

**CITY OF MARCO ISLAND**

**ORDINANCE 0122**

AN ORDINANCE TO ESTABLISH NEW COMMERCIAL INTERMEDIATE (C-3) DISTRICT STANDARDS AND REGULATIONS TO SUPERSEDE, 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 COMMERCIAL INTERMEDIATE 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 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 commercial intermediate district (C-3) is to provide for a wider variety of goods and services in areas that have a higher degree of automobile traffic. This district is intended to be compatible with residential areas and is not intended to permit wholesaling, or activities which require outside storage of merchandise and equipment. The maximum density permissible in the commercial intermediate district shall not exceed the density rating system contained in the future land use element of the Comprehensive Plan.

## SECTION TWO: PERMITTED USES.

The following uses, as defined with a number from the North American Industry 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 commercial intermediate district (C-3).

Permitted uses.

1. Admin Housing/Urban Planning/Community Development (Groups 92511, 92512)
2. Administration of Economic Programs (Groups 92611, 92612, 92613, 92614, 92615)
3. Administration of Environmental Quality Programs (Groups 92411, 92412)
4. Administration of Human Resource Programs (Group 92311, 92312, 92313, 92314)
5. Administrative and Support Services (Groups 56111, 56132, 56133, 56141, 56144, 56145, 56179, 56191, 56192, 56199, 561421, 561422, 561431, 561439, 561491, 561492, 561499, 561591, 561599)
6. Ambulatory Health Care Services (Group 62161)
7. Amusement, Gambling and Recreation Industries (Group 71393)
8. Building Material and Garden Equip and Supplies Dealers (Groups 44412, 44413, 44419, 44422)
9. Clothing and Clothing Accessories Stores (Groups 44811, 44812, 44813, 44814, 44815, 44819, 44821, 44831, 44832)
10. Computer and Electronic Product Manufacturing (Group 334611)

11. Credit Intermediation and Related Activities (Groups 52211, 52212, 52213, 52219, 52221, 52222, 52231, 52232, 52239, 522291, 522292, 522293, 522294, 522298)
12. Educational Services (Groups 61111, 61121, 61131, 61171, 611511)
13. Electronic and Appliance Stores (Groups 44312, 44313, 443111, 443112)
14. Food and Beverage Stores (Groups 44511, 44512, 44521, 44522, 44523, 44531, 45291, 445292, 445299)
15. Food Manufacturing (Groups 31133, 31134, 311811)
16. Food Service and Drinking Places (Groups 72211, 72231, 72232, 72233, 722211, 722212, 722213)
17. Funds, Trusts and Other Financial Vehicles (Groups 52511, 52512, 52519, 52599)
18. Furniture and Home Furnishings Store (Groups 44211, 44221, 442291, 442299)
19. Furniture and Related Product Manufacturing (Groups 33711, 337121, 337122)
20. Gasoline Station (Groups 44711, 44719)
21. General Government Administration (Groups 92111, 92112, 92113, 92114, 92115, 92119)
22. General Merchandise Stores (Groups 45211, 45291, 45299)
23. Health and Personal Care Stores (Groups 44611, 44612, 44613, 446191, 446199)
24. Information and Data processing Services (Groups 51412, 51421, 514191, 514199)
25. Insurance Carriers and Related Activities (Groups 52413, 52421, 524113, 524114, 524126, 524127, 524128, 524292, 524298)
26. Justice, Public Order and Safety Activities (Groups 92215, 92219)
27. Miscellaneous Manufacturing (Group 339115)
28. Miscellaneous Store Retailers (Groups 45311, 45321, 45322, 45331, 45391, 45392, 453991, 453998)
29. Monetary Authority-Central Bank (Group 52111)
30. Motion Picture and Sound Recording Industries (Groups 51224, 51229)
31. Motor Vehicle and Parts Dealers (Groups 44131, 44132)
32. Museums, Historical Sites and Like Institutions (Groups 71211, 71212, 71213, 712190)
33. Nonstore Retailers (Groups 4541, 45421, 45439)
34. Perform Arts, Spectator Sports and Related Industries (Groups 71111, 71141)

35. Personal and Laundry Services (Groups 81222, 81231, 81232, 81293, 81299, 812111, 812112, 812113, 812921, 812922)
36. Postal Services (Group 49111)
37. Professional, Scientific and Technical Services (Groups 54111, 54131, 54132, 54133, 54134, 54135, 54136, 54137, 54141, 54142, 54143, 54149, 54169, 54181, 54182, 54184, 54186, 54187, 54189, 54193, 54199, 541191, 541199, 541211, 541213, 541214, 541219, 541511, 541512, 541513, 541519, 541611, 541612, 541613, 541614, 541618, 541921, 541922)
38. Publishing Industries (Groups 51114, 51121)
39. Real Estate (Groups 53121, 53132, 53139, 531311, 531312)
40. Religious/Like/Professional/Like Organizations (Groups 81311, 81341, 81391, 81392, 81393, 81394, 81399, 813312)
41. Rental and Leasing Services (Groups 53223, 53242)
42. Repair and Maintenance (Groups 81143, 81149, 811211, 811212, 811213, 811219, 811412)
43. Security, Commodity Contracts and Like Activities (Groups 52311, 52312, 52313, 52314, 52321, 52391, 52392, 52393, 523991, 523999)
44. Social Assistance (Groups 62411, 62412, 62419, 62421, 62423, 62441, 624221, 624229)
45. Space Research and Technology (Group 92711)
46. Sporting Goods, Hobby, Book and Music Stores (Groups 45111, 45112, 45113, 45114, 45122, 451211, 451212)
47. Transportation Support Activities (Group 488111)
48. Wholesale Trade (Group 42186)

### 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-3 district.
2. Caretaker's residence, subject to the Land Development Code.

### SECTION FOUR: CONDITIONAL USES.

The following uses are permissible as conditional uses in the commercial intermediate district (C-3), subject to the standards and procedures established in the Land Development Code.

1. Perform Arts, Spectator Sports and Related Industries (Groups 71111, 71112, 71119, 71131, 71132, 71141, 71151, 711219)
2. Museums, Historical Sites and Like Institutions (Group 71219)
3. Amusement and Recreation Industries (Groups 71312, 71392, 71394, 71395, 71399)
4. Scenic and Sightseeing Transportation (Groups 48711, 48721, 48799)
5. Educational Services (Groups 61141, 61142, 61143, 61161, 61162, 61163, 61171, 611512, 611513, 611519, 611691, 611692, 611699)
6. Administrative and Support Services (Groups 56131, 561599)
7. Motion Picture and Sound Recording Industries (Group 51229)
8. Rental and Leasing Services (Groups 53249, 532292)
9. Food Service and Drinking Places (Groups 72211, 72231, 72232, 722211, 722212, 722213)
10. Homeless shelters, as defined by this code.
11. Hospitals (Groups 62211, 62221, 62231)
12. Justice, Public Order and Safety Activities (Groups 92211, 92215)
13. Social Assistance (Groups 62411, 62412, 62419, 62421, 62423, 62431, 62441, 624221, 624229)
14. Nursing and Residential Care Facilities (Groups 62322, 623312)
15. Religious/Like/Professional/Like Organizations (Groups 813212, 813219, 813311, 813312, 813319)
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 dwelling units 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-3

district, together with the specific requirement that in no instance shall the residential uses exceed 67 percent of the gross floor area of the building or the density permitted under the growth management plan;

- 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 requirements: 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.
8. Permitted use with less than 700 square feet gross floor area in the principal structure.
9. Soup kitchens, as defined by this code.

#### SECTION FIVE: DIMENSIONAL STANDARDS.

The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the commercial intermediate district (C-3).

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

*Minimum lot width.* 75 feet.

*Minimum yard requirements.*

1. *Front yard.* 25 feet.
2. *Side yard.* 15 feet.
3. *Rear yard.* 15 feet.
4. *Any yard abutting a residential parcel.* 25 feet.
5. *Waterfront.* 25 feet, except none for marinas.

*Maximum height.* 50 feet.

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

Maximum lot coverage. 76% of total lot area, subject to the Land Development Code.

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.

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

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

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

*Architectural and site design standards.* (Reserved).

SECTION SEVEN: 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 EIGHT: EFFECTIVE DATE

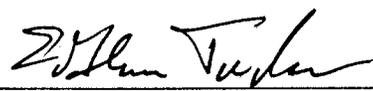
This Ordinance shall take effect immediately upon adoption by the Marco Island City Council.

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida this 1st day of October, 2001.

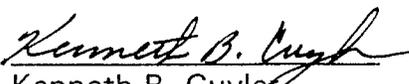
Attest:

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