

Councilman Blonna Review of Building Codes and the Land Development Codes for 7/17 Ad Hoc Business development & redevelopment Committee Meeting

Building Codes

I have no problem with the specific codes. I have a problem with the way Open Permits are handled. We'll discuss this during our meeting devoted to Objective # 4 later in the year.

Land Development Code

Definitions (Section 30-10)

Haven't we done away with the term "Affordable Housing" and the bonus density associated with it?

- Affordable housing density bonus (AHDB) means an award of a number of residential dwelling units per gross acre in a development which allows the base density to be increased by density bonuses related to the provision of affordable housing.
(See [section 30-67](#)).
- Affordable housing density bonus (AHDB) program means the program which implements the affordable housing density bonus provisions of the comprehensive plan.
(See [section 30-67](#)).
- Affordable housing density bonus (AHDB) rating system. See [section 30-67](#).

Recommend deleting these definitions.

Conditional Use (Section 30-64) – I am concerned with the "Planning Board Public Hearing, Conditions and Safeguards" language that reads; "Conditions and safeguards. In recommending approval of any conditional use, the planning board may also recommend **appropriate conditions** and **safeguards** in conformity with this LDC. Violation of such conditions and safeguards, which are made a part of the terms under which the conditional use is granted, shall be deemed a violation of this LDC."

I think this adds too many potential additional roadblocks for developers (see the recent proposal for the development of the corner of Elkam Circle and Bald Eagle by the Cemetery as example). I'd like to see the language changed.

Variance Procedures (30-65). **I have no issues with this but I am curious if group has any problems with the procedures and remedies to correct the problems.**

Zoning certificates (Section 30-66). "A zoning certificate shall be required for any use of land or buildings located in residential zoning districts, which involve the conduct of a commercial or other non-residentially allowed uses of land or buildings. (Ord. No. 02-08, § 6, 2-4-2002)"

What does that statement mean and why is it necessary?

NIM Notifications Sec. 30-673. - # 10 "...The mailed notice shall be sent 15 days prior to the NIM mailed to all real property owners of real property any part of which is located within 300 feet of the real property..."

I don't think developers should have to use registered mail (especially since it isn't specified in the code) for the notification to **all residents** of condos within 300 ft and recommend limiting it to the Condo Manager.

Site development plan (SDP) submittal and review procedures – (Sec. 30-674.) Pre-application Conference- I question whether or not this is necessary for experienced builders who understand what is needed to submit a Site development Plan. Does this add unnecessary time, expense, and prejudice to the builder?

Site Development Plans – Do any of the committee members find any of the requirements in a Site Development Plan problematic?

Redevelopment projects; site plan with deviations (Sec. 30-674.1) -

Application – 1." Requested deviations shall be clearly delineated and justified in the petition. Project enhancements to offset or minimize the deviations shall be a requirement and be clearly stated..."

There is **no definition of enhancements** in the list of definitions in section 30-10 therefore it is impossible for developers to comply with them.

I have a problem with this as well as understanding how enhancements are defined by the Growth Management Department, Planning Board, and City Council.

Furthermore, stating that enhancements are designed to offset or minimize the "deviations" in a redevelopment proposal implies that said deviations are bad and somehow need to be "corrected" with enhancements.

This seems vague and subject to biased interpretations by current and future staff, board, and council members. I'd like to see the use of enhancements to cancel out deviations eliminated.

Workforce/affordable housing (Section 30-67)

There is no definition of Workforce/affordable housing in the definition section 30-10. Please add in a definition but make it a stand-alone one for Workforce Housing.

Division 2 Residential Single Family Zones (Sec. 30-8). - Supplemental standards and regulations.

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

Does the committee have any problems to adding a link to MICA deed restrictions page here?
Would it help or hinder the process?

Structural and site design guidelines Sec. 30-88. –

I have no problems with these. Do any of the developers have issues with some of these *design* guidelines? Haven’t designs and design technologies evolved over the past 30 years?????

Rental registration program Sec. 30-90. – entire section needs to be removed.

Divisions 3-6 Residential Zones - I have no issues with anything in these sections

Divisions 7-11 Commercial Districts. I have a major issue with the way the 5 Commercial “Districts” (7,8,9,10,11) do not match up with Table 1 of the Future Land Use Section of the Comprehensive Plan.

The language is different. There is no mention of the term “Districts” in the Comprehensive Plan, nor is there any mention of “Future Land Use Categories” in the Land Development Code which is *supposed to follow* the Comprehensive Plan. When in doubt, the Comprehensive Plan is the lead document, not the LDC yet it seems the other way around when developers have to deal with the Growth Management Department.

There are **four** Commercial Future Land Use Categories listed in the Comprehensive Plan. There are **five** Districts listed in the Land Use Code. There is no explanation in either document describing how the two are supposed to relate to each other yet they cover the same key content for developers and business persons.

Why is the term “District” used instead of the term “Zone” which is the more commonly used term?

Why isn’t the term Zone used in the Comprehensive Plan? We have a “Zoning Map” why not use zones in the table?

I recommend amending the documents to have them use the same language.

Division 7 Commercial Zone C1 and C1T- Sec. 30-181. - Purpose and intent.

I have a problem with the C1T Zone and think it is confusing. Please provide example(s) of this zone and is it a “temporary” category or is something transitioning indefinitely???

Are either of the C1 or C1T zones what the Comprehensive Plan lists as a “Village Commercial” Future Land Use Category? If so, why aren’t they listed this way in the LDC?

If this District is supposed to mimic the Village Commercial Future Land Use Category why aren't the Hotel/Motel/Timeshares category listed as permitted uses as they are in Table 1 of the Comprehensive Plan for this FLU?

District 8 Commercial Convenience (C2) District Sec. 30-201. - Purpose and intent (Sec 30-201)

“The purpose and intent of the commercial convenience district (C-2) is to provide lands where commercial establishments may be located to provide the small scale shopping and personal needs...”

What is small scale ? Is it based on the size of the building, the strip mall, or the fact that it is a single function local store and not a department store ? (What is Bealls?)

If this District is supposed to mimic either the Community Commercial or Village Commercial Future Land Use Categories, why aren't the Hotel/Motel/Timeshares uses listed as permitted uses as they are in Table 1 of the Comprehensive Plan for these FLUs?

Division 9 Commercial Intermediate District (C3) Sec. 30-221. – “Purpose and intent. The purpose and intent of the commercial intermediate district (C-3) is to provide for a wider variety of goods and services in areas that have a higher degree of automobile traffic.”

I have a problem with the language. Higher degree of automobile traffic compared to what???

If this District is supposed to mimic the Community Commercial Future Land Use Category why aren't the Hotel/Motel/Timeshares uses listed as permitted uses as they are in Table 1 of the Comprehensive Plan for this FLU?

District 10 General Commercial District (C4) (Sec. 30-241). - Purpose and intent.

“The purpose and intent of the general commercial district (C-4) is to concentrate commercial development at the intersections of arterial roads where traffic impacts can readily be accommodated, to avoid strip and disorganized patterns of commercial development, and to create commercial centers...”

This clearly sound like it was intended to mimic the “Town Center/Mixed Use” Future Land Use Category in Table 1 of the Land Development Code. It specifically allows for Hotel/Motel/Timeshare uses.

In Table 1 of the Comprehensive plan this FLU clearly allows for 26 residential units/acre and is listed as having 6 total acres yet there is a zero “0” listed for the total density. It should be 6 x 26 for **146 as the total allowable residential density for this Zone.**

IF this FLU Category is supposed to mimic the District 10 General Commercial District (C4), which allows for both Mixed Use and Hotel/Motel/Timeshare projects, how can there be zero allowable density associated with it???

One can assume that since Mixed Use was allowed in lower number Districts (Conditional Use for District 7& 9 Mixed Use in certain Architectural Overlay areas) it will be allowed in District 10 , correct?

District 11 Heavy Commercial District (C5) - Sec. 30-261. - Purpose and intent.

“The purpose and intent of the heavy commercial district (C-5) is to allow for a range of more intensive commercial uses and services. “

Do we really want to allow the following Conditional uses?

(8) Homeless shelters, as defined by this code.

(15) Soup kitchens, as defined by this code.

DIVISION 12. - CONSERVATION (CON), PUBLIC USE (P), COMMUNITY FACILITY (CTF), GOLF COURSE (GC), AND AGRICULTURAL (A) DISTRICTS

Subdivision A. - Conservation (CON) District

Sec. 30-282. - Permitted uses (6) Single-family dwellings

I have a problem with allowing single-family dwellings in Conservation Lands and would like to see this eliminated.

Subdivision B. - Public Use (P) District Sec. 30-301. - Purpose and intent.

“The purpose and intent of the public use district (P) is to accommodate only local, state and federally owned or leased and operated government facilities that provide essential public services.”

Conditional Use (9) earth mining

I'd like to see this use eliminated from consideration.

Subdivisions C (Community Facility) ,D (Golf Course),E (Agricultural District)

I have no problems with these at all.

Division 13 PUDs

How is the number of dwelling units determined? What problems/concerns have developers encountered when developing a PUD?

Article III Home Occupations

I have no problem/question with this Article.

Article IV Landscaping

I don't see anything mentioning hardscape and allowing someone to use hardscape instead of a lawn.

I'd like to see a minimum 15' of hardscape at the rear property line of all water-front lots to prevent grass clippings and mulch getting into our waterways.

Article V Off-Street Parking and Loading

I have no problem with this section.

Article VI Signage

The lead-in to this article seems overdone with citations of Comp Plan Language, case studies etc. It seems like overkill designed to discourage businesses from creatively using signage. Everything seems geared to having signs fit into the building rather than stand out helping consumers locate the commercial enterprise they are looking for.

I understand the sign restrictions related to political campaigns.

My only comment is that as a consumer I want to be able to locate and read a sign quickly and easily without having to pull over or disrupt traffic.

What are the developers concerns?

Article VII Subdivisions

I have no problems with this article.

Article VIII Architectural and Other Design Sec. 30-625. - Parking credits and pedestrian facilities.

I don't believe that any of the 6 listed parking credits should be granted. I think these should be required and not count for extra credit.

I'm not sure I agree with any of the "stylistic" requirements for the 'overlay districts.' I want to know from the builders if these styles are outdated and negatively impact developers ability to get supplies and/or build in the most cost-effective, efficient way.

Other than these "stylistic" endeavors, what other items factor into the architectural overlay districts?

Who created the Overlay Districts and what does it take to eliminate them?

Article IX Concurrency

DIVISION 2. - TRANSPORTATION PROPORTIONATE FAIR-SHARE Sec. 30-722.

Who determines how much the City of Marco Island's fair share of transportation/roadway use is?

If the city increased our use of mass transit (buses, trolleys etc.) and took more cars off of our roads could we lower our Fair Share costs?

ARTICLE XI. - COASTAL CONSTRUCTION SETBACK LINE VARIANCE Sec. 30-751.

I have seen this line on maps and variance requests and it seems that nobody has paid it any attention over the past 30 years with homes built over the line.

How does this line affect members of this committee? Does it somehow need to be addressed?

Article XII Temporary Use Permits Sec. 30-793.

"With the exception of marine staging activities, a temporary use permit shall be granted initially for a period not to exceed 24 months in length and may be renewed annually based upon demonstration of need."

How is this working out? Does it need to be changed? Is it abused by some?

Article XIII Impact Fees

How do the current level of impact fees influence your decision to develop or redevelop property or start a business. Are the three fee types (General, Fire, Police) similar or is one much higher than the others?

How do our fees compare to other places where you do business?

Article XIV Vegetation Removal and protection

I have no problems/questions with this article.

Article XV Environmental Impact Statement and Special Overlay District Standards

Where are these Special Overlay Districts?

What problems have these statements and districts created for developers?

Article XIV Supplemental District regulations

This section of the LDC seems like a dumping ground for everything that came after the Codes were originally drawn up and seem to focus more on residents than businesses.

I could list multiple things I do not like about many of the things listed here but am more concerned about how they might have influenced committee members' ability to develop or redevelop property or start a business.