

CITY OF MARCO ISLAND

ORDINANCE 01- 37

AN ORDINANCE TO ESTABLISH NEW SITE DEVELOPMENT AND SITE IMPROVEMENT PLAN 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 THE SITE DEVELOPMENT AND SITE IMPROVEMENT PLANS ON MARCO ISLAND; ESTABLISHING INTENT AND PURPOSE; PROVIDING FOR APPLICABILITY AND EXEMPTIONS; PROVIDING FOR SITE DEVELOPMENT AND SITE IMPROVEMENT PLAN STANDARDS; PROVIDING FOR SITE DEVELOPMENT PLAN REVIEW PROCEDURES; PROVIDING FOR PERMITS; PROVIDING FOR AMENDMENTS; PROVIDING FOR SITE IMPROVEMENT PLAN REVIEW PROCEDURES; PROVIDING FOR SITE IMPROVEMENT PLAN SUBMITTAL REQUIREMENTS; PROVIDING FOR TIME LIMITS; PROVIDING FOR VIOLATIONS; 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 may exercise any power for municipal purposes, except when expressly prohibited by law; 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

SECTION ONE: INTENT AND PURPOSE

The intent of this ordinance is to ensure compliance with the appropriate land development code regulations prior to the issuance of a building permit.

This ordinance is further intended to ensure that each proposed development complies with fundamental planning and design principles such as: consistency with the city's comprehensive plan; compliance with the city's roadway level of service standards and the traffic circulation system, including driveways, traffic calming devices, parking areas and access management provisions; strategic layout and arrangement of buildings, architectural design and open spaces; sufficient availability and adequate capacity of drainage and utility facilities; and compatibility and transition with adjacent development within the jurisdiction of the City of Marco Island and consideration of natural resources and proposed impacts thereon.

It is further the purpose of this ordinance to provide minimum standards and procedures for the review of new construction projects and redevelopment under the Site Development Plan (SDP) review process, and for expansion/renovation of existing developments under the Site Improvement Plan (SIP) review process.

SECTION TWO: APPLICABILITY AND EXCEPTIONS

All development, except as otherwise provided herein, is subject to the provisions of this ordinance. The provisions of this ordinance shall not apply to the following land use activities and represents the sole exceptions thereto:

1. Single-family detached and two-family housing structure(s) on a lot(s) of record.
2. Underground construction consisting of utilities, communications and similar underground construction activities within the public right-of-way and/or recorded easements.
3. Accessory and ancillary facilities for a golf course such as restrooms, irrigation systems, and pump-houses.
4. Construction trailers and storage of equipment and materials following issuance of a building permit for the use to which said activities are a function of.
5. Model homes and sales centers.
6. Project entryway signs, walls, gates and guardhouses.

While the above land use activities shall be exempt from the provisions of this ordinance, said land use activities are subject to all other provisions of the Land Development Code and other city regulations such as but not limited to landscaping, tree removal, development standards and the

submission requirements attendant to obtaining temporary use permits/approvals and building permits.

SECTION THREE: SITE DEVELOPMENT PLAN AND SITE IMPROVEMENT PLAN SUBMITTAL REQUIREMENTS

The community development director shall review and consider all site development plans and site improvement plans in accordance with the following standards and/or submittal requirements:

1. Documentation shall be provided to evidence ownership and control of the property and the development, as well as information regarding easements and related encumbrances. Documents will substantiate the use and permanent maintenance of common open space, common facilities, conservation/preservation areas, and other similar common lands in order to ensure the preservation of such lands and facilities, so as not to create future liability unto the City.
2. Development compliance with all appropriate zoning regulations and the comprehensive plan. Ingress and egress to the proposed development and its proposed improvements shall include provisions and designs for vehicular and pedestrian safety, separation of vehicular traffic from pedestrian and other traffic, traffic flow and control, traffic calming devices, provision of private and/or public utilities and refuse collection, and access in case of fire, catastrophe or other emergency. Moreover, ingress and egress to development projects and along city roadways shall be in conformance with the current Collier County or City Access Management Ordinance and practices and criteria promulgated by the State of Florida Department of Transportation.
3. The location and relationship of parking and loading facilities shall complement and optimize traffic conditions on City streets. Internal traffic patterns within the proposed development shall include provisions for vehicular and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, screening and landscaping.
4. Adequacy of proposed or required recreational facilities and open spaces considering the size, location, and development of these areas with regard to effect on adjacent and nearby properties as well as uses within the proposed development, and the relationship to community-wide open spaces and recreation facilities.

5. Adequacy of proposed landscape screens and buffers considering preservation of the development's internal land uses as well as compatibility with adjacent land uses.
7. Water management master plan or stormwater provisions and designs on the property, considering adverse impacts on adjacent and nearby properties and the consequences of such water management master plan or stormwater discharges on overall city drainage capacities within and external to private and public drainage easements and alley and road right-of-way. Water management areas shall be required to be maintained in perpetuity by the property owner or assigned legal entity(ies) according to the approved plans. Water management areas not maintained shall be corrected according to approved plans within 30 days. The engineer of record, prior to final acceptance of constructed improvements by the City, shall provide documentation from the stormwater maintenance entity clearly evidencing that said entity has been provided information on how the stormwater system(s) functions and indicating responsibility for maintenance of the system(s).
8. Signage proposed for the project shall be in conformity with the sign code and a unified sign permit application shall be included with the submittal packet for the site development or site improvement plan.
9. Architectural design of the building(s) for all commercial and multi-family developments shall meet applicable City codes and regulations.
10. Such other standards as may be imposed by this ordinance, the comprehensive plan or other applicable regulations for the particular use or activity proposed.

SECTION FOUR: SITE DEVELOPMENT PLAN (SDP) SUBMITTAL AND REVIEW PROCEDURES.

A pre-application meeting shall be conducted by the community development director or designee prior to the submission of a site development plan for review. The site development plan submittal packet shall include the following, unless waived by the community development director or designee at the pre-application conference:

- A. *Site development plan.* A site development plan shall be prepared by a registered professional architect or engineer licensed in the State of Florida on standard size sheets measuring 24 inches by 36 inches drawn to scale and setting

forth the following information when applicable along with supporting documentation:

1. The project title and the name, address, fax and phone number of the firm or agent preparing the plans and the name, address, fax and telephone number of the property owner(s).
2. A copy of the Deed, or Purchase/Sale Contract, or a notarized statement of ownership acceptable to the City clearly demonstrating ownership and control of the subject lot or parcel of land. The following disclosure on interest information shall also be provided for the following types of ownership:
 - i. If the property is owned fee simple by an individual, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest, as well as percentage of such interest.
 - ii. If the property is owned by a privately held corporation, list the officers and stockholders and the percentage of stock owned by each.
 - iii. If the property is owned by a publicly held corporation, list the officers and any stockholder owning or controlling five percent or more of such corporate stock.
 - iv. If the property is in the name of a trustee, list the beneficiaries of the trust with the percentage of interest for each beneficiary.
 - v. If the property is in the name of a general or limited partnership, list the name of the general and/or limited partners.
 - vi. If the property is in the name of a limited liability company, list each of the members of the LLC and the percentage of interest.
 - vii. If there is a contract for purchase, list the names of the contract purchasers in accordance with each of the entity requirements above.
 - viii. If any contingency clause or contract terms involve additional parties, list all such additional parties in accordance with the entity requirements above.
3. Zoning designation and land uses on the proposed development project and adjacent properties.

4. North arrow, scale and date.
5. Vicinity map clearly identifying the location of the development and its relationship to the surrounding community.
6. A narrative statement on the plan identifying the provisions of ownership and maintenance of all common areas, open space, private streets and easements.
7. A summary of project component areas in chart form which shall include the following:
 - a. Total site acreage.
 - b. Total square footage of each category or type of pervious and impervious areas (including all parking areas, drive-aisles, and internal streets) and its percentage of the total site area. Site development plan submittals shall also include surface area computations and hydraulic calculations for improvements within public road and alley right-of-way to the extent deemed necessary by the City.
 - c. Total square footage of landscape area/open space and its percentage of the total site area.
 - d. For residential projects, total number of units, units per acre, and a unit breakdown by square footage and number of bedrooms. (List on plans).
 - e. For nonresidential projects, total building footage and a square footage breakdown by use (i.e., office, retail, storage, etc.) and its percentage of the total building. (List on plans).
 - f. All required and provided setbacks and separations between buildings and structures in matrix form shown on the plans.
8. A parking summary in matrix form shown the plans which shall include:
 - a. Type of use.

- b. Total square footage per use.
 - c. Required parking ratio.
 - d. Number of spaces required per use.
 - e. Number of spaces provided per use.
 - f. Total number of required and provided spaces including regular and handicapped spaces.
9. The following information must be included in the SDP submittal packet:
- a. Pertinent information concerning the Building Code such as the type of construction, number of stories, total square footage under roof, occupancy/use and fire sprinkler systems for all proposed structures so that a required fire flow may be determined in accordance with Section 1141 of the National Fire Protection Association (NFPA).
 - b. A fire hydrant flow test report from the applicable fire district for the closest hydrant(s) to the project shall be submitted so that the available fire flow may be determined pursuant to NFPA 1141.
10. Illustrative and design information accurately depicted on the site development plan shall be as follows:
- a. A boundary survey, prepared, and signed and sealed by a professional land surveyor, showing the location and dimensions of all property lines, existing streets or roads, easements, rights-of-way, ground elevations, and areas dedicated to the public.
 - b. Name, alignment and existing/proposed rights-of-way of all streets which border the development (including raised islands, striping, right/left turn lanes, median cuts and nearby intersections), and the location of all existing driveways or access points on the opposite sides of all streets which border the development, and the location of all traffic calming devices.

- c. Submittal of a traffic impact statement and/or an access management study or analysis. Location and configuration of all development ingress and egress points shall be included in the submittal and shown on the plans.
- d. Location and arrangement of all proposed buildings (including existing buildings that are to remain).
- e. Location and configuration of all parking and loading areas.
- f. Name, alignment and existing/proposed right-of-way of all internal streets and alleys.
- g. Traffic circulation plans for on-site improvements and traffic engineering studies for off-site and on-site improvements, as warranted or determined by the City. Directional movement of internal vehicular traffic and its separation from pedestrian traffic.
- h. Location and configuration of recreational facilities (including related buildings, golf course areas, tennis courts, pools, etc.).
- i. Location and general configuration of all stormwater and drainage retention/detention areas as well as all existing and proposed easements, and water and sewer lines intended to serve the development. Stormwater management calculations for on-site and off-site drainage discharges shall be submitted and/or shown on the plans.
- j. Location, general configuration, and topography of natural features as preservation/conservation areas, water bodies, and wetlands.
- k. Location of emergency access lanes, fire hydrants and fire lanes.
- l. Location of all handicapped parking spaces.
- m. Location of trash enclosures.

- n. Location and heights of proposed walls or fences.
- o. Accurate dimensions which include the following:
 - (1). All building setbacks.
 - (2). Distance between buildings, accessory structures, and property boundaries.
 - (3). Width of all internal streets.
 - (4). All parking areas and drive-aisles.
 - (5). Landscape areas adjacent to all vehicular drives, interior property lines and all parking areas.
- p. Any additional relevant information as may be required by the community development director.

B. *Architectural plan.* For projects subject to the provisions of the architectural and site design guidelines of the Land Development Code, five sets of architectural drawings, signed and sealed by a registered architect in the State of Florida, shall be provided.

Representations on design matter shown on the site development plan shall become conditions of approval. Architectural drawings submitted in conjunction with an application for a building permit shall be consistent with the architectural drawing(s) submitted and approved for the Site Development Plan or Site Improvement Plan.

C. *Landscaping plan.* A landscape plan signed and sealed by a qualified licensed architect or landscape architect registered in the state of Florida, shall contain the following information:

- 1. *Landscape summary.* A landscape summary in matrix form which shall include:
 - a. Graphic symbol to indicate each type of plant material.
 - b. Botanical name.
 - c. Common name.

- d. Total number of each type of plant material.
 - e. Height and spread of each type of plant material.
 - f. Spacing of each type of plant material.
2. *Illustrative and design information.* Illustrative and design information consisting of the following shall be accurately depicted on the landscape plan:
- a. The location, configuration and arrangement of all proposed buildings, internal streets and parking areas as reflected on the site development plan.
 - b. The location and dimensions of all proposed landscaped areas with appropriate graphic symbols including existing trees that are being credited toward the development's landscaping requirements.
 - c. Location and configuration of all special or textured paving areas.
 - d. Provisions for site irrigation.
 - e. Complete landscape and irrigation designs, calculations, and specifications.
 - f. Any additional relevant information as may be required by the community development director.

D. *Vegetation inventory.* A generalized vegetation inventory of the property shall be required to the extent necessary, as determined at the pre-application meeting, indicating the approximate location, densities and species of the following:

- 1. Upland, wetland and estuarine vegetation including prohibited exotic vegetation, mapped using FLUCCS terminology.
- 2. Any type of vegetation identified for preservation.

3. Provide a survey of identifying species and locations on a current aerial photograph at a scale of one inch equals 200 feet or larger or superimposed on the site plan, and also include the following:
 - a. Plants specified to remain in place or to be transplanted to other locations on the property as specified in the applicable development order.
 - b. Specimen trees designated by the community development director.
 - c. State or federal rare, threatened or endangered plant species shall be surveyed and shown on the plans according to accepted Florida Game and Freshwater Fish Commission or U.S. Fish and Wildlife criteria and methodology.
 - d. Existing trees that may be credited toward the development's landscaping requirements.

E. *Aerial photo.* A recent aerial photo shall be provided at the same scale as the plan delineating the development boundaries.

F. *Infrastructure improvement plans and related documents.* Detailed on-site and off-site infrastructure design/improvement plans and construction documents shall be submitted in conformance with the design standards of this code and current city ordinances, regulations, policies and procedures which consist of, but are not limited to, the following items:

1. Improvements for water and sewer service.
2. Improvements for motor vehicle and traffic circulation, ingress and egress, parking and other transportation needs, including traffic calming devices.
3. Non-motorized traffic circulation including sidewalks and bicycle facilities. Non-motorized circulation is defined as movement by persons on foot, bicycle or other human-powered device.
4. The removal of existing unlawful or unnecessary obstructions in the public right-of-way shall be included in the plans, including provisions for safe and convenient

street crossings. Sidewalk and bike path designs, particularly at intersections, shall be in accord with City design standards and criteria established by the State of Florida Department of Transportation and provisions of the American Disability Act.

5. Curb ramps shall be provided for sidewalks and bike paths at each street corner of an intersection. Curb ramps shall be a minimum of 36 inches in width and shall not rise at a ratio greater than that specified by the Florida accessibility code for building construction. Design criteria for curb ramps by the State of Florida Department of Transportation shall govern.
6. Crosswalks shall be required at any intersection where the distance to the nearest crosswalk is greater than 1,000 feet. Mid-block pedestrian crossings shall be appropriately signed, marked, and signalized as directed by the City's Public Works Director.
7. Improvements for water management facilities shall be designed in full compliance with South Florida Water Management District rules, chapter 40E-4, 40E-40 and 40E-41, Florida Administrative Code. Additionally, drainage calculations and studies shall be required on a project-by-project basis as determined by the Public Works Director so as to determine adverse impacts to downstream receiving drainage systems and the need to expand and improve on existing downstream drainage facilities.
8. Written technical specifications shall be submitted for all proposed infrastructure and site improvements to be performed. Such specifications shall be signed and sealed by a licensed engineer.
9. Engineering design computations and reports for water, sewer, roads and water management facilities, as required by the City and/or by federal, state and local laws and regulations. Such design computations and reports shall be signed and sealed by a licensed engineer.
10. Topographical map of the property which shall include the following:

- a. Existing features, such as, watercourses, wetlands, drainage ditches, lakes, marshes.
 - b. Existing contours or representative ground elevations at spot locations and a minimum of 50 feet beyond the property line.
 - c. Benchmark locations and elevations (NGVD).
11. Site clearing and grubbing plan and method of vegetation disposal.
 12. Sidewalks, bike lanes and bike paths. For all projects required to be developed through the site development plan process, the developer shall be required to construct or reconstruct on-site within the development and/or within the public right-of-way sidewalks. Sidewalks shall be of a width and material appropriate for the project under review, and shall be constructed contiguous to public and private roadways that are adjacent to and internal to the site.
 13. For off-site drainage discharges that exceed pre-development flows, a drainage connection permit may be required from the Community Development Department or Public Works Department.

SECTION FIVE: PERMITS

All necessary permits and necessary applications requiring city approval and other permitting and construction related items, including but not limited to the following, shall be submitted and approved with the site development plan:

1. Florida Department of Environmental Protection water and sewer facilities construction permit application.
2. Excavation permit application (coordinated through Collier County Development Services).
3. Florida Department of Transportation utilities construction application and/or rights-of-way construction permits.
4. City of Marco Island right-of-way permit at the time of building permit approval.

5. Blasting permit prior to commencement of any blasting operation (Coordinated through Collier County Development Services).
6. South Florida Water Management District permit, if required. Additionally, a General Permit for drainage and stormwater management improvements shall be issued by the City of Marco Island prior to any site development plan approvals.
7. Interim wastewater and/or water treatment plant construction or interim septic system and/or private well permits prior to building permit approval.
8. Any additional state and federal permits which may be required prior to commencement of construction, addressing the impacts on jurisdictional wetlands and habitat involving protected species.
9. All other pertinent data, computations, plans, reports, and the like necessary for the proper design and construction of the development that may be submitted.
10. All necessary performance securities required by city ordinances in effect at the time of construction.

SECTION SIX: AMENDMENTS

Any proposed change or amendment to a previously approved site development plan shall be subject to review and approval by the community development director. Upon submittal of a plan clearly illustrating the proposed change, the community development director shall determine whether or not it constitutes a substantial change. In the event the community development director determines the change is substantial, the applicant shall be required to follow the review procedures set forth for a new site development plan. A substantial change shall be defined as:

Any change which substantially affects existing transportation circulation, parking, building arrangements, drainage, landscaping, buffering, identified preservation/conservation areas, public safety and welfare matters, and other site development plan considerations; or

Any other change the community development director may determine as

significantly altering the general layout, configuration and arrangement of the project or adversely impacts public safety and welfare considerations.

In the event the community development director determines the change to be insubstantial, the applicant shall be required to follow the review procedures set forth for a site improvement plan.

SECTION SEVEN: SITE IMPROVEMENT PLAN (SIP) REVIEW PROCEDURES.

A pre-application meeting shall be conducted by the community development director or designee prior to the submission of a site improvement plan for review. Submittal of a site improvement plan may be reviewed under the site improvement plan (SIP) review process if the development proposal meets all of the following conditions:

1. The project involves a site which is currently improved with principal structures, parking facilities, water, septic/sewer services, and defined ingress/egress.
2. The proposed use will not require a substantial expansion or modification of the existing impervious areas to a degree which would require a formal engineering review or otherwise affect on-site surface water management facilities as may be documented by waiver letters from the South Florida Water Management District or the City of Marco Island Public Works Director where applicable.
3. Written documentation from appropriate agencies acknowledging that water and sewer services are available at the site and are adequate to serve the proposed use.

SECTION EIGHT: SITE IMPROVEMENT PLAN SUBMITTAL REQUIREMENTS

- A. *Site improvement plan submittal packet.* A pre-application meeting shall be conducted by the development services director or design prior to the submission of a site improvement plan.
- B. *Site improvement plan.* A site improvement plan (SIP) shall be prepared by a professional engineer licensed in the State of Florida on a 24-inch by 36-inch sheet drawn to scale and setting forth the following information:

1. The project title, property owner, fax, address and telephone number.
2. Legal description, scale, and north arrow.
3. Zoning designation of the subject site and adjacent sites and the proposed use of the subject site.
4. Location, configuration and dimensions of all building and lot improvements.
5. Location and configuration of parking and loading areas, and the directional movement of internal vehicle traffic.
6. Location and dimension of access point(s) to the site.
7. Parking summary in matrix form, indicating the required and provided parking for each existing and proposed use.
8. Location and configuration of handicapped parking facilities and building accessibility features.
9. Location, dimension and configuration of existing stormwater management and/or drainage facilities.
10. Location of trash enclosures.
11. Location of existing and proposed landscaping with specifications as to size, quantity and type of vegetation.
12. All required and provided setbacks and separations between structures in matrix form.
13. Any additional relevant information as may be required by the community development director.

SECTION NINE: TIME LIMITS

Approved site development plans shall remain in force for two years. If no development/actual construction has commenced within two years, the site development plan shall expire. A one-year extension may be granted for good cause shown upon written application submitted to the community development director prior to expiration of the preceding approval. When extending the site development plan approval, the community development

director shall require the approval to be modified to bring the plan into compliance with any new provisions of this Code in effect at the time of the extension request.

SECTION TEN: VIOLATIONS

No building permit or certificate of occupancy shall be issued except in compliance with the approved site development plan. Violation of the terms identified in the approved site development plan shall constitute a violation of this Code.

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 re-lettered 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 3rd day of December, 2001.

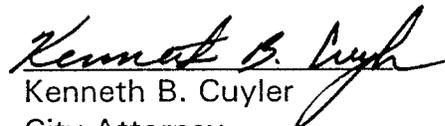
CITY OF MARCO ISLAND, FLORIDA

Attest:


A. William Moss
City Manager/City Clerk

By: 
E. Glenn Tucker, Chairman

Approved as to form and
Legal sufficiency:


Kenneth B. Cuyler
City Attorney