

ORDINANCE 24-07

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA;  
AMENDING CHAPTER 30, "LAND DEVELOPMENT CODE,"  
ARTICLE II, "ZONING," DIVISION 1, "GENERALLY," OF THE  
CITY OF MARCO ISLAND CODE OF ORDINANCES BY  
REPEALING SECTION 30-67, "AFFORDABLE HOUSING  
DENSITY BONUS," IN ITS ENTIRETY, AND ENACTING A NEW  
SECTION 30-67, ENTITLED, "WORKFORCE/AFFORDABLE  
HOUSING" TO PROVIDE FOR THE ADAPTIVE REUSE OF  
UPPER LEVELS OF EXISTING MULTI-LEVEL COMMERCIAL  
STRUCTURES FOR WORKFORCE/AFFORDABLE HOUSING;  
PROVIDING FOR APPROVAL PROCESS AND CRITERIA FOR  
REVIEW FOR SUCH USES; 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 30-62(c)(3)d., Code of Ordinances of the City of Marco Island, Florida, requires that the Planning Board determine the need and justification for a Land Development Code ("LDC") amendment, as well as the proposals consistency with the City Comprehensive Plan; and

**WHEREAS**, the proposed amendment is compliant with the Future Land Use Element, Policy 3.1.1 states "The maximum number of dwellings within the City of Marco Island is limited to 22,775, or an overall density of 3.37 dwelling units per acre to protect the small-town character, quality of life and health, safety and welfare on the Island (see also Appendix). Allowable residential densities are limited by future land use category as set forth in Table 1..." and

**WHEREAS**, the proposed amendment is compliant with the Housing Element, Objective 1.5. "Encourage where appropriate, affordable and workforce housing that meets the needs of current and future populations on Marco Island." and

**WHEREAS**, Section 30-62(c)(3)d., Code of Ordinances of the City of Marco Island, Florida, requires that the Planning Board determine the need and justification for a Land Development Code ("LDC") amendment; and

**WHEREAS**, the Planning Board has found the need and justification for this amendment to our Land Development Code ("LDC") and is in conformance with our Comprehensive Plan; and

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

48  
49 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**  
50 **MARCO ISLAND, FLORIDA:**

51  
52 **SECTION 1. Recitals.** Each and all the foregoing recitals be and the same are  
53 hereby incorporated into this Ordinance as if specifically set forth herein.

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55 **SECTION 2. Repeal.** That Chapter 30, "Land Development Code," Article II,  
56 "Zoning," Division 1, "Generally," of the City of Marco Island Code of Ordinances, be, and  
57 the same is hereby amended by repealing the entirety of Section 30-67, "Affordable Housing  
58 Density Bonus."

59 **~~Sec. 30-67. Affordable housing density bonus.~~**

60 ~~(a) *Purpose and intent.* This section is intended to implement and be consistent with the~~  
61 ~~comprehensive plan, F.A.C. ch. 9J-5, and the Housing Program Interlocal Agreement~~  
62 ~~by providing for moderate, low and very low income housing through the use of~~  
63 ~~density bonuses which allow an increase in the number of residential dwelling units~~  
64 ~~per acre allowed on property proposed for development, thereby decreasing the per~~  
65 ~~unit cost and development. This objective is accomplished by implementing an AHDB~~  
66 ~~program which consists of an AHDB rating system and an AHDB monitoring program.~~  
67 ~~The purpose of the AHDB rating system is to provide increased residential densities~~  
68 ~~to developers who guarantee that a portion of their housing development will be~~  
69 ~~affordable by households of moderate, low or very low income, thus expanding~~  
70 ~~housing opportunities for moderate, low and very low income households throughout~~  
71 ~~the unincorporated city. The purpose of the AHDB monitoring program is to provide~~  
72 ~~assurance that the program is properly implemented, monitored, and enforced, and~~  
73 ~~that useful information on affordable housing may be collected.~~

74 ~~(b) *Affordable housing density bonus program.*~~

75 ~~(1) *Addition of dwelling units to base density.* The provision of affordable housing~~  
76 ~~units may add up to eight dwelling units per gross acre to the base density of~~  
77 ~~four residential dwelling units per gross acre, for a total of 12 residential~~  
78 ~~dwelling units per gross acre, plus any other density bonuses available, and~~  
79 ~~minus any density reduction for traffic congestion or coastal management~~  
80 ~~area required, pursuant to the growth management plan, not to exceed a total~~  
81 ~~of 16 dwelling units per gross acre.~~

82 ~~(2) *General requirement.* In order to qualify for the AHDB for a development, the~~  
83 ~~developer must apply for and obtain the AHDB from the city for a~~  
84 ~~development in accordance with this section, including the AHDB rating~~  
85 ~~system, the AHDB monitoring program, and the limitations on the AHDB.~~

86 ~~(3) *Preapplication conference.* Prior to submitting an application for AHDB, a~~  
87 ~~preapplication conference may be scheduled with the community~~  
88 ~~development director and county housing staff. The preapplication~~  
89 ~~conference provides an opportunity to familiarize the applicant with the AHDB~~  
90 ~~program and provides an opportunity for the city staff to obtain a clear~~

understanding of the proposed development. The AHDB rating system, the AHDB monitoring program, the imitations, criteria, procedures, standard conditions, standard forms, and other information will be discussed and made available to the applicant. Depending on the type of development proposed, the application may take the form of or be combined with, an application for a planned unit development (PUD), a rezone, or an AHDB development agreement.

(4) *Application.* An application for AHDB for a development shall be submitted to the community development director in the form established by the community development director. One additional copy of the application as otherwise required shall be provided for the housing and urban improvement director. The application shall, at a minimum, include:

- a. Zoning districts proposed by the applicant, if any, on the property and acreage of each;
- b. The total number of residential dwelling units in the proposed development, categorized by number of bedrooms and whether the unit is to be rented or owner-occupied;
- c. The total number of AHDB units requested, categorized by number of bedrooms and whether the unit is to be rented or owner-occupied;
- d. Total number of affordable housing units proposed in the development categorized by level of income, number of bedrooms, and rental units and owner-occupied units:
  1. Moderate income households (one bedroom, two bedrooms, or three bedrooms or more).
  2. Low income households (one bedroom, two bedrooms, or three bedrooms or more).
  3. Very low income households (one bedroom, two bedrooms, or three bedrooms or more).
  4. Total affordable housing units (one bedroom, two bedrooms, or three bedrooms or more).
- e. Gross density of the proposed development;
- f. Whether the AHDB is requested in conjunction with an application for a planned unit development (PUD), an application for rezoning or an AHDB development agreement;
- g. Any other information which would reasonably be needed to address the request for AHDB for the development pursuant to the requirements set forth in this section.

(5) *Staff review and recommendation by the community development director.* After receipt of a completed application for AHDB, the community

development director shall review and evaluate the application in light of the AHDB rating system, the AHDB monitoring program and the requirements of this division, and shall recommend to the planning board and city council to deny, grant, or grant with conditions, the application. The recommendation of the housing and urban improvement director shall include a report in support of his recommendation.

~~(6) Review and recommendation by the planning board. Upon receipt by the planning board of the application for AHDB and the written recommendation and report of the community development director, the planning board shall schedule and hold a properly advertised and duly noticed public hearing on the application. If the application has been submitted in conjunction with an application for a PUD, then the hearing shall be consolidated and made a part of the public hearing on the application for the PUD before the planning board, and the planning board shall consider the application for AHDB in conjunction with the application for the PUD. If the application has been submitted in conjunction with an application for a rezoning, then the hearing shall be consolidated and made a part of the public hearing on the application for rezoning before the planning board, and the planning board shall consider the application for AHDB in conjunction with the application for rezoning. In the event that the application for AHDB has not been submitted in conjunction with an application for PUD or an application for rezoning, then the application for AHDB shall nonetheless be treated as a rezoning on the property and shall comply with the requirements for a rezoning, as well as the requirements of this section. After the close of the public hearing, the planning board shall review and evaluate the application in light of the requirements of this division and the requirements for a rezoning, and shall recommend to the city council that the application be denied, granted or granted with conditions. However, in the event that the application for AHDB does not change the densities or intensities of use or the zoning on the property and does not require a rezoning or PUD application, then the application for AHDB shall comply with the requirements for development agreements under the city development agreement ordinance [Code chapter 38, article III], as well as the requirements of this section, in lieu of compliance with the rezoning requirement referenced in this section.~~

~~(7) Review and determination by city council. Upon receipt by city council of the application for AHDB and the written recommendation and report of the community development director and the recommendation of the planning board, city council shall schedule and hold a properly advertised and duly noticed public hearing on the application. If the application has been submitted in conjunction with an application for a planned unit development (PUD), then the hearing shall be consolidated and made a part of the public hearing on the application for the planned unit development (PUD) before the city council, and the city council shall consider the application for AHDB in conjunction with the application for the planned unit development (PUD). If the application has been submitted in conjunction with an application for a~~

rezoning, then the hearing shall be consolidated and made a part of the public hearing on the application for rezoning before the city council, and city council shall consider the application for AHDB in conjunction with the application for rezoning. In the event that the application for AHDB has not been submitted in conjunction with an application for planned unit development (PUD) or an application for rezoning, then the application for AHDB shall nonetheless be treated as a rezoning on the property and shall comply with the requirements for a rezoning as well as the requirements of this section. After the close of the public hearing, city council shall review and evaluate the application in light of the requirements of this division and the requirements for a rezoning, and shall deny, grant, or grant with conditions, the application in accordance with the AHDB rating system and the AHDB monitoring program. However, if the application for AHDB does not change the densities or intensities of use or the zoning on the property and does not require a rezoning or planned unit development application, then the application for AHDB shall comply with the requirements for development agreements under the city development agreement ordinance [Code chapter 38, article III] as well as the requirements of this division, in lieu of compliance with the rezoning requirements referenced in this section.

~~(8) Affordable housing density bonus rating system. The AHDB rating system shall be used to determine the amount of the AHDB which may be granted for a development, based on household income level, number of bedrooms per affordable housing unit, type of affordable housing units (owner-occupied or rental, single-family or multifamily) and percentage of affordable housing units in the development. To use the AHDB rating system, Tables A and B, below, shall be used. Tables A and B shall be reviewed and updated, if necessary, on an annual basis by city council or its designee.~~

- ~~a. First, choose the household income level (moderate, low, or very low) of the affordable housing unit(s) proposed in the development, and the type of affordable housing units (owner-occupied or rental, single-family or multifamily, where applicable) to be provided, as shown in Table A. Then, referring again to Table A, choose the number of bedrooms proposed for the affordable housing unit(s). An AHDB rating based on the household income level and the number of bedrooms is shown in Table A.~~
- ~~b. After the AHDB rating has been determined in Table A, locate it in Table B, and determine the percentage of that type of affordable housing unit proposed in the development compared to the total number of dwelling units in the development. From this determination, Table B will indicate the maximum number of residential dwelling units per gross acre that may be added to the base density. These additional residential dwelling units per gross acre are the maximum AHDB available to that development. Developments with percentages of affordable housing units which fall in between the percentages shown on Table B shall receive an AHDB equal to the lower of the two~~

percentages it lies between, plus one-tenth of a residential dwelling unit per gross acre for each additional percentage of affordable housing rental units in the development. For example, a development which has 24 percent of its total residential dwelling units as affordable housing units, and which has an AHDB rating of "4" will receive an AHDB of 4.4 residential dwelling units per gross acre for the development.

- e. Where more than one type of affordable housing unit (based on level of income and number of bedrooms shown in Table A) is proposed for a development, the AHDB for each type shall be calculated separately in Table B. After the AHDB calculations for each type of affordable housing unit have been completed in Table B, the AHDB for each type of unit shall be added to those for the other type(s) to determine the maximum AHDB available for the development. In no event shall the AHDB exceed eight dwelling units per gross acre.

Table A. Affordable Housing Density Bonus Rating

Level of Housing Income	Number of Bedrooms/Unit		
	Efficiency and 1	2	3 or More
Moderate (only owner-occupied, single-family)	0	1	1
Low (owner-occupied or rental, single-family or multifamily)	2	3	4
Very low (owner-occupied or rental, single-family or multifamily)	3	4	5

Table B. Affordable Housing Density Bonus

(Additional Available Dwelling Units Per Gross Acre)

AHDB Rating	Percentage of Affordable Housing Units			
	10	20	30	40
1	0	0	1	2
2	0	1	2	3
3	2	3	4	5
4	3	4	5	7
5	4	5	7	8

~~(9) Limitations on affordable housing density bonus. Anything to the contrary notwithstanding, the following limitations and conditions shall apply to all of the AHDB for a development:~~

~~a. Affordable housing density bonus development agreement required. The AHDB shall be available to a development only when an AHDB development agreement has been entered into by the developer/applicant and city council, and such agreement has been approved by the city attorney and city council pursuant to the public hearing process established in this division prior to execution. Amendments to such agreement shall be processed in the same manner as the original agreement. The AHDB development agreement shall include, at a minimum, the following provisions:~~

- ~~1. Legal description of the land subject to the agreement and the names of its legal and equitable owners.~~
- ~~2. Total number of residential dwelling units in the development.~~
- ~~3. Minimum number of affordable housing units, categorized by level of household income, type of unit (single family or multifamily, owner-occupied or rental), and number of bedrooms, required in the development.~~
- ~~4. Maximum number of AHDB dwelling units permitted in the development.~~
- ~~5. Gross residential density of the development.~~
- ~~6. Amount of monthly rent for rental units, or the price and conditions under which an owner-occupied unit will be sold, for each type of affordable housing unit in accordance with the definition for each type of affordable housing rental unit (moderate, low, and very low).~~
- ~~7. The foregoing notwithstanding, any rent charged for an affordable housing unit rented to a low or very low-income family shall not exceed 90 percent of the rent charged for a comparable market rate dwelling in the same or similar development. Comparable market rate means the rental amount charged for the last market rate dwelling unit of comparable square footage, amenities, and number of bedrooms, to be rented in the same development.~~
- ~~8. No affordable housing unit in the development shall be rented to a tenant whose household income has not been verified and certified in accordance with this division as moderate, low, or very low-income family. Such verification and certification shall be the responsibility of the developer and shall be submitted to the housing and urban improvement director for approval. Tenant income verification and certification shall be repeated annually to assure continued eligibility.~~
- ~~9. No affordable housing unit that is to be sold, leased with option to purchase, or otherwise conveyed in the development shall be sold, leased with option to purchase, or otherwise conveyed to a buyer whose household income has not been verified and certified in accordance with this division as~~

280 moderate, low, or very low income family. Such verification and certification  
281 shall be the responsibility of the developer and shall be submitted to the  
282 housing and urban improvement director for approval. It is the intent of this  
283 division to keep housing affordable; therefore, any person who buys an  
284 affordable housing unit must agree, in a lien instrument to be recorded with  
285 the clerk of the circuit court of the county that if he sells the property  
286 (including the land and/or the unit) within 15 years after his original purchase  
287 at a sales price in excess of five percent per year of his original purchase  
288 price that he will pay to the city an amount equal to one-half of the sales  
289 price in excess of five percent increase per year. The lien instrument may  
290 be subordinated to a qualified first mortgage.

291 10. No affordable housing unit is any building or structure in the development  
292 shall be occupied by the developer, any person related to or affiliated with  
293 the developer, or a residential manager.

294 11. When the developer advertises, rents, sells or maintains the affordable  
295 housing unit, it must advertise, rent, sell and maintain the same in  
296 nondiscriminatory manner and make available any relevant information to  
297 any person who is interested in renting or purchasing such affordable  
298 housing unit. The developer shall agree to be responsible for payment of  
299 any real estate commissions and fees. The affordable housing units in the  
300 development shall be identified on all building plans submitted to the county  
301 and described in the application AHDB.

302 12. The developer shall not disclose to persons, other than the potential tenant,  
303 buyer or lender of the particular affordable housing unit or units, which units  
304 in the development are designated as affordable housing units.

305 13. The square footage, construction and design of the affordable housing units  
306 shall be the same as market rate dwelling units in the development.

307 14. The AHDB agreement and authorized development shall be consistent with  
308 the growth management plan and land development regulations of the city  
309 that are in effect at the time of development. Subsequently adopted laws  
310 and policies shall apply to the AHDB agreement and the development to the  
311 extent that they are not in conflict with the number, type of affordable  
312 housing units and the amount of AHDB approved for the development.

313 15. The affordable housing units shall be intermixed with, and not segregated  
314 from. The market rate dwelling units in the development.

315 16. The conditions contained in the AHDB development agreement shall  
316 constitute covenants, restrictions, and conditions, which shall run with the  
317 land and shall be binding upon the property and every person having any  
318 interest therein at anytime and from time to time.



319 17. The AHDB development agreement shall be recorded in the official records  
320 of the city subsequent to the recordation of the grant deed pursuant to which  
321 the developer acquires fee simple title to the property.

322 18. Each affordable housing unit shall be restricted to remain and be maintained  
323 as the type of affordable housing rental unit (moderate, low or very low  
324 income) designated in accordance with the AHDB development agreement  
325 for at least 15 years from the issuance of a certificate of occupancy for such  
326 unit.

327 19. The developer and owner of the development shall provide onsite  
328 management to assure appropriate security, maintenance and appearance  
329 of the development and the dwelling units where these issues are a factor.

330 ~~(10) Compliance with the comprehensive plan and land development code.~~ The  
331 AHDB shall be available to a development only to the extent that it otherwise  
332 complies and is consistent with the comprehensive plan and the land  
333 development code, including the procedures, requirements, conditions and  
334 criteria for planned unit development (PUDs) and rezonings, where  
335 applicable.

336 ~~(11) Minimum number of affordable housing units.~~ The minimum number of  
337 affordable housing units that shall be provided in a development pursuant to  
338 this division shall be ten affordable housing units.

339 ~~(12) Nontransferable.~~ The AHDB is not transferable between development or  
340 properties.

341 ~~(13) Phasing.~~ In the case where a development will occur in more than one phase,  
342 the percentage of affordable housing units to which the developer has  
343 committed for the total development shall be maintained in each phase on  
344 the property. For example, if the total development's AHDB is based on the  
345 provision of ten percent of the total dwelling units as affordable housing rental  
346 units for low income households with two bedrooms per unit, then each phase  
347 must maintain that same percentage (ten percent in this case) cumulatively.

348 ~~(14) Affordable housing density bonus monitoring program.~~

349 a. Annual progress and monitoring report. The AHDB for a development shall be  
350 subject to the AHDB monitoring program set development director with an  
351 annual progress and monitoring report regarding the delivery of affordable  
352 housing rental units throughout the period of their construction, rental and  
353 occupancy for each of the developer's developments which involve the AHDB  
354 in a form developed by the community development director. The annual  
355 progress and monitoring report shall, at a minimum, require an information  
356 reasonably helpful to insure compliance with this division and provide  
357 information with regard to affordable housing. To the extent feasible, the  
358 director shall maintain public records of all dwelling units (AHDB and affordable

housing units) constructed pursuant to the AHDB program, all affordable housing units constructed pursuant to the AHDB program, other records and information as community development director believes may be necessary or desirable to monitor the success of the AHDB program and the degree of compliance therewith. Failure to complete and submit the monitoring report to the housing and urban improvement director within 60 days form the due date will result in a penalty of up to \$50.00 per day per incident or occurrence unless a written extension not to exceed 30 days is requested prior to expiration of the 60-day submission deadline.

*(15)Income verification and certification.*

- a. *Eligibility.* The determination of eligibility of moderate, low, and very low-income families to rent or buy and occupy affordable housing units is the central component of the AHDB monitoring program. Family income eligibility is a three-step process: (1) submittal of an application by a buyer or tenant; (2) verification of family income; and (3) execution of an income certification. All three shall be accomplished prior to a buyer or tenant being qualified as an eligible family to rent or purchase and occupy an affordable housing unit pursuant to the AHDB program. No person shall occupy an affordable housing unit provided under the AHDB program prior to being qualified at the appropriate level of income (moderate, low or very low income).

The developer shall be responsible for accepting applications from buyers or tenants, verifying income and obtaining the income certification for its development which involves AHDB, and all forms and documentation must be provided to the community development director prior to qualification of the buyer or tenant as a moderate, low or very low income family. The director shall review all documentation provided, and may verify the information provided from time to time. Prior to occupancy by a qualified buyer or tenant, the developer shall provide to the director, at a minimum, the application for affordable housing qualification, including the income verification form and the income certification form, and the purchase contract, lease, or rental agreement for that qualified buyer or tenant. At a minimum, the lease shall include the name, address and telephone number of the head of household and all other occupants, a description of the unit to be rented, the term of the lease, the rental amount, the use of the premises, and the rights and obligations of the parties. Random inspections to verify occupancy in accordance with this division may be conducted by the director.

- b. *Application.* A potential buyer or tenant shall apply to the developer, owner, manager, or agent to qualify as a moderate, low, or very low-income family for the purpose of renting and occupying an affordable housing rental unit pursuant

399 to the AHDB program. The application for affordable housing qualification shall  
400 be in a form provided by the director and may be a part of the income  
401 certification form.

402 c. ~~Income verification.~~ The community development director or the developer  
403 shall obtain written verification from the potential occupant (including the entire  
404 household) to verify all regular sources of income to the potential tenant  
405 (including the entire household). The written verification form shall include, at a  
406 minimum, the purpose of the verification, a statement to release information,  
407 employer verification of gross annual income or rate of pay, number of hours  
408 worked, frequency of pay, bonuses, tips and commissions and a signature  
409 block with the date of application. The verification may take the form of the most  
410 recent year's federal income tax return for the potential occupants (including  
411 the entire household), a statement to release information, tenant verification of  
412 the return, and a signature block with the date of application. The verification  
413 shall be valid for up to 90 days prior to occupancy. Upon expiration of the 90-  
414 day period, the information may be verbally updated from the original sources  
415 for an additional 30 days, provided it has been documented by the person  
416 preparing the original verification. After this time, a new verification form must  
417 be completed.

418 d. ~~Income certification.~~ Upon receipt of the application and verification of income,  
419 an income certification form shall be executed by the potential buyer or tenant  
420 (including the entire household) prior to sale or rental and occupancy of the  
421 affordable housing unit by the owner or tenant. Income certification that the  
422 potential occupant has a moderate, low, or very low household income qualifies  
423 the potential occupant as an eligible family to buy or rent and occupy an  
424 affordable housing unit under the AHDB program. The income certification shall  
425 be in a form provided by the community development director.

426 (15) ~~Violations.~~ It is a violation of this section to rent, sell or occupy, or attempt to rent, sell  
427 or occupy, an affordable housing rental unit provided under the AHDB program  
428 except as specifically permitted by the terms of this section, or to knowingly give false  
429 or misleading information with respect to any information required or requested by  
430 the community development director or by other persons pursuant to the authority  
431 which is delegated to them by this section.

432  
433 **SECTION 3.** That Chapter 30, "Land Development Code," Article II, "Zoning,"  
434 Division 1, "Generally," of the City of Marco Island Code of Ordinances, be, and the same  
435 is hereby amended by enacting a new Section 30-67, entitled "Workforce/Affordable  
436 Housing" to read as follows:  
437

**Sec. 30-67. Workforce/Affordable Housing.**

(a). The purpose and intent of this section is to establish a process for the adaptive reuse of upper levels of existing multi-level commercial structures to provide workforce/affordable housing units in all commercial zone districts. This section is not applicable to Planned Unit Development, residential, multifamily, or residential tourist zone districts.

(b). The proposed workforce/affordable housing units must meet the definition of affordable as provided in Section 420.0004, Florida Statutes.

(c). The proposed workforce/affordable housing units must be deed restricted for a period of not less than thirty (30) years. The form of the deed restriction shall be reviewed and approved by the City Attorney in order to obtain City approval for the workforce/affordable housing units, and recorded in the public records of Collier County. A copy of the recorded deed restriction must be provided to the City for each unit.

(d). Application Process: The applicant for the adaptive reuse of upper levels of existing multi-level commercial strip centers for workforce/affordable housing units shall comply with the following application process:

1.. Schedule a pre-application meeting with the City's Growth Management Staff.

2. Schedule a Neighborhood Information Meeting pursuant to the procedures contained in City Code Section 30-673.(10).

3. Submit for a Conditional Use Permit Application pursuant to City Code Section 30-64, which shall include, but not be limited to the following elements:

i. Provide a floor plan showing exiting uses;

ii. Provide a floor plan of the proposed layout of the workforce/affordable housing units and their square footage;

iii. Show location of access to the workforce/affordable housing units;

iv. Provide existing and proposed architectural elevations;

v. Any additional plans deemed necessary to fully access the proposal.

(e). The proposed adaptive reuse of the real property pursuant to this Section shall meet the following additional criteria:

1. The minimum square footage requirements for the residential units developed pursuant to this Section are as follows:

a. Efficiency and one-bedroom units, 450 square feet;

b. Two-bedroom units, 650 square feet;

c. Three-bedroom units, 900 square feet;

2. The maximum density of residential units developed pursuant to this Section shall not exceed 8 units per acre for Village Commercial, or 12

units per acre for Community Commercial, Heavy Commercial or Town Center/Mixed Use as identified in the City's 2040 Comprehensive Plan;

3. The remaining square footage of commercial use located shall be no less than fifty percent (50%) of the project;
4. The intensity of the commercial use shall not be greater than the most intense commercial use (permitted or conditional) in the zone district the project is located.

(f). The Planning Board shall review the conditional use application, and take action consistent with the applicable provisions of the City's Land Development Code.

(g). All applicable impact and building permit fees must be paid, and the proposed use must meet all applicable building, fire, and floodplain codes.

#### SECTION 4. 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 5. 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 4<sup>th</sup> day of March 2024.

ATTEST:

Joan Taylor, City Clerk

Approved as to form and legal sufficiency:

Alan L. Gabriel, City Attorney

CITY OF MARCO ISLAND, FLORIDA

By: Jared Grifoni, Chair

