

ORDINANCE 21-10

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, RELATING TO LAND DEVELOPMENT; MAKING FINDINGS; REVISING THE TITLE TO ARTICLE IX OF CHAPTER 30 OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES TO INCLUDE SITE DEVELOPMENT PLAN AMENDMENTS AND SITE PLAN WITH DEVIATIONS; REVISING SECTION 30-673 RELATING TO THE SITE DEVELOPMENT PLAN, SITE DEVELOPMENT PLAN AMENDMENT, AND SITE IMPROVEMENT PLAN APPROVAL PROCESS; REVISING SECTION 30-671 AND 30-674 RELATING TO SITE DEVELOPMENT PLAN APPLICATIONS AND CONTENTS THEREOF; AMENDING SECTION 30-674.1 RELATING TO SITE PLANS WITH DEVIATIONS AS TO PROCEDURE FOR APPROVAL; AMENDING SECTION 30-675 PROVIDING FOR APPROVAL STANDARDS FOR SITE RELATED PLANS; REVISING SECTION 30-676 PROVIDING FOR SITE PLAN AMENDMENT STANDARDS; REVISING THE STANDARDS FOR APPROVAL AND APPLICATION REQUIREMENTS FOR SITE IMPROVEMENT PLANS IN SECTION 30-677; REPEALING SECTION 30-678 RELATING TO SITE IMPROVEMENT PLAN SUBMITTALS; REVISING EFFECTIVE TIME LIMITS FOR SITE DEVELOPMENT PLANS, SITE DEVELOPMENT PLAN AMENDMENTS, SITE PLANS WITH DEVIATIONS, AND SITE IMPROVEMENT PLANS SET FORTH IN SECTION 30-679; PROVIDING FOR SEVERABILITY/ INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 38-40(1), City Code of Ordinances, the Planning Board serves as the City's Local Planning Agency and Land Development Regulation Commission; and

WHEREAS, Section 163.3174(4)(c), Florida Statutes, provides:

(4) The local planning agency shall have the general responsibility for the conduct of the comprehensive planning program. Specifically, the local planning agency shall:

(c) Review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the governing body as to the consistency of the proposal with the adopted comprehensive plan, or element or portion thereof, when the local planning agency is serving as the land development regulation commission, or the local government requires review by both the local planning agency and the land development regulation commission.

(emphasis added); and

WHEREAS, Section 163.3194(2) and (3)(a), Florida Statutes, provides:

(2) After a comprehensive plan for the area, or element or portion thereof, is adopted by the governing body, no land development regulation, land development code, or amendment thereto shall be adopted by the governing body until such regulation, code, or amendment has been referred either to the local planning agency or to a separate land development regulation commission created pursuant to local ordinance, or to both, for review and recommendation as to the relationship of such proposal to the adopted comprehensive plan, or element or portion thereof. Said recommendation shall be made within a reasonable time, but no later than within 2 months after the time of reference. If a recommendation is not made within the time provided, then the governing body may act on the adoption.

(3)(a) A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

(emphasis added); and

WHEREAS, Section 163.3202(3), Florida Statutes, encourages the use of innovative land development regulations, and this Ordinance provides for improved and innovative requirements for site-related plan approval; and

WHEREAS, Section 163.3202(2), Florida Statutes, provides that “local land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan and shall at a minimum: . . . (b) Regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open space; . . . (d) Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management; (e) Ensure the protection of environmentally sensitive lands designated in the comprehensive plan; . . . (g) Provide that public facilities and services meet or exceed the standards established in the capital improvements element, (h) Ensure safe and convenient onsite traffic flow, considering needed vehicle parking, and this Ordinance will assist in meeting those standards through comprehensive site development assessment and implementation of the Land Development Code and Comprehensive Plan standards; and

WHEREAS, Section 30-62(3)d.2., Code of Ordinances of the City of Marco Island, Florida, as amended by Ordinance No. 17-09, provides:

d. Amendments to the LDC; Nature of planning board report. When pertaining to an amendment to the text of the LDC and other than a proposed rezoning, the planning board shall consider, study, and make findings with regard to:

* * *

2. The relationship of the proposed LDC amendment to the purposes and goals, objectives, and policies of the city's comprehensive plan, 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.

(emphasis added); and

WHEREAS, the Comprehensive Plan includes in the Future Land Use Element the following goal:

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

WHEREAS, the Planning Board finds that this goal will be furthered by use of careful site plan review and approval;

WHEREAS, Objective 1.7 of the Future Land Use Element provides:

Objective 1.7: The City will enforce existing and future Land
Development regulations to eliminate and/or reduce uses of
land inconsistent with the Future Land Use Map and the
community's character; and

WHEREAS, the Planning Board finds that this Ordinance is consistent with this objective by providing for careful site development review in an effort to enforce existing land development regulations and reduce the use of land inconsistent with provisions in the Future Land Use Map, as well as the character of the community; and

WHEREAS, Objective 1.11 of the Future Land Use Element provides:

Objective 1.11: The City will take affirmative steps to discourage urban sprawl both on and off Marco Island; and

WHEREAS, the Planning Board finds that this Ordinance is consistent with this objective by providing for careful site development review in an effort to avoid urban sprawl and to improve the character of development to be consistent with the Comprehensive Plan and the land development regulations; and

WHEREAS, Policy 1.5.1 of the Transportation Element provides:

Policy 1.5.1: Ensure all new construction and redevelopment projects comply with required setbacks through diligent zoning and site plan review; and

WHEREAS, the Planning Board finds that this Ordinance is consistent with this policy because site-related plan review prior to development will assure that required setbacks are adhered to by providing for careful site development review; and

WHEREAS, Policy 1.5.4 of the Transportation Element provides:

Policy 1.5.4: Investigate the potential for easements on private land to accommodate street trees along roadways with limited right-of-way areas; and

WHEREAS, the Planning Board finds that this Ordinance is consistent with this policy because site-related plan review prior to development will assure that opportunities will be afforded for street trees as part of development review; and

WHEREAS, Objective 1.7 of the Conservation and Coastal Management Element provides:

Objective 1.7: Ensure species listed as endangered, threatened, or of special concern that inhabit the environments in and around the City of Marco Island are protected; and

WHEREAS, the Planning Board finds that this Ordinance is consistent with this policy because this Ordinance requires as a part of site-related plan review prior to development that an investigation is conducted to determine the existence of endangered species, threatened species, and species of special concern in an effort to protect said species and

WHEREAS, the Planning Board finds that this Ordinance is consistent with the Community Planning Act and the Comprehensive Plan; and

WHEREAS, the Planning Board, sitting as the City's Local Planning Agency, has determined that the relationship of this Ordinance with the Comprehensive Plan is that it furthers the goals of the Community Planning Act and is not inconsistent with the City of Marco Island Comprehensive Plan; and

WHEREAS, Section 30-62(3)d.1., Code of Ordinances of the City of Marco Island, Florida, as amended by Ordinance No. 17-09, provides:

d. Amendments to the LDC; Nature of planning board report. When pertaining to an amendment to the text of the LDC and other than a proposed rezoning, the planning board shall consider, study, and make findings with regard to:

1. The need and justification for the change;

(emphasis added); and

WHEREAS, the justification for this Ordinance is to provide clearer and improved standards and procedures for site plan review with a goal of implementing Comprehensive Plan and LDC standards; and

WHEREAS, the Planning Board has found that, as a result of the foregoing, this Ordinance will promote the public health, safety, aesthetics, and welfare of the community; and

WHEREAS, the City Council adopts the findings of the Planning Board, also sitting as the City's Local Planning Agency.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:

SECTION 1. Recitals. Each and all of the foregoing recitals be and the same are hereby incorporated into this Ordinance as if specifically set forth herein.

SECTION 2. Amendment and Adoption. That Article IX of the Code of Ordinances, City of Marco Island, Florida, is hereby amended to read as follows:

ARTICLE IX. - SITE DEVELOPMENT PLANS, SITE DEVELOPMENT PLAN AMENDMENT, SITE PLANS WITH DEVIATIONS, AND SITE IMPROVEMENT PLAN STANDARDS

Sec. 30-671. - Intent and purpose.

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

This article 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 and consideration of natural resources and proposed impacts thereon.

It is further the purpose of this article to provide minimum standards and procedures for the review of new construction projects and redevelopment under the site development plan (SDP), site development plan amendment (SDPA) review process, for site plans with deviations, and for expansion/renovation of existing developments under the site improvement plan (SIP) review process.

Sec. 30-672. - Applicability and exceptions

(a) All development, except as otherwise provided herein, is subject to the provisions of this article. The provisions of this article 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 article, 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.

(b) Development must occur on a unified compact and contiguous development site. Development on such a site may be clustered to preserve wetlands or open space, provide parking, or otherwise. Except for off-site parking areas, or as provided in section 30-383 with regard to planned unit developments, portions of a development site separated by an intervening pre-existing public street right-of-way shall not be permitted, and such sites shall be considered to be separate development sites.

Sec. 30-673. – Site development plan, site development plan amendment, and site improvement plan submittal requirements.

Pursuant to section 30-675 and other applicable provisions of this article, the ~~The planning board shall review and make a recommendation to the city council who~~ shall review and make the final decision on all site development plans, site development plan amendments, and site improvement plans in accordance with the following standards and/or submittal requirements:

(1) Documentation shall be provided to evidence of 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 shall be compliant ~~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 county or city access management ordinance and practices pursuant to sections 42-33 and 42-75 and criteria promulgated by the state 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) Recreational facilities and open space shall adequately ~~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) Landscape buffers and screens shall adequately ~~Adequacy of proposed landscape screens and buffers~~ considering preservation of the development's internal land uses as well as compatibility with adjacent land uses.

(6) Water management master plans or stormwater provisions ~~and designs on the property,~~ shall adequately 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).

(7) 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.

(8) Architectural design of the building(s) for all commercial and multi-family developments shall meet applicable city codes and regulations.

(9) Such other standards as may be imposed by this article, shall be consistent with the comprehensive plan or other applicable regulations for the particular use or activity proposed.

Sec. 30-674. - Site development plan (SDP) submittal and review procedures.

(a) Pre-application conference. A pre-application meeting shall be conducted by the director ~~city manager or designee~~ prior to the submission of a site development plan for review. The site development plan submittal packet shall include the following information specified in sub-section (b), unless waived by the director ~~city manager or designee~~ at the pre-application conference.:-

(b) Site development plan.

(1) A site development plan shall be prepared by a professional planner certified by the American Institute of Certified Planners, or a registered professional architect, landscape architect, or civil engineer, licensed by 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~~

documents: The site development plan shall be certified by the architect, landscape architect, or engineer to and for reliance by the city.

(2) Site construction plans shall be prepared, signed and sealed, by a professional engineer, registered in and licensed by the State of Florida. The construction plans shall be certified to and for reliance by the city. The landscape plan shall be signed and sealed by a professional landscape architect, registered in and licensed by the State of Florida. Unless exempted by Florida Statutes from registration and licensing by the State of Florida, the architectural plans shall be signed and sealed by a professional architect, registered in and licensed by the State of Florida.

(3) Land surveys required shall be signed and sealed by a professional surveyor and mapper, registered in and licensed by the State of Florida. Unless waived by the director, the survey shall be certified to and for reliance by the city. Unless the requirement is waived by the director, surveys shall be dated within 180 days of the submittal. The requirement for waiver of a survey may be granted for good cause shown, that the boundaries of the property subject to the site plan application are clearly discernible by the city without a survey, that the location of easements is not necessary to the processing and review of the site plan, that setbacks, number of parking spaces, size of parking spaces, and location and size of landscape buffers, all conforming to this LDC can be accurately determined, and that all compliance with all other LDC requirements can be determined without a survey. If the director shall deny the waiver of the survey requirement, the applicant may file an appeal to the city manager within ten (10) days after the rendition of the director's determination.

(4) All plans shall be drawn to scale. When applicable, the following is shall required along with supporting documentation, which includes both electronic and hard copies per policy:

a. The project title and the name, address, email and phone number of the firm or agent preparing the plans and the name, address, email and telephone number of the property owner(s).

b. 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:

1. 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.

2. If the property is owned by a privately held corporation, list the officers and stockholders and the percentage of stock owned by each.

3. 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.

4. If the property is in the name of a trustee, list the beneficiaries of the trust with the percentage of interest for each beneficiary.

5. If the property is in the name of a general or limited partnership, list the name of the general and/or limited partners.

6. 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.

7. If there is a contract for purchase, list the names of the contract purchasers in accordance with each of the entity requirements above.

8. If any contingency clause or contract terms involve additional parties, list all such additional parties in accordance with the entity requirements above.

9. If the property is owned by other than a limited liability company or a corporation, list the governing members or officers and their percentage of ownership.

c. Zoning designation and land uses on the proposed development project and adjacent properties.

d. North arrow, scale and date.

e. Vicinity map clearly identifying the location of the development and its relationship to the surrounding community.

f. A narrative statement on the plan identifying the provisions of ownership and maintenance of all common areas, open space, private streets and easements.

g. A summary of project component areas in chart form which shall include all of the following:

1. Total site acreage.

2. 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. Plan submittals shall also include surface area computations and signed and sealed hydraulic calculations for improvements within public road and alley right-of-way to the extent deemed necessary by the city.

3. Total square footage of landscape area/open space and its percentage of the total site area.

4. For multi-family residential projects, total number of units, units per acre, and a unit breakdown by square footage and number of bedrooms. (List on plans).

5. 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).

6. All required and provided setbacks and separations between buildings and structures in matrix form shown on the plans.

h. A parking summary in matrix form shown the plans which shall include:

1. Type of use.

2. Total square footage per use.

3. Required parking ratio.

4. Number of spaces required per use.

5. Number of spaces provided per use.

6. Total number of required and provided spaces including regular and handicapped spaces.

i. All of the ~~The~~ following information must be included in the SDP submittal packet:

1. 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).

2. A fire hydrant flow test report from the city fire department ~~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.

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

1. A boundary survey, prepared, and signed and sealed by a professional land surveyor and mapper, 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.

2. 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.

~~3. 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.~~

43. Location and arrangement of all proposed buildings (including existing buildings that are to remain).

54. Location and configuration of all parking and loading areas.

65. Name, alignment and existing/proposed right-of-way of all internal streets and alleys.

76. 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.

87. Location and configuration of recreational facilities (including related buildings, golf course areas, tennis courts, pools, etc.).

98. 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 in accordance with the South Florida Water Management District.

409. Location, general configuration, and topography of natural features as preservation/conservation areas, water bodies, and wetlands.

4410. Provide the FEMA flood zone from the current FIRM (flood insurance rate map).

4211. Location of emergency access lanes, fire hydrants and fire lanes.

4312. Location of all handicapped parking spaces.

4413. Location of trash and recycling enclosures.

4514. Location and heights of proposed walls or fences.

4615. Accurate dimensions which include the following:

- i. All building setbacks.
- ii. Distance between buildings, accessory structures, and property boundaries.
- iii. Width of all internal streets.
- iv. All parking areas and drive-aisles.
- v. Landscape areas adjacent to all vehicular drives, interior property lines and all parking areas.

4716. Any additional relevant information as may be required by the ~~community development~~ director.

~~(5) (2)~~ *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, 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 by the director ~~for the site development plans.~~

~~(6) (3)~~ *Landscaping plan.* A landscape plan signed and sealed by a ~~professional licensed architect or professional landscape architect registered and licensed by the State of Florida in the state,~~ shall contain the following information:

a. *Landscape summary.* A landscape summary in matrix form which shall include each of the following:

1. Graphic symbol to indicate each type of plant material.

2. Botanical name.
3. Common name.
4. Total number of each type of plant material.
5. Height and spread of each type of plant material.
6. Spacing of each type of plant material.
7. Landscape code requirements proposed in meeting code.
8. Pervious/impervious calculations of site.

b. *Illustrative and design information.* Illustrative and design information consisting of all of the following shall be accurately depicted on the landscape plan:

1. The location, configuration and arrangement of all proposed buildings, internal streets and parking areas as reflected on the site development plan.
2. 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.
3. Location and configuration of all special or textured paving areas.
4. Provisions for site irrigation.
5. Complete landscape and irrigation designs, calculations, and specifications.
6. Required perimeter buffers with dimensions.
7. Any additional relevant information as may be required by the director ~~city manager or designee~~.

~~(7)~~ (4) *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 all of the following:

a. Upland, wetland and estuarine vegetation including prohibited exotic vegetation, mapped using the most current edition of the Florida Land Use Cover and Classification System, as developed by the Florida Department of Transportation FLUCCS terminology.

b. Any type of vegetation identified for preservation.

c. 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:

1. Plants specified to remain in place or to be transplanted to other locations on the property as specified in the applicable development order.

2. Specimen trees designated by the director ~~city manager or designee.~~

3. State or federal rare, threatened, or endangered plant or animal species and species of special concern 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. A plan for protection, preservation and any mitigation as defined by federal regulations is required.

4. Existing trees that may be credited toward the development's landscaping requirements.

~~(8) (5)~~ *Aerial photo.* A recent aerial photo shall be provided at the same scale as the plan delineating the development boundaries.

~~(9) (6)~~ *Infrastructure improvement plans and related documents.* Detailed on-site and off-site infrastructure design/improvement plans, and construction documents signed and sealed by a professional civil engineer registered and licensed by the State of Florida, 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:

a. Improvements for water and sewer service.

b. Improvements for motor vehicle and traffic circulation, ingress and egress, parking and other transportation needs, including traffic calming devices.

c. 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.

d. 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 department of transportation and provisions of the American Disability Act.

e. 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 state accessibility code for building construction. Design criteria for curb ramps by the state department of transportation shall govern.

f. 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.

g. Improvements for water management facilities shall be designed in full compliance with South Florida Water Management District rules, F.A.C. chs. 40E-4, 40E-40 and 40E-41. 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.

h. 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 Florida civil engineer and certified to and for reliance by the city.

i. 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.

j. Topographical map of the property which shall include all of the following:

1. Existing features, such as, watercourses, wetlands, drainage ditches, lakes, marshes.
2. Existing contours or representative ground elevations at spot locations and a minimum of 50 feet beyond the property line.
3. Benchmark locations and elevations (NAVD).

k. Site clearing and grubbing plan and method of vegetation disposal.

l. 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.

m. For off-site drainage discharges that exceed predevelopment flows, a drainage connection permit may be required from the city manager or designee.

(c) *Electronic data requirements for site development plans, site improvement plans, site plans with deviations, and amendments thereof.* After the final site plan has been approved by the city for compliance with the LDC, as provided in this section, the applicant's professional engineer, landscape architect, architect, or certified planner, shall also submit digitally created construction/site plan documents and a digital file of the master plan, including but not limited to, where applicable, easements, water/wastewater facilities, and stormwater drainage system. The digital data to be submitted shall follow the following formatting standards. All data shall be delivered in the state plane coordinate system, with a Florida East Projection, and a North American Datum 1983/1990 (NAD83/90 datum), with United States Survey Feet (USFEET) units; as established by a Florida registered professional surveyor and mapper.

Sec. 30-674.1 – Redevelopment projects; Site plan with deviations.

(a) *Purpose.* A site plan with deviations shall provide a means for a redevelopment project to seek dimensional deviations, architectural deviations, and deviations from site features, such as but not limited to, landscaping, parking, and buffers, from the standards established in the LDC when the passing of time has rendered certain existing buildings, structures/infrastructure or site features nonconforming. Structural height deviations are prohibited pursuant to a site plan with deviations as provided by this section.

(b) *Applicability.* A site plan with deviations may be requested for the redevelopment of a site which meets the criteria for development requiring a site development plan, site development plan amendment, or a site improvement plan, as established in this article section 30-672. Except for the requested deviations, the site development plan or site improvement plan shall comply with LDC section 30-673. For purposes of this section, "redevelopment" shall mean the renovation, restoration, or remodeling of a building or structure, or required infrastructure, in whole or in part, where the existing buildings, structures, or infrastructure were legally built and installed.

(c) *Application.* The process and submittal requirements for a site plan with

deviations for redevelopment projects application shall be as set forth herein.

(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. Requested deviations shall include, dependent upon the deviation requested, architectural plans, landscaping plans, and a development site survey. No application shall be deemed to be complete until payment of an application fee as set from time to time by resolution of the city council. All applications shall be made upon a form developed by the director.

(2) Architectural plans subject to the provisions of LDC section 30-674(b)(5) ~~30-674(2)~~ shall submit architectural drawings that are signed and sealed by a licensed architect registered in the State of Florida. The architectural drawings shall be certified to and for reliance by the city.

(3) The site construction plans shall be signed and sealed by the applicant's professional civil engineer, licensed to practice in the State of Florida. The construction drawings shall be certified to and for reliance by the city.

(4) The landscaping plans must meet to the requirements and standards of LDC section 30-674(b)(6) ~~30-674(3)~~. The landscape plans shall be signed and sealed by the applicant's landscape architect, registered in the State of Florida and shall be certified to and for reliance by the city.

(5) The survey shall be signed and sealed by the applicant's professional surveyor and mapper, registered in the State of Florida. The survey shall be certified to and for reliance by the city.

(d) *Staff review and recommendation.* Based upon evaluation of the factors set forth in LDC section 30-674, the director, ~~or said director's designee~~, shall prepare a report containing review findings and a recommendation of approval, approval with conditions, or denial, all consistent with the requirements and procedures set forth in section 30-674. In the event that denial is recommended, the report shall state the reason for denial with citations to appropriate statutes, administrative rules, code provisions, case law, or other legal authority.

(e) *Conduct of city council and planning board hearings.* Hearings shall be conducted as set forth in LDC section 30-62(e).

(f) *Public hearing.* The planning board shall hold at least one public *quasi-judicial* hearing to review the proposed site plan with deviations and forward its recommendation to the City Council.

(1) *Review.* The planning board shall hear the petition following receipt of the staff report and application. At the public hearing, the planning board shall consider

the applicant's justification for the requested deviations, the staff report, the standards of approval, and any other relevant testimony and evidence.

(2) *Public Notice.* Notice of the planning board and city council hearings shall be given as provided in LDC section 30-62(f)(1), (2), (3)a., and (4)b.3.

(3) *Decision.* The planning board shall render a decision to approve, approve with conditions, or deny the requested deviations and forward its recommendation to the city council. If approved, or approved with conditions, the decision shall specifically note the deviations and the basis for their approval. A decision by the city council shall be rendered by resolution of the city council.

(g) *Standards for approval.* The application ~~petition~~ shall be reviewed to determine that it meets each of the requirements of sections 30-674 and 30-675(d) and the following standards:

(1) Land uses and densities within the development shall be consistent with the permitted and approved conditional uses in the zoning district.

(2) The proposed development must be consistent with the comprehensive plan.

~~(3) The development shall have a beneficial effect both upon the area in which it is proposed to be established and upon the city as a whole.~~

(4 ~~3~~) The total land area within the development, and the area devoted to each functional portion of the development, shall be adequate to serve its intended purpose.

~~(5~~ 4) Streets, egress and ingress, utilities, drainage facilities, recreation areas, sizes and yards, architectural features, vehicular parking and loading facilities, sight distances, landscaping, and buffers, shall be appropriate for the use involved and shall meet all LDC requirements.

~~(6~~ 5) Visual character of the project shall be equal to, or better, in quality than that required by the development standards for the zoning district. The visual character of the project shall be better in quality than the existing project before redevelopment and after it was first permitted.

~~(7~~ 6) Areas proposed for common ownership shall be subject to a reliable and continuing maintenance guarantee.

~~(8~~ 7) Deviations shall be clearly delineated in the petition and shall be the minimum required to achieve the goals of the project and comply with these standards.

(9 8) The applicant has provided enhancements to the development.

(40 9) Approval of the deviation will not have an adverse effect on adjacent properties.

(h) *Timeframe.* Time limits for site plans will be pursuant to LDC section 30-679.

Sec. 30-675. - Permits.

(a) Except as otherwise provided herein, all 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, site development plan amendment, site plan with deviations, or site improvement plan:

(1) State department of environmental protection water and sewer facilities construction permit application. If the permit has not been granted by the state, any site plan approval shall automatically be made subject to the provisions of the state department of environmental protection permit when granted prior to construction commencement, and the site plan may need to be amended to be consistent with the state permit.

(2) Excavation permit application.

~~(3) State department of transportation utilities construction application and/or rights-of-way construction permits.~~

~~(3)~~ (4) City right-of-way permit at the time of building permit approval.

~~(5) Blasting permit prior to commencement of any blasting operation.~~

~~(4)~~ (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 prior to any site development plan approvals. If the permit has not been granted by the District, any site plan approval shall automatically be made subject to the provisions of the South Florida Water Management District permit when granted prior to construction commencement, and the site plan may need to be amended to be consistent with the state permit.

~~(5)~~ (7) Interim wastewater and/or water treatment plant construction or interim septic system and/or private well permits prior to building permit approval.

~~(6)~~ (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. If the permit has not been granted by the state or federal authorities, any site plan approval shall automatically be made subject to the provisions of the state and federal authority permit when granted and must be granted prior to construction commencement, and the site plan may need to be amended to be consistent with the state or federal permit.

~~(7)~~ (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.

~~(8)~~ (10) All necessary performance securities required by city ordinances in effect at the time of construction.

(b) Review by the department.

(1) An application for a site development plan, site improvement plan, or site development plan amendment shall be reviewed by the director for completeness. Upon a determination by the director that the application is complete and that all required application fees have been paid, the department will review the application and assure that notice is given as required by the LDC and applicable state law for any required public hearing. Application fees may be set from time to time by resolution of the city council.

(2) The director, or said director's designee, will prepare a report to the planning board. The report shall analyze the effects of the application and analyze whether the application satisfied the requirements of sub-section (c) below, upon the site plan-related development permit application.

(3) Application annulment. If an applicant fails to act upon a submitted application within a 90-day period after receiving written comments from the department, the application will be deemed withdrawn by the applicant. The director may extend the 90-day requirement if reasonable progress is being made in revising the application. For good cause shown or excusable delay, if a request is made in writing during the 90-day period, the director may extend the 90-day period until a reasonable time that the circumstances dictate.

(c) Consideration by the planning board.

(1) The planning board shall hold one public hearing to review and consider all site development plans, site development plan amendments, and site improvement plans. All proposals for approval of a site development plan, site development amendment, or site improvement plan, except those plans described in section 30-672 shall be considered by the planning board subject to the provisions of sub-section (d) below.

(2) The staff report on the application for approval of a site development plan, site development plan amendment, and site improvement plan shall be presented to the planning board prior to the public hearing on the application. The applicant shall be afforded the opportunity, prior to the close of the public hearing, to respond to any contentions presented by the staff report, any testimony at the public hearing, or other evidence presented during the public hearing.

(3) The proposed development and site development plan, site development plan amendment, site plan with deviations, or site improvement plan, must comply with:

(1) The goals, objectives, policies and other applicable requirements of the city's comprehensive plan; and

(2) All applicable codes of the city; and

(3) Approved and accepted architectural, landscape, and engineering design standards; and

(4) Mitigation of all traffic impact to both on-site and off-site development; and

(5) The city's public works director will make the final determination whether to require a traffic analysis per the requirements outlined in the latest edition of the city's *Construction Standards Handbook for Working in the Public Right of Way* (Appendix B). Any traffic improvements indicated by the traffic study to improve traffic and pedestrian safety for the proposed development or any improvements for safe ingress to and egress from the proposed development revealed by the traffic study shall be the responsibility of the owner/developer of the proposed development.

(6) Off-street parking areas, with attention to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, convenience to the units it is designed to serve, and landscaping for the buffering of abutting property where applicable; and

(8) Recreation and open spaces, with attention to the location, size and development of the areas in regard to their adequacy, their effect on privacy of adjacent living areas, and their relationship to community wide open spaces and recreation facilities; and

(7) Density of development, within the framework of the permitted density and

(10) General character and compatibility with reference to ensuring the proposed development will be designed so as not to cause substantial depreciation of

property values or reduce the safety, light and general convenience of neighboring developments;

(8) Existing uses and structures on the site illustrated on a separate sheet; and

(9) The requirements of section 30-673.

(4) All submittals with an application are automatically made a part of the record. Any site development plan, site development plan amendment, site plans with deviations, or site improvement plan is subject to conditions of approval rationally related to the site plan review.

Sec. 30-676. – Site Plan Amendment.

Any proposed change or amendment to a previously approved site development plan, site development plan amendment, or site improvement plan changing the parking and/or landscape and/or architectural design by more than ten percent (10%) and/or increasing/reducing parking and/or increasing intensity as determined by the director, shall be subject to review and approval by the Planning Board. Site plan amendments below this threshold will be reviewed by City Staff. City Manager or designee. city council after a recommendation is made by the planning board. The city council may by resolution delegate the approval of insubstantial amendments to the city manager or designee. A pre-application meeting shall be conducted prior to the submission of a site plan amendment for review. Requirements and submittals shall be the same as for the site development plan application process set forth in section 30-674. A copy of the previously approved county or city site plan shall be included with the application documents. If no previously approved plan is submitted by the applicant as part of the application process, the applicant shall be required to undergo an initial site plan evaluation and approval as set forth in this LDC.

Sec. 30-677. - Site improvement plan (SIP) review procedures.

(a) A pre-application meeting shall be conducted by the city manager 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 the following conditions:

(1) The project involves a site with no previous city or county approved site plan, 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 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.

(b) A pre-application meeting shall be conducted by the director prior to the submission of a site improvement plan for review. Requirements for approval and submittals shall be the same as for site development plan application process.

~~Sec. 30-678. Site improvement plan submittal requirements. (Repealed.)~~

~~(a) Site improvement plan submittal packet. A pre-application meeting shall be conducted by the city manager or designee 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 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 city manager or designee.~~

Sec. 30-679. - Time limits.

Approved site development plans, site development plan amendments, site plans with deviations, and site improvement plans shall remain in force for seven hundred thirty (730) consecutive days ~~two years~~. If no development/actual construction has commenced within seven hundred thirty (730) consecutive days ~~two years~~ and is diligently pursued to completion, the site development plan, site development plan amendment, site plans with deviations, or site improvement plan, shall expire. A three-hundred sixty five (365) consecutive day ~~one-year~~ extension may be granted for good cause shown upon written application submitted to the director ~~city manager or designee~~ prior to expiration of the preceding approval. When extending the site development plan approval, the director ~~city manager or designee~~ shall require the approval to be modified to bring the plan into compliance with any new provisions of this LDC Code and the comprehensive plan in effect at the time of the extension request and which have come into effect since the original approval of the plan.

SECTION 3. Severability/Interpretation.

(a) If any term, section, clause, sentence or phrase of this Ordinance is for any reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the other or remaining terms, sections, clauses, sentences, or phrases portions of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

(b) In interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (* * *) indicate a deletion from the Ordinance of text, which continues to exist in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the

asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

SECTION 4. Effective Date. This Ordinance shall be effective immediately upon adoption by the City Council on second reading.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 7th day of September 2021.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA

Laura Litzan, City Clerk

By: _____
Jared Grifoni, Chairman

Approved as to form and legal sufficiency:

Alan L. Gabriel, City Attorney