

CITY OF MARCO ISLAND
ORDINANCE NO. 10- 04

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA,
AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 30,
ARTICLE II "ZONING", ARTICLE IV "LANDSCAPING" AND
ARTICLE V "OFF-STREET PARKING AND LOADING",
CONCERNING PERMITTED DRIVEWAY MATERIALS, PROVIDING
FOR REPEAL OF CONFLICTING PROVISIONS, PROVIDING FOR
SEVERABILITY AND INCLUSION IN THE CODE OF
ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marco Island Land Development Code provisions, in effect since 2001, restrict the installation of commercial and residential driveways to certain materials; and

WHEREAS, some ambiguity exists as to whether certain types of material are permitted under existing provisions; and

WHEREAS, the City Council of the City of Marco Island ("City Council") wishes to clarify those materials which may be used in construction of driveways; and

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

WHEREAS, the City of Marco Island Planning Board, sitting as the Local Planning Agency, held a duly advertised public hearing on September 11, 2009, as continued to November 13, 2009, January 15, 2010 and February 26, 2010; 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:

53 **1. Sec. 30-483. Off-street parking design standards.**

54
55 Off-street parking facilities and other vehicular facilities, both required and provided, in all
56 zoning districts, shall:

57
58 (1) *Identification.* Be identified as to purpose and location when not clearly evident.

59
60 (2) *Surfacing.* The following surfacing requirements apply to all zoning districts other than
61 Single Family Residential Districts (RSF-2, RSF-3, RSF-4):

62
63 a. Be surfaced with asphalt, concrete, solid concrete pavers, or other approved concrete
64 or asphalt surfaces, maintained in a smooth, well-graded condition.

65
66 b. Up to 70 percent of the parking spaces for houses of worship and schools may be
67 surfaced with grass or lawn, provided:

68
69 1. Spaces that are not paved shall be compacted, stabilized, well drained and surfaced
70 with a durable grass cover.

71
72 2. Driveways, handicapped spaces and access aisles shall be paved.

73
74 3. When the community development director determines that the paving of some or
75 all parking spaces for houses of worship and schools will have significant negative
76 environmental impacts, the director may require that these parking spaces not be
77 paved. Upon approval of the community development director, a suitable material
78 (limerock excluded) with a suitable stabilized sub grade may be substituted for the
79 above materials.

80
81 4. Fire Department access roads shall consist of roadways, fire lanes, parking lots, lanes,
82 or a combination thereof.

83
84 5. Required fire lanes shall be provided with the inner edge of the roadway no closer than
85 10 feet and no further than 30 feet from the building. Such lanes shall have a surface
86 designed to accommodate fire apparatus with a minimum weight of 32 tons.

87
88 (3) *Surfacing- Single Family Residential Districts (RSF-2, RSF-3, RSF-4).*

89
90 a. Top finish materials for driveways and parking areas outside of the right of way may
91 include concrete, asphalt, pavers, stone, crushed shell or turf parking systems specifically
92 designed for the parking of automobiles.

93
94 b. Use of any materials that are non-solid in nature, such as shell or stone, must meet the
95 following specifications:

- 96
97 1. Must be compacted and stabilized;
98 2. May not consist of particles in excess of 1 ½ inches in diameter;
99 3. May not be finished with limerock;

100
101 c. Non-solid materials such as shell or stone may not be used if the slope of the driveway
102 exceeds a 1 to 8 ratio (12.5% grade).

103
104 d. Non-solid materials must be maintained to eliminate overflow into the right of way.

105 e. Driveways existing as of the date of this Ordinance that are made of materials that are
106 non-solid in nature, but do not meet the conditions of paragraph (b) above, may continue as
107 legal non-conforming uses pursuant to Section 30-6 of the Code. However, driveways
108 made of materials that are non-solid in nature that do not meet the maximum limitation of
109 slope under paragraph (c) shall not be continued as legal non-conforming uses and shall be
110 required to be brought into compliance with the maximum slope standards of paragraph (c)
111 within two years of the effective date of this Ordinance.

112
113 f. Nothing in this section shall limit the application of any existing or future regulation as to
114 maximum or minimum pervious area requirements or other requirements of the Land
115 Development Code.

116
117 **2. Sec. 30-485. Dimensional standards**

118 *****

119
120 ~~(e) Off-street parking--Single family and duplex dwelling units. All new single-family and~~
121 ~~duplex dwelling units shall provide at least two off-street parking spaces per unit,~~
122 ~~inclusive of garage area. The parking spaces and driveway shall be surfaced with~~
123 ~~asphalt, concrete, solid concrete pavers, or other appropriate dustless materials,~~
124 ~~maintained in a smooth, well-graded condition. All other permitted and conditional~~
125 ~~uses shall meet the parking requirements contained in this section.~~

126 ~~(f) —~~
127 ~~Vehicles shall only be parked on the property on surfaces specified in Section 30-~~
128 ~~483, specifically intended for, and customarily used for, motor vehicle parking. Vehicle~~
129 ~~parking shall not block or overhang public sidewalks at anytime.~~

130 *****

131
132 **3. Sec. 30-86. Supplemental standards and regulations**

133 *****

134
135 g) *Parking.*

136
137 (1) All new single-family dwelling units shall provide at least two stabilized off-street parking
138 spaces, inclusive of garage area. All other permitted and conditional uses shall meet the
139 parking requirements contained in the land development code.

140
141 (2) Vehicles shall be parked on the property on surfaces specified in Section 30-483.
142 ~~specifically intended for, and customarily used for, motor vehicle parking.~~

143 *****

144
145 **4. Sec. 30-88. Structural and site design guidelines**

146 *****

147
148 (8) *Driveways.*

149
150 a. Vehicle access facilities shall be constructed as described in Section 30-483. ~~stabilized~~
151 ~~and compacted.~~

152 **5. Sec. 30-435. Plant Material and Installation Standards**

153 *****

154 (e) *Ground covers.*

155 *****

156 (2) *Xeriscape.* Landscape areas utilizing xeriscape designs shall comply with the principles
157 of Xeriscape TM as recognized in the publication "Waterwise- Florida Landscapes" from

158 Florida's Water Management Districts. Landscape designs utilizing the Xeriscape TM
159 principles with reduced lawn areas, and a combination of drought tolerant plantings and
160 mulched areas with properly zoned irrigation systems are encouraged for water
161 conservation purposes. Xeriscape schemes shall comply with the following seven principles
162 of Xeriscape TM landscaping:

- 163
- 164 a. Plan and design;
- 165 b. Obtain a soil analysis;
- 166 c. Choose proper plants;
- 167 d. Use turf wisely;
- 168 e. Irrigate efficiently;
- 169 f. Use mulches; and
- 170 g. Perform proper maintenance

171

172 In no event shall the use of or combination of organic or non-organic ground coverage
173 areas exceed the pervious area percentages as specified in subsection (3) or (4) below. For
174 purposes of this subsection, the pervious area shall not include driveway and parking
175 facilities, regardless of materials used.

176

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

178

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

184

185 **SECTION 4. Conflicts and Severability.**

186

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

193

194 **SECTION 5. Effective Date.**

195

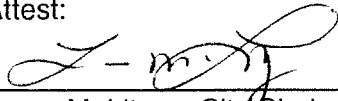
196 This Ordinance shall take effect immediately upon adoption.

197

198 ADOPTED BY THE CITY COUNCIL of the City of Marco Island this 19th day of April 2010.

199

200 Attest:

201 

202 _____

203 Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

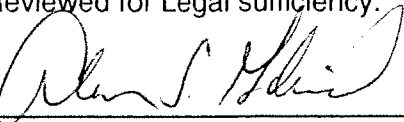
204 

205 _____

206 Frank R. Recker, Chairman

207

208 Reviewed for Legal sufficiency:

209 

Alan L. Gabriel, City Attorney