



City Council Staff Report

Meeting Date: May 3, 2019

TO: City Council

FROM: Daniel J. Smith, AICP – Director of Community Affairs

DATE: April 24, 2019

RE: Section 30-1012 of the Land Development Code –Supplemental District Regulations – Solid Waste Disposal.

PETITIONER or APPLICANT:

City of Marco Island

PROJECT DESCRIPTION:

Staff-initiated change, allowing collection for establishments generating less than two cubic yards of solid waste per week; requiring maintenance and screening of enclosures and receptacles.

DISCUSSION:

This amendment was driven from citizen input and discussions at Planning Board and City Council regarding the requirement of dumpster enclosures at existing and new buildings, not generating the trash volume for a typical dumpster enclosure. Some businesses would like to use hand roll out receptacles for trash and recycling with individual curb side service.

Changes are as follows (red underline):

Sec. 30-1012. – Solid waste disposal

(a) *Form required.* ~~Pursuant to Collier County Ordinance No. 90-30, as amended, solid~~ Solid waste disposal and recycling shall be required in the form of bulk container service (garbage, recycling, grease waste, dumpsters) for all commercial, institutional, residential tourist, and multifamily residential developments not receiving curbside garbage and recycling pickup. All receptacles shall be maintained in good serviceable condition. Defective receptacles shall be promptly replaced upon notice from the director. All garbage and recycling containers shall be kept tightly covered at all times to prevent access by birds or animals.

(b) *Screening.* All trash or recycle receptacles shall be located so as to be easily accessible to ~~the~~ residents, workforce, and the ~~solid waste~~ hauler. ~~And~~

Receptacles shall be 100 percent screened on all three sides by opaque materials and have vision obscuring gates on the fourth side to prevent visibility of containers by neighboring property occupants ~~owners~~ and from adjacent streets at the first-floor level. Screening materials shall be consistent with design treatments of primary building facades, landscape plan, and in accordance with sections 30-621 through 30-670 ~~article VIII~~. The following materials and structures may be used for screening as required above:

- (1) Curbside collection (individual waste): Wood, plastic, metal, or other opaque screen of similar materials. Material for screening shall be of a similar color of primary structure. Vegetation may be used in meeting the opaque screen requirements. Chain link is prohibited.
- (2) Bulk collection: Concrete block, stucco wall, brick wall, masonry wall, or walls of similar material. Material for screening shall be of a similar color of the primary structure. Vegetation may be used in meeting the opaque screen requirements. Chain link is prohibited.
- (3) ~~Vegetative screening in conjunction with a. and b. above~~

Screening, as required above, shall be maintained by the property owner and ~~or shall be~~ installed at a minimum of six feet in height ~~heights~~ and a maximum of eight feet in height; provided that there is no obstruction of motorists' vision of adjacent streets, ~~right-of-way~~ or ~~within~~ sight distance triangles. ~~Opaque gates shall be installed on the front of the dumpster enclosure.~~

(c) *Minimum requirements and locational restrictions.* ~~In the case of multifamily developments, at least one standard size bulk container (dumpster) per every ten dwelling units shall be required. All such containers are subject to the following locational restrictions:~~

- (1) All developments shall be required to keep and maintain a minimum of one (1) solid waste disposal container and one (1) recycle container on their respective properties. Sizes and quantities of containers, and frequency of pickup by waste haulers shall be enough to ensure that trash or recyclable materials do not overflow from containers, nor is there storage of these materials allowed outside of containers.
- (2) Solid waste bulk containers may be located within a required yard; provided that the container(s) and associated enclosure ~~they~~ do not encroach into a required landscape area, and further provided that there be no blockage of the view of motorists or pedestrians so as to constitute a safety hazard.

(3) In the case of multifamily residential developments containing more than one structure, no solid waste or recycling bulk container and associated enclosure (~~garbage dumpster~~) shall be located greater than 200 feet from the structure it is intended to serve.

(4) The director may allow for internal or external self-trash/recycling programs, when it is deemed that the intent of this code can be met. For developments that may provide for these programs, the documented plan shall be on file with the director. At a minimum, location of storage of materials, methods of disposal, and frequency of disposal shall be included in the documentation.

(d) *Exceptions.* The ~~community development director, or his designee,~~ may allow the following exceptions to the above requirements. ~~Solid waste~~ Bulk containers for garbage and recycling (dumpsters) may be substituted by individual solid waste disposal service (unit by unit curbside pick-up) subject to the following:

(1) In the case of individually owned multifamily dwelling units (condominiums), individual (curbside) solid waste disposal service may be substituted for the required bulk containers (dumpsters) upon documentation that the subject unit or condominium association, having been turned over from the developer to the residents, has voted in the majority to eliminate the use of dumpsters in favor of individual curbside service for all at-or part of a particular development, subject to acceptance from both the ~~community development director and the waste hauler~~. Additionally, the association shall demonstrate that there is adequate access to facilitate curbside pickup and that all individual units have an enclosed location other than the residential structure, such as a carport, garage, or similar screened structure, for the storage of individual solid waste containers.

(2) Multi-tenant commercial establishments not generating large amounts of waste may be permitted to substitute bulk container service with individual curbside/alley solid waste and recycling disposal service subject to acceptance from both the director and the hauler; provided that the solid waste receptacle has a suitable screened location for the storage of individual solid waste containers. Additionally, the commercial establishment shall submit to the director, documentation of the plan with an engineered site plan showing waste location and that there is adequate access to facilitate curbside/alley pickup.

NOTE. Option 1. Adopt the ordinance with no additional language. Staff will issue a Notice of Violation to all property or business owners with unenclosed dumpster. The Code Enforcement process will be used to ensure that all dumpsters are enclosed as soon as possible.

Option 2. Insert the words, "For all new development". Existing unenclosed dumpsters would be grandfathered in, so they would never have to be enclosed.

Option 3. Insert the words, "By no later than January 1, 2020" (or whatever date the Council may choose). Property and business owners with unenclosed dumpsters would be notified of the ordinance change and the timeframe for coming into compliance.

ANALYSIS: Section 30-62(c)(3)d. of the Land Development Code ("LDC") provides that to make a change in the LDC, a finding regarding the need and justification for the Ordinance must be found by the

Planning Board. Staff believes that the need for the Ordinance is based on citizen input and discussions at Planning Board and City Council regarding the requirement of dumpster enclosures at existing and new buildings, the fact that certain residential uses do not generate the trash volume for a typical dumpster enclosure; and that some businesses would like to use hand roll out receptacles for trash and recycling with individual curb side service. Additionally, having dumpsters sitting in the open and not inside a dumpster enclosure detracts from the beauty and aesthetics of the City. Further, open solid waste receptacles attract birds and animals which have been known to prey on borrowing owl hatchlings.

Section 30-62(c)(3)d. of the LDC provides that to make a change in the LDC, the Planning Board must make a finding regarding the consistency of the Ordinance with the City's Comprehensive Plan. Staff finds two provisions of the Future Land Use Element of the Comprehensive Plan to be particularly supportive of a finding that the Ordinance is consistent with Comprehensive Plan.

The goal of the Future Land Use Element of the Comprehensive Plan states:

TO ENHANCE MARCO ISLAND'S QUALITY OF LIFE,
ENVIRONMENTAL QUALITY, AND TROPICAL SMALL TOWN
AND RESORT CHARACTER BY MANAGING GROWTH AND
ASSURING A STABLE RESIDENTIAL COMMUNITY WITH
SUFFICIENT BUSINESSES TO SERVE THE NEEDS OF RESIDENTS
AND VISITORS; and

Policy 1.7.1 of the Future Land Use Element of the Comprehensive Plan states:

Policy 1.7.1: The City will continue to enforce adopted architectural and
site design regulations in the adopted Land Development Code; and

Staff recommends a finding by the Planning Board of consistency with the Comprehensive Plan.

STAFF RECOMMENDATION:

Staff recommends the Planning Board approve Option 1 or Option 3. Both changes would still require enclosures and screens of solid and recycling waste regardless of existing or new construction.

Daniel J. Smith, AICP, Director of Community Affairs