:

STATE OF FLORIDA)
COUNTY OF COLLIER)

_____ and _____, husband and wife, certify that we are the owners of the property described hereon, and do hereby dedicate all of the streets, alleys, walks, paths, thoroughfares, parks and other open spaces, canals and drainage or other easements shown on this plat to the use of the general public forever.

IN WITNESS WHEREOF, we have hereunto set out hands and seals, this _____ day of _____, 20_____.

WITNESSES:

TABLE INSET:

_____(SEAL)
_____(SEAL)

TABLE INSET:

Approved by Mortgage Holders:

TABLE INSET:

STATE OF FLORIDA)
COUNTY OF COLLIER)

BEFORE ME, the undersigned Notary Public, personally appeared _____ and _____, husband and wife, to me known to be the individuals described herein and who executed the foregoing certificate of dedication, and they each duly acknowledged before me that they executed the same.

WITNESS my hand and official seal at Naples, Collier County, Florida, this _____ day of _____, A.D., 20_____

(SEAL)

TABLE INSET:

Notary Public, State of Florida at Large

My commission expires: _____.

(3) Surveyor's certificate.

SURVEYOR'S CERTIFICATE

I, the undersigned Registered Land Surveyor, hereby certify that to the best of my knowledge and belief this plat is a true representation of the lands described and shown, and that permanent reference boundary monuments have been placed as required by these regulations and the Statutes of the State of Florida thereunto appertaining.

TABLE INSET:

Date of Survey: _____

Signature: _____

Name

Registered Land Surveyor

Florida Certificate No. _____

TABLE INSET:

Approved _____
Public Works Director
Date _____

(4) Certificate of approval of city council.

CERTIFICATE OF APPROVAL OF CITY COUNCIL

TABLE INSET:

STATE OF FLORIDA)
CITY OF MARCO ISLAND)
COUNTY OF COLLIER)

It is hereby certified that this plat has been officially approved for record by the City of Marco Island, Florida, this _____ day of _____, A.D., 20_____.

ATTEST:

TABLE INSET:

City Manager/City Clerk

Chairman, City Council

City Attorney

(5) Certificate of approval of clerk of circuit court.

CERTIFICATE OF APPROVAL OF CLERK OF CIRCUIT COURT

TABLE INSET:

STATE OF FLORIDA)
COUNTY OF COLLIER)

I, _____, Clerk of the Circuit Court of Collier County, Florida, hereby certify that this plat has been examined and that it complies in form with all the requirements of the Statutes of Florida pertaining to maps and plats, and that this plat has been filed for record in Plat Book _____,

Page _____, Public Records of Collier County, Florida, this _____ day of _____, A.D., 20_____.

TABLE INSET:

Clerk of the Circuit Court
Collier County, Florida

(6) Easement dedication.

EASEMENT DEDICATION

There are hereby expressly dedicated, perpetual non-exclusive public easements of 10 feet along the rear lines of all lots for underground and overhead utilities, surface and underground drainage, and easements of 6 feet on each side lot line for the same purposes, but limited if used to one side of any one lot. Where more than one lot is intended as a building site, the outside boundaries of said building site shall carry the easements. The use of such easements by the city shall be supreme to the use by any other party. All other easements shown on this plat are hereby reserved in perpetuity for the purposes noted.

Section 10. Fees; recording of final plat.

(a) Subdivision plat fees shall be established by city council by resolution for the following:

- (1) Preliminary plats or plans
- (2) Final plats or plans

(b) The subdivider shall have the final plat or plan recorded in the circuit court clerk's office and shall furnish to the city clerk one Mylar (reproducible) and three paper (nonreproducible) prints of the recorded plat or plan.

Section 11. Design standards and improvement requirements.

(a) Conformance with comprehensive plan. The street and drainage improvements shall conform and be properly related to the transportation network contained in the comprehensive plan of the city.

(b) Street extensions. The street system shall compliment existing streets and shall make possible the future extension of streets into adjacent undeveloped land where appropriate.

(c) Driveway intersections. Local residential streets shall be planned so that residential lots will not have drives onto arterial streets.

(d) Angle of intersections. Intersections shall be as nearly at right angles as possible. All interior angles of intersections less than ninety degrees shall be reviewed and approved by the Public Works Director.

(e) Type of intersections. In residential areas, "T" intersections are preferable to four-way intersections.

(f) Reserved.

(g) Offset intersections. Street jogs with centerline offsets of less than 200 feet are prohibited.

(h) Radius of curves. A tangent provided between reverse curves on collector streets shall comply with current FDOT standards. Minimum radius of centerline curvature on collector streets shall comply with current FDOT standards.

(i) Radius of curvature at intersections. Radius of curvature at back of curbline of street intersections shall comply with current FDOT standards.

(j) Bridges. All bridges proposed shall comply with state and federal requirements

(k) Private streets. Private streets are prohibited unless specifically approved by City Council.

(l) Width of right-of-way.

(1) The minimum width of street right-of-way shall be as follows:

a. Arterial streets: 120 feet.

b. Collector streets: 100 feet.

c. Local residential streets: 60 feet.

d. Turnaround diameter on dead-end streets (cul-de-sac): To be determined on a case-by-case basis.

(2) Subdivisions that adjoin existing streets which do not meet the minimum right-of-way requirements shall provide the following additional right-of-way or easements:

- a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
 - b. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way shall be provided.
- (3) Engineering requirements may result in greater right-of-way requirements than the minimums stated in this subsection. For standard street cross sections, refer to the city development specifications.
- (m) Curbs. Concrete curb, curb and gutter or valley gutter, as approved by the city, shall be constructed along both sides of all streets, except in the case of temporary street construction, in which case the city council may waive the requirement.
- (n) Minimum lane width:
- (1) Arterial streets. 11 feet.
 - (2) Collector I streets. 11 feet.
 - (3) Local residential streets. 10 feet
 - (4) Dead-end streets. To be determined on a case-by-case basis.

Streets.

- (o) Construction specifications. All streets in new subdivisions shall consist of a properly prepared subgrade, an approved road base, and an asphaltic concrete wearing surface.

Alleys.

- (p) Alleys shall be provided at the rear of commercial and industrial properties, except waterfront properties. Where utilized, alleys shall be designed and constructed to accommodate their use by service vehicles. Alley right-of-way width shall be a minimum of 50 feet.

Blocks.

- (a) Block lengths shall not normally exceed 1,500 feet. Exceptions may be made when blocks border arterial streets or the waterfront, or in other unusual design situations.
- (b) Corner lots shall be at least 15 percent wider at the front building lines than the minimum width permitted in the zoning district in which they are located.

- (c) Through lots shall be avoided except where essential to provide separation of residential development from major streets or to overcome specific development disadvantages.
- (d) Side lot lines shall be substantially at right angles to or radial to street lines where practicable.

Drainage.

An adequate storm drainage system, including necessary curbs, pipes, drop inlets, bridges, swale ditches, ponds, lakes and their outlets, subsurface drains, etc., shall be provided for the proper drainage of surface water. For construction details, refer to the city development specifications, culverts,

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.

Utilities.

- (a) Water service. The subdivider shall provide for a public water distribution system. Water distribution lines, sized and placed in accord with the city or utility provider development specifications, shall be installed and dedicated by the subdivider. If water service to other areas will be facilitated by installing larger mains than necessary to serve the developer's subdivision, the city may require that the larger pipes be installed. In this event, the city or other parties shall pay the difference between the actual cost and the cost which would have been incurred had larger pipes not been required.
- (b) Sewer service. Pursuant to connection requirements contained in the comprehensive plan.
- (c) Electric, telephone and television cable service. Electric, telephone and television cable service shall be provided to each building lot in accord with the city development specifications.

Recreation area and facilities.

Each subdivision shall be served by recreation lands and facilities appropriate to the needs of the subdivision's future residents. Appropriate recreation areas and facilities will vary with the size and nature of the subdivision. Subdivision developers may either dedicate recreation lands to the city for public recreation

areas, or create recreation areas and facilities for the exclusive use of future residents of the subdivision. No specific recreation area or facilities requirement is made, but the planning board and city council shall ensure that an appropriate amount of recreation land and facilities are included in each new subdivision.

Planting of street trees in right-of-way; grassing of unpaved portions of right-of-way.

Street trees shall be installed along both sides of all subdivision streets. All unpaved portions of rights-of-way shall be seeded or sprigged. All such designs and planting work shall be in conformance with city standards.

Planting of street trees in right-of-way; grassing of unpaved portions of right-of-way.

Street numbers and names.

Street numbers shall be assigned by the department of development services. Proposed streets which are obviously in alignment with others existing and named shall bear the assigned name of the existing streets. In no case shall the name for a proposed street duplicate or be phonetically similar to existing street names, and the fact that the name is sought to be distinguished only by employing a different designation of the type of public way, such as street, avenue, boulevard, drive, place, court and the like, shall not suffice. Street names shall require the approval of the postmaster of the city post office.

Street name signs.

City-approved street name signs shall be installed by the developer at each street intersection.

Security guaranteeing completion of improvements.

- (a) Where the required improvements have not been completed prior to the submission of the record plat, the approval of the plat shall be subject to the subdivider guaranteeing the installation of the improvements by filing a performance bond, cashier's check or other security acceptable to the city attorney and city council, in the amount of 125 percent of the construction cost, as approved by the city manager. Whenever security guaranteeing performance is posted, the security instrument may provide that portions of the security deposit, proportionate to the work completed, may be released to the subdivider as work progresses. The amount to be released shall be determined by the city manager in accordance with the provisions of this subsection, subject to the approval of the city council. The cost of any state and federal documentary stamps and any other fees for recording security instruments shall be paid in cash to the city by the subdivider.

- (b) Amounts given as security in cash or by certified or cashier's check may, at the option of the subdivider and with the approval of the city, be deposited in an interest-bearing account, or invested in some other manner. Any interest which may be earned on such security furnished by a subdivider shall be due and payable to the subdivider upon satisfaction of the requirements and conditions of the bond.

Maintenance of improvements.

For a period of at least one year following city certification of completion and acceptance of the required subdivision improvements of each unit, the subdivider shall be responsible under a performance or maintenance bond for performing any maintenance work deemed by the city to be the result of defective construction materials or installation.

Vacation of streets, alleys, easements and subdivision plats.

- (a) Petitions to vacate, abandon, discontinue or close any public street, alleyway, dedicated easement or subdivision plat, either in whole or in part, may be initiated by the city council, the planning advisory board or the city manager, or by any person affected thereby.
- (b) Such petitions shall be filed with the city manager or his designee, and shall be accompanied by a legal description of the property or easement proposed to be vacated, certified by a qualified engineer. Petitions to vacate any plat, either in whole or in part, shall be accompanied by an attorney's opinion verifying that the person making application for the vacation owns the fee simple title to the whole or part of the tract covered by the plat sought to be vacated.
- (c) A processing fee established by city council by resolution is required.
- (d) The planning board shall hold a public hearing to consider such petitions, and, as soon as practicable thereafter, the board shall submit its recommendation in writing to the city council, together with a copy of the minutes of the hearing. The city council shall hold a public hearing to consider the vacation, and shall publish notice thereof in a newspaper of general circulation in the city in not less than two weekly issues of the paper.
- (e) Following the public hearing, the city council may, by resolution, approve the vacation if it is determined that there is no present necessity, or reasonably foreseeable necessity, for the retention of the street, alleyway, easement or subdivision plat, and that the right to convenient access of adjoining property owners will not be affected thereby.

Section Eleven: Incorporation, Conflict and Severability

- [A] It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City of Marco Island, Florida, and that the sections of this Ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article" or other appropriate word.
- [B] All sections or parts of sections of the Code of Laws and Ordinances of Collier County, Florida, all Collier County ordinances or parts of ordinances, and all Collier County resolutions or parts of resolutions made applicable by the City Charter in conflict herewith are hereby repealed to the extent of such conflict.
- [C] If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid by any court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section Twelve: Effective Date

This Ordinance shall take effect immediately upon adoption by the Marco Island City Council.

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida this 4th day of March, 2002.

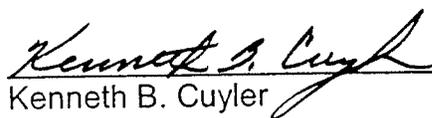
Attest:

CITY OF MARCO ISLAND, FLORIDA


A. William Moss
City Manager/City Clerk

By: 
E. Glenn Tucker, Chairman

Approved as to form and
Legal sufficiency:


Kenneth B. Cuyler
City Attorney

