

CITY OF MARCO ISLAND

ORDINANCE 02- 01

AN ORDINANCE TO ESTABLISH NEW GENERAL COMMERCIAL DISTRICT (C-4) STANDARDS AND REGULATIONS TO SUPERCEDE, REPLACE AND/OR SUPPLEMENT STANDARDS AND REGULATIONS FOUND IN THE COLLIER COUNTY LAND DEVELOPMENT CODE (ORDINANCE 91-102, AS AMENDED), AND CURRENTLY APPLICABLE TO THE GENERAL COMMERCIAL DISTRICT USE AND DEVELOPMENT ON MARCO ISLAND; ESTABLISHING INTENT AND PURPOSES FOR SUCH DISTRICT; PROVIDING FOR PERMITTED USES; PROVIDING FOR ACCESSORY USES; PROVIDING FOR CONDITIONAL USES; PROVIDING FOR DIMENSIONAL STANDARDS; PROVIDING FOR PARKING AND LOADING, LANDSCAPING, LIGHTING, SIGNAGE, AND ARCHITECTURAL AND SITE DESIGN STANDARDS; PROVIDING FOR DEVELOPMENT STANDARDS FOR PORT MARCO SUBDIVISION; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, state law requires municipalities to adopt Land Development Regulations within one year of Comprehensive Plan adoption; and,

WHEREAS, the Marco Island Planning Board, as the Local Planning Agency, has conducted all required public hearings related to this ordinance, and has forwarded this ordinance to City Council with a recommendation of approval.

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

SECTION ONE: PURPOSE AND INTENT.

Purpose and intent. The purpose and intent of the general commercial district (C-4) is to concentrate commercial development at the intersections of arterial roads where traffic impacts can readily be accommodated, to avoid strip and disorganized patterns of commercial development, and to create commercial centers. The C-4 district will allow a broad range of commercial uses with appropriate standards to ensure adequate landscaping, and buffering of adjacent land uses. The maximum density permissible or permitted in the district shall not exceed the density permissible in the applicable location under the density rating system contained in the Future Land Use Element.

It is further the intent and purpose to ensure continuity and compatibility within the C-4 districts on Marco Island. To that end, the maximum height for C-4 properties in the Marco Lake sub-district and the Village Commercial area of Old Marco shall be 40 feet.

## SECTION TWO: PERMITTED USES.

The following uses, as identified within the North American Industrial Classification System (1997), or as otherwise provided for within this section, are permitted as of right, or as uses accessory to permitted uses in the general commercial district (C-4).

Permitted uses.

1. Unless otherwise provided for in this code, all permitted uses in the C-3 commercial intermediate district.
2. Agricultural services (Veterinary Services 54194 except Outdoor Kenneling, Pet Care 82191 Including Animal Specialty Services, Animal Shelters and Boarding Kennels except Outdoor Kenneling)
3. Amusements and recreational services, indoor (Dance Companies 71112, Sports and Recreation Instruction 61162, Theater Companies and Dinner Theaters 71111, Dance Companies 71112, Musical Groups and Artist 71113, Other Performing Arts Companies 71119, Writers and Performers 71151, Bowling Centers 71395, Fitness and Recreational Sports Centers 71394, Amusement Arcades 71312, Sports Teams and Clubs 711211, Spectator Sports 7112, Promoters of Entertainment Events 7113)
4. Automotive dealers and gasoline service stations (New Car Dealers with Used Car Sales 44111, Automotive Parts,

Accessories and Tire Stores 44131, Gasoline Stations 4471 with services and repairs as described in the Land Development Code and summarized as follows: 1. Sales and servicing of spark plugs, batteries, distributors and distributor parts; 2. Sales, mounting, balancing and repair of tires and wheel alignments, but not recapping of tires; 3. Sales and replacement of water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings, shock absorbers, mirrors, exhaust systems, and the like; 4. Provisions of water, antifreeze, flushing of the cooling system, air conditioning recharge, and the like; 5. Washing and polishing of automobiles and the sale of automobile washing and polishing materials, but this only allows auto detailing as an accessory use, but this provision does not allow carwashes except in those zoning districts where a carwash is a permitted use, and such carwashes shall be subject to criteria specified in the zoning district; 6. Providing and repairing fuel pumps and lines; 7. Minor servicing and repair of carburetor and fuel injection systems; 8. Emergency wiring repairs; 9. Providing repair and placement of brake rotors, drums and pads; 10. Minor motor adjustments not involving removal of the head or crankcase; 11. Greasing and lubrication; 12. Sales of cold drinks, candies, tobacco, and similar convenience goods for service station customers, but strictly and only accessory and incidental to the principal business operation; 13. Provision of road maps and other information outside of the enclosed areas; 14. No mechanical work shall be allowed outside of the enclosed areas; 15. No automobile service station shall be permitted where any drainage oil pit or visible appliance for any such purpose other than refueling cars is located within 20 feet of any street right-of-way or within 45 feet of any residential district, except where such appliance is located within a wholly enclosed building; 16. Uses permitted at an automobile service station do not include major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles (except as expressly permitted in item 17 below), commercial garage as an accessory use, or other work involving undue noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in such stations. An automobile service station is not a facility for the sale of automobile vehicles, a repair garage, a body shop, or a truck stop; 17. The temporary storage of vehicles

shall be permitted if the vehicles are to be serviced at the service station or if the vehicles have been towed by the service station and are being held for servicing, for an insurance company, or for sale or salvage. Any such vehicle(s), other than those vehicles serviced daily, shall be stored within an area surround by an opaque fence not less than six feet in height. Said vehicles shall not be stored longer than 90 days; 18. Convenience grocery stores selling motor fuel must conform with all provisions of the Land Development Code. Gasoline Stations with Convenience Stores 44711, Motorcycle Dealers 441221)

5. Automotive repair, services, parking (Passenger Car Rental and Leasing 53211, Parking Lots and Garages 81293), Carwashes (811192), provided that carwashes abutting residential zoning districts shall be subject to the following criteria:
  - a. *Size of vehicles.* Carwashes designed to serve vehicles exceeding a capacity rating of one ton shall not be allowed.
  - b. *Minimum yards.*
    1. *Front yard setback:* 50 feet.
    2. *Side yard setback:* 40 feet.
    3. *Rear yard setback:* 40 feet.
  - c. *Minimum frontage.* A carwash shall not be located on a lot with less than 150 feet of frontage on a dedicated street or highway.
  - d. *Lot size.* Minimum 18,000 square feet.
  - e. *Fence requirements.* If a carwash abuts a residential district, a masonry or equivalent wall constructed with a decorative finish, six feet in height shall be erected along the lot line opposite the residential district and the lot lines perpendicular to the lot lines opposite the residential district for a distance not less than 15 feet. The wall shall be located within a landscaped buffer as specified in the Land Development Code. All walls shall be protected by a barrier to prevent vehicles from contacting them.
  - f. *Architecture.* The building shall maintain a consistent architectural theme along each building façade.
  - g. *Noise.* A carwash shall be subject to the City of Marco Island Noise Control Ordinance.
  - h. *Washing and polishing.* The washing and polishing operations for all car washing facilities, including self-

service car washing facilities, shall be enclosed on at least two sides and shall be covered by a roof. Vacuuming facilities may be located outside the building, but may not be located in any required yard area.

- i. *Hours of operation.* Carwashes abutting residential districts shall be closed from 10:00 p.m. to 7:00 a.m.
6. Building materials, hardware and garden supplies (Paint and Wallpaper Stores 44412, Hardware Stores 44413, Nursery and Garden Centers 44422, Lawn and Garden Equipment and Supplies Store 4442)
7. Business services (Advertising Agencies 54181 – Other Services Related to Advertising 54189, Photographic Services 54192, Employment Placement Agencies 56131, Collection Agencies 56144, Credit Bureaus 56145, Private Mail Centers 56143, Other Business Service Centers including Coping 56149, Direct Mail Advertising 54186, Graphic Design Services 54143, Commercial Photography 541922, Court Reporting and Stenotype Services 561492, Business and Secretarial Schools 61141, Extermination and Pest Control Services 56171, Carpet and Upholstery Cleaning Services 56174, Janitorial Services 56172, Other Services to Buildings and Dwellings 56179, Investigation Services 561611, Security Guards and Patrol Services 561612, Armored Car Services 561613, Security Systems Services 561621, Locksmiths 561622, Home Health Equipment Rental 532291, Consumer Goods Rental 5322 – Recreational Goods Rental 532292 except airplane, industrial truck, portable toilet and oil field equipment renting and leasing, Employment Placement Agencies 56131, Temporary Help Services 56132, Custom Computer Programming Services 541511, Other Computer Related Services 541519, Security Guards and Patrol Services 561612 except armored car and dog rental, Security Systems Services 56162, One Hour Photo Finishing 812922, News Syndicates 51411, Business Support Services 5614 – All other Business Support Services 561499 except auctioneering, bronzing, field warehousing, salvaging of damaged merchandise)
8. Commercial printing (Commercial Lithographic Printing 323110 excluding newspapers, Quick Printing 323114)
9. Communications (Radio Broadcasting 51311 - Other Telecommunications 51339, including roof-top mounted

communication towers up to a specified height as defined in the Land Development Code)

10. Eating and drinking establishments (Full Service Restaurants 72211 – Mobile Food Services 72233, Drinking Places 72241, excluding bottle clubs. All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to locational requirements of the Land Development Code)
11. Engineering, accounting, research, management and related services (Engineering Services 54133, Architectural Services 54131, Surveying/Mapping Services 54137 except Geophysical, Accounting/Tax Preparation Offices/Book Keeping/ Payroll Services 54121, Scientific R&D Services 5417 – R&D in Social Sciences and Humanities 54172, Marketing Research and Public Opinion Polling 54191, Testing Laboratories 54138, Management Consulting Services 54161, Public Relations Agencies 54182, Facilities Support Services 56121, Management Consulting Services 54161)
12. Glass and glazing work (Glass and Glazing Contractors 23592)
13. Group care facilities (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; assisted living facilities pursuant to 400.402 F.S. and ch. 58A-5 F.A.C.; and continuing care retirement communities pursuant to 651 F.S. and ch. 4-193 F.A.C.; all subject to the Land Development Code.
14. Health services (Dental Laboratories 339116, Graphic Design Services 54143, Commercial Photography 541922, Family Planning Centers 62141, Outpatient Mental Health/Substance Abuse Centers 62142, All Other Outpatient Care Centers 621498, Kidney Dialysis Centers 621492, Medical Laboratories 621511, Diagnostic Imaging Centers 621512, Blood and Organ Banks 621991, All Other Miscellaneous Ambulatory Health Care Services 621999, General Medical and Surgical Hospitals 62211, Psychiatric and Substance Abuse Hospitals 62221, Nursing Care Facilities 62311, Residential Mental Retardation Facilities 62321, Continuing Care Retirement Communities 623311)
15. Hotels, motels and timeshares (72111)
16. Marinas (71393, except canal operation, cargo salvaging, ship dismantling, lighterage, marine salvaging, marine

wrecking, steamship leasing) subject to provisions in the Land Development Code.

17. Miscellaneous repair services (Electronic and Precision Equipment R&M 81292, Consumer Electronics R&M 81292, Computer and Office Machine R&M 812921, Other Electronic and Precision Equipment R&M 811219, Personal and Household Goods R&M 8114, Reupholstery and Furniture Repair 81142, Other Personal and Household Goods R&M 81149.
18. Miscellaneous retail (Home Furnishing Stores 4422 – Window Treatment Stores 442291, Electronics and Appliance Stores 4431, Paint and Wallpaper Stores 44412, Hardware Stores 44413, Pharmacies and Drug Stores 44611, Beer, Wine and Liquor Stores 44531, Used Merchandise Stores 45331, Sporting Goods/Hobby/Musical Instrument Stores 4511, Book Store 451211, Jewelry Stores 44831, Camera and Photographic Supplies Stores 44313, Luggage and Leather Goods Stores 44832, Gift, Novelty and Souvenir Stores 45322, Office Supplies and Stationery Stores 45321, Clothing Accessories Stores 44815, Electronic Shopping and Mail Order Houses 45411, Vending Machine Operators 4542, Direct Selling Establishments 4543, Florists 45311, Tobacco Stores 453991, News Dealers and Newsstands 451212, and Optical Goods Stores 44613)
19. Motion picture theaters (512131)
20. Public or private parks and playgrounds.
21. Personal services (Drycleaning and Laundry Services 8123, Coin Operated Laundries and Drycleaners 81231, Funeral Homes 81221 except crematories, Tax Return Preparation Services and all Other Personal Services 81299)
22. Real estate (Nonresidential Property Managers 531312)
23. Social Services (Individual and Family Services 6241, Child and Youth Services 62411, Services for Elderly and Disabled Persons 62412, Other Individual and Family Services 62419, Vocational Rehabilitation Services 62431, Child Day Care Services 6244)
24. Vocational Schools (Business and Secretarial Schools 61141 -Educational Support Services 61171)
25. Any other general commercial use which is comparable in nature with the foregoing uses including buildings for retail,

service and office purposes consistent with the permitted uses and intent and purpose statement of the district.

### SECTION THREE: USES ACCESSORY TO PERMITTED USES.

1. Uses and structures that are accessory and incidental to the uses permitted as of right in the C-4 district.
2. Caretaker's residence, subject to the Land Development Code.
3. Parking requirements for uses and structures that are accessory and incidental to permitted transient uses (hotel, motel, and timeshare), with parking required for such accessory uses calculated at 50% for hotels, 67% for motels, and 75% for timeshares.

### SECTION FOUR: CONDITIONAL USES.

The following uses are permitted as conditional uses in the general commercial district (C-4), subject to the standards and procedures established in the Land Development Code.

1. Agricultural services (Veterinary Services 54194 with Outdoor Kenneling, Pet Care 81291 with Outdoor Kenneling)
2. Amusement and recreational services, outdoor (Race Tracts 711212, Golf Courses and Country Clubs 71391, Amusement and Theme Parks 71311, 71399 except for casino/gambling establishments)
3. Auctioneering services, auction rooms.
4. Automotive dealers and gasoline service stations (Used Car Dealers 44112, Recreational Vehicle Dealers 44121, Boat Dealers 441222 outdoor display permitted, Other Motor Vehicle Dealers 4412)
5. Automotive rental and leasing, outdoor display permitted (Truck, Utility Trailer and R.V. Rental and Leasing 53212)
6. Bottle clubs. (All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to locational requirements of the Land Development Code.)
7. Fishing, hunting and trapping (Fin-fishing 114111 – Other Marine Fishing 114119)

8. Fuel dealers (Fuel Dealers 45431, Liquefied Petroleum Gas (Bottled Gas) Dealers 454312, Other Fuel Dealers 454319)
9. Homeless shelters, as defined in the Land Development Code.
10. Justice, public order and safety (Legal Council and Prosecution 92213, Correctional Institutions 92214 – Other Justice/Public Order/Safety Activity 92219)
11. Permitted uses with less than 700 square feet of gross floor areas in the principal structure.
12. Soup kitchens, as defined in the Land Development Code.
13. Marina based open rack boat storage facilities located on navigable water frontage, pursuant to Section Six.
14. Reserved.
15. Reserved.
16. Mixed residential and commercial uses, subject to the following criteria:
  - a. The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment;
  - b. Residential uses are located above principal uses;
  - c. Residential and commercial uses do not occupy the same floor of a building;
  - d. The number of residential dwelling units shall be controlled by the dimensional standards of the C-4 District, the density limitation based on the Future Land Use Map Element, together with the specific requirement that in no instance shall the residential uses exceed 67 75 percent of the gross floor area of the building.
  - e. Each residential dwelling unit shall contain the following minimum floor areas: efficiency and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square feet;
  - f. A minimum of 24 percent of the mixed-use development shall be maintained as open space. The following may be used to satisfy the open space requirement: areas used to

satisfy water management requirements; landscaped areas; recreation areas; or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);

- g. The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible.
- h. The maximum height of a mixed use structure shall be 75 feet from the base flood elevation to the mid-point of the roof.

#### SECTION FIVE: DIMENSIONAL STANDARDS.

The following dimensional standards shall apply to all permitted, accessory and conditional uses in the general commercial district (C-4).

*Minimum lot area.* 10,000 square feet.

*Minimum lot width.* 100 feet.

*Minimum yard requirements.*

1. *Front yard.* 25 plus one foot for each one foot of building height over 50 feet.
2. *Side yard.* Zero or a minimum of 15 feet except where the adjacent parcels are developed, in which case the required side yard may be zero to 15 feet, however in no case shall the separation between structures be less than fifteen feet. Side yards located within the Marco Lake Subdistrict: Zero or a minimum of five feet with a minimum separation of ten feet unless attached.
3. *Rear yard.* 10 feet. Principal and accessory buildings shall be setback a minimum of 25 feet from an alley right-of-way when

vehicular parking spaces take direct access from the alley, or ingress/egress is provided into the building.

4. *Any yard abutting a residential parcel.* 25 feet.

5. *Waterfront.* 25 feet, except none for marinas.

*Maximum height.* 100 feet, as measured from the base flood elevation to the mid-point of the roof; 75 feet beginning January 1, 2005. Maximum height is 40 feet within the Marco Lake District (lots 1-62, Block 5, and lots 1-4, Block 1, Marco Highlands). Maximum height is 40 feet within the Village Commercial District (Old Marco).

*Minimum floor area.* 700 square feet gross floor area for each building on the ground floor.

*Maximum lot coverage.* 76% of the total lot area.

*Floor area ratio.* (Reserved.)

*Maximum density.* 16 units per acre for hotels, motels and timeshare facilities when located within the Marco Lake and the Village Commercial (Old Marco) Districts. 26 units per acre for hotels, motels and timeshare facilities when located outside the Marco Lake/Village Commercial (Old Marco) Districts.

SECTION SIX: PARKING AND LOADING, LANDSCAPING, LIGHTING, SIGNAGE, AND ARCHITECTURAL AND SITE DESIGN STANDARDS.

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

*Landscaping.* As required in the Land Development Code.

*Merchandise storage and display.* Unless specifically permitted for a use, outside storage or display of merchandise is prohibited.

*Lighting.* Pursuant to the City of Marco Island Outdoor Lighting Ordinance.

*Signs.* As required in the Land Development Code.

*Architectural and site design standards.* (Reserved). Marina based open rack boat storage facilities may deviate from the list of permitted building materials and screening requirements of the architectural and site design standards if such deviation can be justified and approved through the conditional use review process.

## SECTION SEVEN: DEVELOPMENT STANDARDS FOR PORT MARCO SUBDIVISION

1. Location of Port Marco. Port Marco subdivision is that tract of land in Government Lot 5, Section 5, Township 52 South, Range 26 East, the tract being a part of that certain area indicated as "Doxsee Property" in the "Amended Plat of Collier City" as recorded in Plat Book 1 at page 58 of the public records of Collier County, Florida.
2. Existing uses. The State of Florida, by State Charter dated February 28, 1966, authorized the owners of Port Marco to:
  - a. Purchase or otherwise acquire, operate and manage a mobile home project on a non-profit basis and in the interest of and for the housing of its members and other lawful occupants.
  - b. In connection with such project, the corporation may provide such community facilities, services and benefits as may be necessary or convenient for the welfare of the members and other lawful occupants.

The Port Marco subdivision includes sixteen (16) mobile home sites, common recreational area, boat docking facilities, and a private access road. Mobile home sites often include such accessory uses as carports and utility buildings.

3. Dimensional standards. Setbacks between mobile homes, between individual mobile homes and the access road, and between mobile homes and accessory uses shall comply with minimum separation requirements per the City's Fire Code.

Height. The maximum height for any structure in Port Marco subdivision is twenty-five (25) feet.

4. Expansion, alteration or replacement. Prior to any expansion, alteration or replacement of an existing mobile home or accessory use, or any new accessory use, the property owner or authorized agent shall provide the Community Development Director with three (3) copies of a scaled drawing of the proposed expansion, alteration,

replacement or new development, which will show the existing location of structures and the relationship to adjacent mobile homes, accessory structures, access roads, and parcel boundaries.

5. Criteria for authorizing any expansion, alteration or replacement. The Planning Board, by resolution, may approve the expansion, alteration or replacement of any existing mobile home, based on the following standards and criteria:
  - a. The expansion, alteration or replacement will not increase the density of the parcel or lot on which the mobile home is located.
  - b. The expansion, alteration or replacement will not further encroach upon any nonconforming setback area.
  - c. The expansion, alteration or replacement will not decrease the existing parking areas for the structure.
  - d. The expansion, alteration or replacement will not damage the character or quality of the neighborhood.
  - e. Such expansion, alteration or replacement will not present a threat to the health, safety or welfare of the community or residents.
6. Architectural standards. The Port Marco subdivision is exempt from the architectural standards and provisions of the Land Development Code.

#### SECTION EIGHT: INCORPORATION, CONFLICT 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] All sections or parts of sections of the Code of Laws and Ordinances of Collier County, Florida, all Collier County ordinances or parts of ordinances, and all Collier County resolutions or parts of resolutions made applicable by the City Charter in conflict herewith are hereby repealed to the extent of such conflict.
- [C] 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.

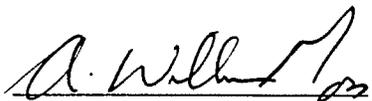
SECTION NINE: EFFECTIVE DATE

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 January, 2002.

Attest:

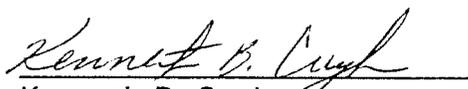
CITY OF MARCO ISLAND, FLORIDA



A. William Moss  
City Manager/City Clerk

By:   
E. Glenn Tucker, Chairman

Approved as to form and  
Legal sufficiency:

  
Kenneth B. Cuyler  
City Attorney