



Planning Board Staff Report

Meeting Date: November 6, 2020

TO: Planning Board

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

DATE: October 26, 2020

RE: Land Development Code (LDC) amendment to Sec. 30-1009 (d)(5), to allow for Barbed wire, razor wire, spire tips, sharp objects or electrically charged fences for utility substations, sewage treatment plants, critical utility facility or similar use

APPLICANT:

City of Marco Island Staff

PROJECT DESCRIPTION:

Our LDC regulations for fences do not allow for barbed wire, razor wire, etc. on fences in commercial zone districts. They are permitted however on fences in residential districts when it has been established there is a security risk or hazard at a utility substation, sewage treatment plant, or similar use, with approval from the Planning Board and City Council.

This provision in our LDC has caused issues with a few facilities on the island, such as the City's treatment plant and the Lee County Electric Cooperative (LCEC) substation. For this reason Staff is proposing an amendment to Chapter 30, Land Development Code, Section 30-1009(d)(5), which currently reads:

Sec. 30-1009. - Fences and walls.

* * *

(d) *Commercial districts.* For the purpose of this section, commercial districts shall include: C-1/T, C-2, C-3, C-4, C-5, P public use district; and commercial parcels of PUD planned unit developments. Except as otherwise permitted herein, fences or walls shall be allowed subject to the following. Fences or walls in commercial districts shall be limited to eight feet in height and shall be permitted subject to the following conditions:

* * *

(5) Razor wire, spire tips, sharp objects or electrically charged fences shall be prohibited.

Staff is recommending the below amendments and the amendments are underlined:

(5) Barbed wire, razor wire, spire tips, sharp objects or electrically charged fences shall be prohibited except for utility substations, sewage treatment plants, critical utility facility or similar use.

Pursuant to Section 30-62(c)(3)d. of the LDC, amendments to the LDC must be examined with regard to the need and justification for the change; and the relationship of the proposed LDC amendment to the purposes and goals, objectives, and policies, of the city's comprehensive, with appropriate consideration as to whether the proposed change will further the purposes of the LDC and other city codes, regulations, and actions designed to implement the growth management plan.

The City staff finds that the need and justification for this Ordinance is to provide for the safety and security of certain utility facilities. Objective 1.5 and Policy 1.5.1 .1 of the Future Land Use Element of the City's Comprehensive Plan provide:

Objective 1.5: The City shall continue to allow essential public facilities and services in all zoning districts to ensure such facilities and/or services can be accommodated and that adopted level-of-service standards are maintained.

Policy 1.5.1: Essential public facilities and services are allowed in all zoning districts as authorized by the adopted Land Development Code, section 30-1008 [*sic*].

Measurement: Provisions for essential public services and/or facilities in all zoning districts

The City's professional planning staff has reviewed the City's Comprehensive Plan and finds that this Ordinance is consistent with the Comprehensive Plan, and in particular Objective 1.5 and Policy 1.5.1 of the Future Land Use Element.

STAFF RECOMMENDATION:

Staff recommends the Planning Board approve the proposed amendment and forward their approval to the City Council based on the below findings:

1. The amendment is consistent with the Comprehensive Plan, and in particular Future Land Use Element Objective 1.5 and Policy 1.5.1:
2. The need and justification for the Ordinance is to promote the safety and security of certain utility facilities.

Daniel J. Smith, AICP

Director of Community Affairs