

**ORDINANCE 10- 10**

**AN ORDINANCE AMENDING CHAPTER 30, LAND DEVELOPMENT CODE TO ACCOMMODATE RECYCLING THROUGH MODIFICATION OF PARKING CREDITS AND LOCATIONAL REQUIREMENTS FOR RECEPTACLES; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCES; INCLUSION IN THE CITY'S CODE OF LAWS AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 403.706(21), Florida Statutes, authorizes local governments to enact ordinances that require the separation and collection of recyclable materials; and

**WHEREAS**, the City of Marco Island wishes to enter into an Interlocal agreement with Collier County pertaining to the regulation of recycled materials and activities; and

**WHEREAS**, the City also wishes to increase recycling because recycling will save energy and natural resources, provide useful products, prove economically beneficial and will help ensure that the valuable and limited capacity of the County's landfill is conserved; and

**WHEREAS**, the City finds it is necessary for the protection of the public health, safety and welfare of the residents of the City of Marco Island to require the Recycling of Recyclable Materials generated on Non-Residential Property and Residential Multi-Family Property, as well as at Special Events; and

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

**WHEREAS**, the Marco Island Planning Board, sitting as the Local Planning Agency, held a duly advertised public hearing on January 29, 2010, as continued to March 12, 2010, and again on June 11, 2010, and determined that the proposed changes contained in this Ordinance are consistent with the City of Marco Island Comprehensive Plan and Florida law, and recommended adoption of this Ordinance to the City Council; and

**WHEREAS**, after reviewing the City of Marco Island Planning Board's recommendation, the recommendation of City staff, and comments from the public, the City Council finds that the proposed amendments to its Code of Ordinances are in compliance and consistent with Florida law and its adopted Comprehensive Plan; and

**WHEREAS**, the City Council further finds that adoption of this Ordinance is in the best interest of the residents of the City of Marco Island.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, AS FOLLOWS:**

**SECTION 1. Recitals.**

The foregoing "WHEREAS" clauses are ratified and confirmed as being true, correct, and reflective of the legislative intent of this Ordinance and are hereby made a specific part of this Ordinance.

**SECTION 2. Amendment and Adoption.**

The Amendments to the Code of Ordinances contained in this Ordinance are hereby amended or created and adopted as follows:

**1. Section 30-488 Minimum off-site parking requirements**

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(4) *Off-street parking credits.* Parking Credits shall be granted for new construction, renovations, improvements, and redevelopment of commercial buildings and commercial projects developed with the following amenities. In no case shall the parking credits exceed 20 percent of the total required parking. The parking credits for each category shall only be utilized once per property.

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e. *Recycling facilities.* One parking credit shall be granted for the installation of one or more recycling containers, if, in the opinion of the City Manager or designee, the use of additional space previously approved for parking becomes necessary for such facilities.

**2. Section 30- 624 Design regulations**

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(r) *Service function areas (SFA).* To diminish, in a safe manner, the visual impacts of service functions that may distract or have a negative impact on the streetscape, landscape and/or the overall community image. Service function areas include loading, storage, mechanical equipment, and solid waste disposal facilities and other services, subject to the following criteria (see illustration 4.18, on file in the office of the city clerk):

(1) *Buffering and screening standards:* Loading areas or docks, outdoor storage, trash collection, mechanical equipment, trash compaction, vehicular storage, vehicular parking for the purpose of loading and unloading, recycling, rooftop equipment and other service function areas shall be fully screened and out of view from adjacent properties at ground view level. In the case of existing commercial properties that add recycling facilities, no additional screening will be required if the containers cannot be seen from the street or if located in the C-5 zoning District. Service function areas shall not be located along a public street right-of-way (with the exception of alleys) unless approved by a variance. All dumpsters or recycle receptacles shall be screened on all sides to prevent visibility of containers by neighboring property owners. A dumpster or recycle container may encroach into the side yard setback, but shall not be located closer than five feet zero inches from any property line (except when located adjacent to a residential zoning district where the minimum distance shall be ten feet zero inches). For existing commercial properties, dumpster or recycle containers may be placed zero feet from the property line if, in the opinion of the City Manager or designee, such placement is not a health or safety risk, except when located adjacent to a residential district where the

minimum distance shall be ten feet. A landscape hedge a minimum of four feet in height and four feet on center shall be planted around the perimeter of the dumpster enclosure when located adjacent to a residential zoning district.

(2) *Materials and design standards:* Screening material and design shall be consistent with design treatments of the primary facades of the commercial building/project and/or the landscape plan.

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### 3. Section 30- 625 Parking credits and pedestrian facilities

(a) *Parking credits.* Parking credits shall be granted for new construction, renovations, and redevelopment of commercial buildings and projects developed with the following amenities. In no case shall the parking credits exceed 20 percent of the total required parking. The parking credits for each category shall only be utilized once per property.

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(6) One parking credit shall be granted for the installation of one or more recycling containers, if, in the opinion of the City Manager or designee, the use of additional space previously approved for parking becomes necessary for such facilities.

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### 4. Section 30-674 Site development plan (SDP) submittal and review procedures

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(1) *Site development plan.* A site development plan shall be prepared by a registered professional architect or engineer licensed in the state 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:

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j. Illustrative and design information accurately depicted on the site development plan shall be as follows:

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13. Location of trash and recycling enclosures

### 5. Section 30-65 Variance Procedures

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(d) Recycling in commercial districts. An administrative variance may be granted for site plan alterations made for the placement of structures up to five feet from any side or rear property line in order to accommodate recycling operations. Structures typically found in service function areas will be eligible for such relocation. Any such administrative variance, in addition to approval by the Community Development Director, will also require the approval of the Fire Official.

(d) (e) Procedure

**SECTION 3. Inclusion in the Code of Ordinances**

It is the intention of the City Council and it is hereby ordained that the amendments to the Code of Ordinances adopted by this Ordinance shall be included and become a part of the Code of Ordinances of the City of Marco Island. The sections of this Ordinance, as adopted, may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or other appropriate word.

**SECTION 4. Conflicts and Severability.**

If any word, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional or invalid for any reason or cause, the remaining portion of this Ordinance shall remain in full force and effect and shall be valid as if the invalid portion was not included in the Ordinance. All sections or parts of sections of all existing ordinances in conflict with this Ordinance shall be and the same are hereby repealed to the extent of such conflict.

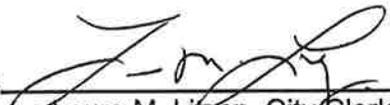
**SECTION 5. Effective Date.**

This Ordinance shall take effect immediately upon adoption.

ADOPTED BY THE CITY COUNCIL of the City of Marco Island this 16<sup>th</sup> day of August 2010.

Attest:

**CITY OF MARCO ISLAND, FLORIDA**

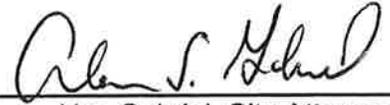
By: 

Laura M. Lizan, City Clerk

By: 

Frank R. Recker, Chairman

Reviewed for Legal sufficiency:

By: 

Alan Gabriel, City Attorney