

ORDINANCE 03-06

AN ORDINANCE TO AMEND SECTION 30-324 OF THE CITY OF MARCO ISLAND LAND DEVELOPMENT CODE, THE CONDITIONAL USES SECTION OF THE COMMUNITY FACILITY (CF) ZONING DISTRICT; ADDING AS A CONDITIONAL USE THOSE USES IDENTIFIED IN SECTION 30-322(5) OF THE LAND DEVELOPMENT CODE WHICH EXCEED THIRTY FEET; PROVIDING FOR SUPPLEMENTAL REVIEW CRITERIA FOR SUCH CONDITIONAL USES; PROVIDING FOR INCORPORATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Sections 30-321 through 30-327 of the Marco Island Land Development Code provide standards and regulations for the community facility (CF) zoning district; and

**WHEREAS**, the Marco Island City Council directed City staff to prepare an amendment to the Land Development Code to accomplish the following: (i) amend the conditional uses section of the community facility (CF) district standards (Section 30-324) to allow those uses identified in Section 30-322(5) to have maximum heights of structures exceeding the current maximum height of thirty (30) feet and (ii); include supplemental review criteria for the consideration of such conditional uses; and

**WHEREAS**, the Planning Board considered this amendment at public hearings on February 21, 2003 and March 7, 2003, and recommended approval by City Council; and

**WHEREAS**, after considering the recommendation of the Planning Board and City staff, and following public hearing on the subject, the City Council has determined that it is in the best interest of the City of Marco Island to adopt this Ordinance.

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

**SECTION ONE:** That the community facility (CF) zoning district standards and regulations contained in the Marco Island Land Development Code be amended to add new subsection 30-324(10), (with underling indicating new text additions) to read as follows:

Sec. 30-321. Purpose and intent.

The purpose and intent of the Community Facility (CF) district is to provide for uses that can be characterized as public facilities, institutional uses, open space uses, recreational uses, water-related or dependent uses, and other such uses generally serving the community at large. The dimensional standards are intended to insure compatibility with existing or future nearby residential development.

Sec. 30-322. Permitted uses.

The following uses are permitted as of right in the community facility district (CF).

- (1) Childcare centers.
- (2) Churches and houses of worship.
- (3) Civic and cultural facilities.
- (4) Museums.
- (5) Nursing homes, assisted living facilities (ALF), family care facilities, group care facilities (category I) and continuing care residential communities pursuant to the Land Development Code, and state law.
- (6) Parks and playgrounds, noncommercial recreation facilities, open space uses.
- (7) Public, private and parochial schools.
- (8) Social and fraternal organizations.

Sec. 30-323. Accessory uses.

[The following uses are deemed accessory:]

- (1) Accessory uses and structures that are accessory and incidental to the uses permitted as of right in the CF district.

Sec. 30-324. Conditional uses.

The following uses are permitted as conditional uses in the community facility district (CF), subject to the standards and procedures established in the Land Development Code.

- (1) Archery ranges.
- (2) Cemeteries.
- (3) Community centers.
- (4) Golf driving ranges.

- (5) Group care facility (category II, care unit), subject to section the Land Development Code.
- (6) Marinas & boat ramps.
- (7) Private clubs, yacht clubs.
- (8) Public swimming pools.
- (9) Tennis facilities.
- (10) Those uses identified in Section 30-322(5) with an increase in maximum building height of structures from 30 feet to 50 feet. In addition to the criteria for review of conditional use petitions set forth in Section 30-64(3), the following supplemental review criteria shall be considered for such uses:
  - a. For each foot in height sought in excess of 30 feet, there shall be a one (1) percent increase in project open space, starting with a minimum open space requirement of thirty (30) percent.
  - b. The minimum number of assisted and/or skilled nursing units to independent units within a project shall not be less than a ratio of 1:5. In addition to any required State license application(s), there shall be sufficient documentation of services to be provided at the facility to demonstrate a commitment to "aging in place" as defined in 400.402, F.S., and that the physical location(s) of where such services will be rendered or supported shall be shown on required site plans.
  - c. Provision of parking on-site pursuant to Sec. 30-1018(n); provided however, that City Council may decrease the amount of required parking by 10% based on consideration of other transportation options and services, such as valets, passenger vans, buses, etc., if applicable.

Sec. 30-325. Dimensional standards and regulations.

The following dimensional standards shall apply in the CF district.

- (1) *Minimum lot area:* 10,000 square feet.
- (2) *Minimum lot width:* 80 feet.
- (3) *Minimum yard requirements:*
  - a. *Front yard:* 25 feet.
  - b. *Side yard:* 15 feet.
  - c. *Rear yard:* 15 feet.

d. *Any yard abutting a residential parcel: 25 feet.*

(4) *Minimum distance between structures: 25 feet, or one-half the sum of the building heights, whichever is greater.*

(5) *Maximum height of structures: 30 feet, except for antennas and towers, which is 40 feet.*

(6) *Minimum floor area of principal structure: 1,000 square feet for each building on the ground floor.*

(7) *Maximum lot coverage. 76% of total lot area.*

(8) *Floor area ratio. (Reserved.)*

Sec. 30-326. Supplemental standards.

(a) *Minimum off-street parking and off-street loading. As required in the Land Development Code.*

(b) *Landscaping. As required in the Land Development Code.*

(c) *Lighting. Per the City of Marco Island Outdoor Lighting Ordinance.*

(d) *Signs. As required in the Land Development Code.*

Sec. 30-327. Architectural and design regulations.

*(Reserved).*

SECTION TWO: INCORPORATION AND SEVERABILITY.

[A] It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City of Marco Island, Florida, and that the sections of this Ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article" or other appropriate word.

[B] If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid by any court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

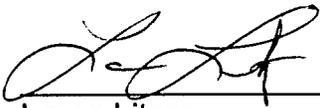
SECTION THREE: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption by the Marco Island City Council.

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 7th day of April, 2003.

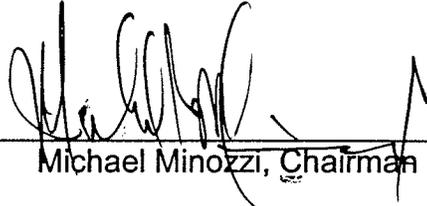
Attest:

CITY OF MARCO ISLAND, FLORIDA



Laura Litzan  
City Clerk

By:

  
Michael Minozzi, Chairman

Approved as to Form and  
Legal Sufficiency:

  
Richard Yovanovitch  
City Attorney