

**CITY OF MARCO ISLAND
ORDINANCE 01-15**

AN ORDINANCE TO ESTABLISH NEW RESIDENTIAL SINGLE-FAMILY DISTRICTS (RSF) STANDARDS AND REGULATIONS TO SUPERSEDE, REPLACE, AND/OR SUPPLEMENT STANDARDS AND REGULATIONS FOUND IN THE COLLIER COUNTY LAND DEVELOPMENT CODE, AND CURRENTLY APPLICABLE TO RSF USES AND DEVELOPMENT ON MARCO ISLAND; ESTABLISHING INTENT AND PURPOSE; ESTABLISHING PERMITTED USES; ESTABLISHING ACCESSORY USES; ESTABLISHING CONDITIONAL USES; PROVIDING FOR DIMENSIONAL STANDARDS; PROVIDING FOR SUPPLEMENTAL STANDARDS; PROVIDING FOR MINIMUM LANDSCAPING REQUIREMENTS; PROVIDING FOR ARCHITECTURAL AND SITE DESIGN GUIDELINES; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 7.03 of the Marco Island City Charter recognized the Collier County Land Development Code (LDC) as the effective development regulations for Marco Island until such time as the City adopted its own Land Development Code; and

WHEREAS, Chapter 163, Florida Statutes, requires that a municipality adopt a Land Development Code within one year of Comprehensive Plan approval; and

WHEREAS, Marco Island seeks to promote, protect, and enhance our “tropical small town” residential character through prudent standards and regulations for new development and redevelopment; and

WHEREAS, the Marco Island City Council deems such standards and regulations as necessary to ensure the orderly use and development/ redevelopment within residentially zoned districts.

WHEREAS, the Marco Island Planning Board, as 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:

Section 1. Intent and Purpose.

It is the intent and purpose of this Ordinance to establish residential single-family (RSF) district regulations to provide comprehensive standards for uses and activities on lands primarily intended for detached, single-family residences. The RSF districts are intended to be single-family residential areas of low density. The nature of the uses

allowed, either by right or by conditional approval, reflect the desire to promote orderly residential development and uses that will compliment the existing built environment, and comply with underlying minimum standards, density provisions, and aesthetics. It is further intended that this Ordinance shall be liberally construed to effect such intent and purpose.

Section 2. Permitted Uses.

The following uses are permitted as of right in all the residential single-family districts:

- (1) Single-family dwellings.
- (2) Family care facilities subject to the Land Development Code.
- (3) Public parks and open space.

Section 3. Accessory Uses.

The following uses are permitted as uses accessory to permitted uses in all the residential single-family districts (RSF):

- (1) Uses and structures that are accessory and incidental to uses permitted as of right in the RSF districts.
- (2) Private docks, subject to Chapter 54, Article IV.
- (3) Home Occupations, subject to Chapter 30, Article III.
- (4) Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or preliminary subdivision plat for that development.

Section 4. Conditional Uses.

The following uses are permissible as conditional uses in all the residential single-family residential districts (RSF), subject to the standards and procedures established in the LDC:

- (1) Churches and houses of worship.
- (2) Schools, public and private.
- (3) Guesthouses.
 - (a) Underlying lot(s) must total 1 acre (43,560 square feet) or more. The living area of a guesthouse shall not be larger than 40% of the air-conditioned, enclosed living area (excluding garages, carports, patios, porches, utility areas and the like) of the principal dwelling.

(b) A guesthouse shall not be used for commercial purposes, including leasing or renting. Similarly, if a main residence is leased or rented, a guesthouse may not be occupied by the property owner.

- (4) Childcare centers and adult day care centers.
- (5) Group care facilities (Category I & II) as defined in the Land Development Code.

Section 5. Dimensional Standards and Regulations.

(1) The following dimensional standards and regulations shall apply as presented to all permitted uses within the various residential single-family (RSF) districts.

	RSF 2	RSF 3	RSF 4
Maximum Density (Units per gross ac)	2	3	4
Minimum Lot Area	20,000 S.F.	10,000 S.F.	7,500 S.F.
Minimum Lot Width	120 Ft.	95 Ft. (corner) 80 Ft. (interior)	75 Ft. (corner) 70 Ft. (interior)
Minimum Depth of: 1. Front Yard 2. Rear Yard 3. Side Yard	25 Ft. 25 Ft. Lots with <100 Ft.-7½ Ft Lots with >100 Ft.-8 Ft. Waterfront Lots*-10 Ft.	25 Ft. 25 Ft. Lots with <100 Ft.-7½ Ft Lots with >100 Ft.-8 Ft. Waterfront Lots*-10 Ft.	25 Ft. 25 Ft. Lots with <100 Ft.-7½ Ft Lots with >100 Ft.-8 Ft. Waterfront Lots*-10 Ft.
Minimum Floor Area (living area)	1,500 S.F.	1,500 S.F.	1,500 S.F.

* See Definitions for irregular shaped lots and waterfront lots.

(2) *Accessory Structure Setbacks:* Pursuant to the Land Development Code, accessory structures must be constructed simultaneously with or following the construction of the principal structure.

(3) *Maximum height:*

(a) *Principal structures:* thirty-five (35) 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.

- (b) *Accessory structures*: twenty (20) feet as measured from existing ground elevation on average of the subject parcel except for attached screen enclosures which may equal the maximum height permitted for the principal structure.
- (c) The height limitations do not apply to spires, belfries, cupolas, approved communications towers, water tanks, fire towers when operated by a branch of government, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level. Human occupancy, even casual use, is prohibited except for routine maintenance.

Section 6. Supplemental Standards and Regulations.

(1) Deed Restrictions:

Significant portions of Marco Island are subject to recorded deed restrictions. As the City of Marco Island is not responsible for enforcement of private deed restrictions, it is incumbent upon individuals to know what private restrictions may apply to their property.

(2) 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.

- a. Sills and other architectural and design treatments shall not project over twelve (12) inches into a required yard.
- b. Moveable awnings shall not project over three (3) feet into a required yard.
- c. Window-mounted air-conditioning units, chimneys, fireplaces, bay windows, or pilasters shall not project over two (2) feet into a required yard.
- d. Wall-mounted, cube mounted, or cantilevered air conditioning units shall not project over two (2) feet into a required side or four (4) feet

- into the rear yard. Units permitted prior to January 1, 2002 shall not project over four (4) feet into a required side or rear yard.
- e. Fire escapes and balconies that are unroofed and unenclosed shall not project over three (3) feet into a required side or rear yard. Staircases shall not project over four (4) feet into any required yard.
 - f. Hoods, canopies, or roof overhangs shall not project over three (3) feet into a required yard.
 - g. Fences, walls, privacy walls, vegetative materials, hedges, pool equipment and pad-mounted air conditioners are permitted in required yards, subject to conditions contained herein.
 - h. Cornices, eaves, or gutters shall not project over three (3) feet into a required yard.
 - i. Satellite Dishes having a diameter of eighteen (18) inches or less which are attached to the principal structure shall not project over three (3) feet into a required side or rear yard.
- (3) Boat docking facilities: Pursuant to Chapter 54, Article IV.
- (4) Kitchens in dwelling units: A dwelling unit may have a second kitchen provided all rooms in the dwelling unit are, and remain, internally accessible.
- (5) Utility structures:
- (a) Utility storage structures (sheds) shall be physically attached to, and architecturally integrated into the principal structure.
 - (b) Such attachment may be located below the base flood elevation if devoted solely to storage use.
 - (c) No freestanding utility shed of any type or material shall be permitted.
- (6) Home Occupations: Pursuant to Chapter 30, Article III.
- (7) Parking:
- (a) All new single-family dwelling units shall provide at least two (2) stabilized off-street parking spaces, inclusive of garage area. All other permitted and conditional uses shall meet the parking requirements contained in the Land Development Code.

- (b) Vehicles shall be parked on the property on surfaces specifically intended for, and customarily used for, motor vehicle parking.
- (8) Recreational Vehicle Parking: The parking of recreational vehicles is prohibited except as follows:
- (a) When vehicle is parked within the confines of a fully enclosed structure such that it cannot be seen from any abutting property or public right-of-way.
 - (b) When parked in the open on the driveway of the property for a period of time not to exceed 24 hours to allow for loading and unloading.
 - (c) Upon receipt of a permit from the Code Enforcement Division provided that:
 - 1) Parking shall not exceed seven (7) days for the purpose of loading, unloading, minor repairs, and cleaning prior to or after a trip.
 - 2) The permit shall be affixed to the vehicle in a conspicuous place.
 - 3) Prior to the expiration of the seven (7) day permit, a second seven (7) day permit may be issued upon a finding by the Code Enforcement Division that the permittee has complied with permit conditions.
 - 4) A maximum of four (4) permits, or twenty-eight (28) total days, may be granted in any single calendar year.
 - 5) In no event shall recreational vehicles be used for living or sleeping purposes.
- (9) Boat and boat trailer parking:
- (a) The parking of a boat and boat trailers is prohibited except as follows:
 - 1) When boat or boat trailer is parked within the confines of a fully enclosed structure such that it cannot be seen from any abutting property, public way, or waterway.
 - 2) On a temporary basis, not to exceed eight (8) hours, for the purpose of loading, unloading, and cleaning.

- 3) When moored, berthed, or stored on an approved boat docking facility.
- (b) The display of a boat for sale is prohibited.
- (10) Commercial vehicle parking: Pursuant to the Land Development Code.
- (11) Outdoor lighting (including docking facilities): Pursuant to City of Marco Island Outdoor Lighting Standards.
- (12) Garage and Yard Sales: Garage and yard sales are prohibited except as follows:
 - (a) Upon the issuance of a permit. A two (2) day permit may be issued for a garage sale, lawn sale, or similar private home sales every twelve (12) months.
 - 1) The permitted garage/yard sale shall be valid for no more than two (2) days.
 - 2) The permit shall authorize the use of a temporary sign located on the permitted property. No signage shall be placed off-site or upon the public right-of-way.
 - (b) Items offered for sale shall be generally recognized as household goods and wares. Pre-packaged, bulk items, vehicles, construction materials (i.e., doors, windows, fixtures) shall not be displayed or offered for sale.
- (13) Vehicle Sales: The display of vehicles for sale is prohibited except as follows:
 - (a) Upon the issuance of a permit. A permit may be issued for vehicle sales as follows:
 - 1) One (1) permit per calendar year for private vehicle sales.
 - 2) The permit shall be for a maximum of fourteen (14) days.
 - 3) Any vehicle offered for sale shall have a valid license plate and be parked on the driveway or an impervious surface intended for vehicle parking, with the permit clearly affixed in the window of the vehicle.
 - 4) One "For Sale" sign shall be allowed, affixed to the window of the vehicle.

- 5) Permits shall only be issued to the title-holder of the vehicle who shall either be the owner of the subject property, or able to produce an affidavit of permission from the property owner.
 - 6) No vehicle for sale shall be parked on a vacant residential lot or in the public right-of-way.
 - 7) No more than one vehicle at a time may be offered for sale.
- (14) Signage Standards: Pursuant to Land Development Code.
- (15) Fences and walls:
- (a) Height:
 - 1) Fences or privacy walls placed within required yards shall be limited to six (6) feet in height except that no fence placed between the front building line and the front property line of lots or parcels less than 1.25 acres in size shall be greater than four (4) feet in height.
 - 2) Fences or walls placed within the required rear yard of waterfront lots one acre or less in size shall be limited to four (4) feet in height.
 - 3) Corner lots shall maintain fences or walls at three (3) feet within sight triangle areas, as shall fences or walls abutting points of vehicular ingress/egress from residential lots.
 - 4) Up to four (4) six (6) foot entry posts may be incorporated as part of an approved fence in the front yard(s).
 - b) Materials:
 - 1) Fences and walls shall be constructed of conventional building materials such as, but not limited to concrete block, brick, wood, decorative iron or steel.
 - 2) Coated chain-link fencing shall only be allowed in side yards beyond the front yard setback, and in rear yards.
 - 3) Fences and walls shall be constructed to present the finished side of the fence or wall to the adjoining lot or any abutting right-of-way.

(16) Flagpoles:

- (a) One flagpole is permitted and shall not exceed twenty-five (25) feet in height above finished grade.
- (b) A flagpole over fifteen (15) feet in height shall require a building permit prior to installation.
- (c) Up to three (3) non-commercial flags may be flown from an approved flagpole.

(17) Satellite Dishes; Antennae; Towers:

- (a) One satellite dish having a diameter of thirty-six (36) inches or less shall be allowed without a permit if the dish is attached to the side or rear of the principal structure and within allowed protrusion limits.
- (b) Satellite dishes over thirty-six (36) inches in diameter, antennae(s) or other signal receiving or transmitting equipment to be located on a single family lot must be reviewed and permitted by the City.
- (c) The installation of antennae(s) or other signal receiving/transmitting equipment that creates electrical interference or is deemed to be out of scale or character of the neighborhood is prohibited unless a compelling public purpose can be established by the applicant, and acknowledged by the City.
- (d) The maximum permitted height for antennae attached to a residential structure is forty (40) feet, thirty-five (35) feet for approved, freestanding towers.
- (e) The maximum permitted height for approved freestanding towers is thirty-five (35) feet.
- (f) Additional height may be requested under the variance provisions contained in the LDC.
- (g) All existing satellite dishes located on a single-family lot with a diameter of thirty-six (36) inches or greater shall be removed by December 31, 2003.

(18) Children's play equipment:

- (a) Children's play equipment (swings, slides, etc.) shall be allowed in side and rear yards.

- (b) Equipment that is attached to the ground shall be setback a minimum of seven and one-half (7.5) feet from any side or rear property line.
- (c) No owner shall allow such play equipment to become dilapidated, deteriorated, structurally unsound, unsightly or a safety hazard.

Section 7: Minimum Landscaping.

- (1) Minimum landscaping shall be provided pursuant to the Land Development Code.
- (2) Areas adjacent to the subject residential lot located within the public right-of-way are subject to conditions contained in the Marco Island Right-of-Way Ordinance.

Section 8: Structural and Site Design Guidelines.

Purpose and intent: 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 of Marco Island 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.

- (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).
- (2) Roof composition and detail elements:
 - (a) The introduction of composition elements such as dormers, cupolas, and other ornamentation is encouraged to customize the

mass of individual homes. Generous overhangs, built-up fascia and the use of cornice trim under the soffits adds an additional level of detail to distinguish homes. Building plans shall demonstrate desired roof composition and detail elements, but are not required for building plan approval.

(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 façade of the structure, and encouraged, but not required, on two or more sides of the structure.

(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 façade.
 - 2) Feature windows, additional banding/trim on other windows, and operable shutters scaled to match the window size are encouraged, but not required for building plan approval.
- (b) The entrance to the home shall be one of the most prominent elements of the façade.
 - 1) Sidelight windows, decorative glass, and transoms add visual interest to the door, and are encouraged, but not required for building plan approval.

(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% of the primary façade.
 - 2) The garage shall be a side-loading garage.
 - 3) The garage shall be setback at least five (5) feet behind the plane of the front façade.

- (b) To further enhance street appeal, windows on the garage wall facing the street and extra thick (16") walls at the garage opening are encouraged, but not required for building plan approval.
- (6) Porches, verandahs, loggias, and balconies:
 - (a) These elements are highly encouraged, but not required, and should be designed to take advantage of prevailing breezes, create shade, break down the mass of the structure, and extend indoor living to the outside.
 - (b) Elements such as columns with five (5) inch + diameters, balconies with decorative support brackets, and porches/loggias/verandahs greater than five (5) feet deep by eight (8) feet in length are encouraged, but not required for building plan approval.
- (7) Stilt home requirements:
 - (a) Additional landscaping shall be provided for stilt home structures that have unenclosed space on any front or side yard.
 - (b) The portion of the stilt home not enclosed, excluding the driveway entrance, shall provide vegetative screening at a height of four (4) feet at installation, and shall be maintained at a minimum height of six (6) feet.
 - (c) Painted lattice can be utilized to support and enhance the vegetative screening.
- (8) Driveways:
 - (a) Vehicle access facilities shall be stabilized and compacted.
 - (b) Vehicle access facilities shall have a minimum setback of seven and one-half (7.5) feet from any property line for front-loading garages or five (5) feet for side-loading garages. The setback is required to facilitate the installation and maintenance of landscape materials.
- (9) Site drainage:
 - (a) Site plans shall contain sufficient detail and information to allow for a review of proposed on-site drainage management.
- (10) Erosion control:

- (a) Site plans shall contain sufficient detail and information to allow for a review of proposed on-site erosion control.
 - (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.
 - (c) Failure to maintain approved erosion control devices shall result in prompt code enforcement action and the suspension of on-site inspections until rectified.
- (11) Unusual site topography:
- (a) On any lot where the average pre-development grade is greater than eighteen (18) inches above or eighteen (18) inches below the average crown of the adjacent road, the applicant shall incorporate the abutting right-of-way area into the site plans submitted for review.
 - (b) The site plan shall contain sufficient detail of existing and proposed conditions within the abutting right-of-way area to facilitate review of proposed driveways, sidewalks, erosion control, utilities, and other improvements such as stormwater management.

Section 9. Incorporation, Conflict and Severability.

- (1) 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.
- (2) 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 City Charter in conflict herewith are hereby repealed to the extent of such conflict.
- (3) 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 10. Penalties for Violation.

- (1) Pursuant to Section 162.22, Florida Statutes, a person found to be in violation of this Ordinance may be charged with a fine, not to exceed \$500.00, and may be sentenced to a definite term of imprisonment, not to exceed 60 days. Each violation or non-compliance shall be considered a separate and distinct offense. Further, each day of continued violation or non-compliance shall be considered as a separate offense.
- (2) Violation of this Ordinance may also be prosecuted before the Marco Island Code Enforcement Board.

Section 11. Effective Date.

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

Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 17th day of September 2001.

Attest:

CITY OF MARCO ISLAND, FLORIDA

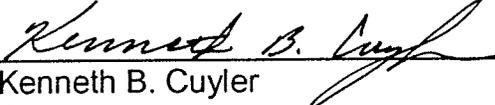


A. William Moss
City Manager/City Clerk

By: 

E. Glenn Tucker, Chairman

Approved as to form and
Legal sufficiency:



Kenneth B. Cuyler
City Attorney