

**CITY OF MARCO ISLAND**  
**ORDINANCE 01-19**

AN ORDINANCE TO ESTABLISH NEW CONSERVATION (CON), PUBLIC USE (P), COMMUNITY FACILITY (CF), GOLF COURSE (GC), AND AGRICULTURAL (A) DISTRICT STANDARDS AND REGULATIONS TO SUPERSEDE, REPLACE AND/OR SUPPLEMENT STANDARDS AND REGULATIONS FOUND IN THE COLLIER COUNTY LAND DEVELOPMENT CODE, AND CURRENTLY APPLICABLE TO THE CONSERVATION, PUBLIC USE, COMMUNITY FACILITY, GOLF COURSE AND AGRICULTURAL DISTRICT USES AND DEVELOPMENT ON MARCO ISLAND; ESTABLISHING INTENTS AND PURPOSES FOR SUCH DISTRICTS; PROVIDING FOR PERMITTED USES; ESTABLISHING ACCESORY USES; ESTABLISHING CONDITIONAL USES; PROVIDING FOR DIMENSIONAL STANDARDS AND REGULATIONS INCLUDING MAXIMUM DENSITY, MINIMUM LOT AREA, MINIMUM LOT WIDTH, PRINCIPAL STRUCTURE SETBACKS, MINIMUM FLOOR AREA RATIOS, MAXIMUM LOT COVERAGE (AS APPLICABLE); PROVIDING FOR SUPPLEMENTAL STANDARDS (AS APPLICABLE) FOR PARKING, BOAT DOCKING FACILITIES AND SIGNAGE; PROVIDING FOR MINIMUM LANDSCAPING; PROVIDING FOR ARCHITECTURAL AND DESIGN STANDARDS; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 7.01 of the Marco Island City Charter recognized the Collier County Land Development Code (LDC) as the effective development regulations for Marco Island until such time as the City adopted its own Land Development Code; and

WHEREAS, Chapter 163, Florida Statutes, requires that a municipality adopt a Land Development Code within one year of Comprehensive Plan approval; and

WHEREAS, Marco Island seeks to promote, protect, and enhance our "tropical small town" character through prudent standards and regulations for new development and redevelopment; and

WHEREAS, the Marco Island City Council deems such standards and regulations as necessary to ensure the orderly uses and development/redevelopment within the Conservation, Public Use, Community Facility, Golf Course, and Agricultural zoning districts.

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

SECTION ONE: PURPOSE AND INTENT – CONSERVATION (CON) DISTRICT.

It is the purpose and intent of the conservation district (CON) is to conserve, protect and maintain vital natural resource lands within the City of Marco Island that are owned and maintained primarily by interested parties to affect such purpose. The CON district includes public lands which were part of the original Deltona Settlement, and other land areas owned by the public and private entities. The CON district corresponds to and implements the conservation land use designation on the future land use map of the City of Marco Island Comprehensive Plan. The maximum density permissible in the conservation district shall be as provided in the conservation district of the future land use element of the comprehensive plan.

SECTION TWO: PERMITTED USES – CONSERVATION DISTRICT.

*Permitted uses.* The following uses are permitted as of right in the conservation district (CON).

1. Publicly owned parks.
2. Open space and recreational uses.
3. Biking, hiking, canoeing, and nature trails.
4. Equestrian paths.
5. Nature preserves and wildlife sanctuaries.
6. Single-family dwellings.

SECTION THREE: ACCESSORY USES – CONSERVATION DISTRICT.

*Uses accessory to permitted uses.* The following uses are deemed accessory to permitted uses in the CON district.

1. Uses and structures that are accessory and incidental to uses permitted as of right in the CON district.

SECTION FOUR: CONDITIONAL USES – CONSERVATION DISTRICT.

*Conditional uses.* The following uses are permitted as conditional uses in the conservation district (CON), subject to the standards and procedures established in the Land Development Code.

1. Churches and houses of worship.
2. Cemeteries.
3. Schools.
4. Earthmining.
5. Agricultural.
6. Communication towers.

SECTION FIVE: DIMENSIONAL STANDARDS AND REGULATIONS –  
CONSERVATION DISTRICT.

The following dimensional standards shall apply to all permitted and accessory uses in the conservation district (CON).

*Minimum lot area:* Five acres.

*Minimum lot width:* One hundred fifty feet.

*Minimum yard requirements:*

1. *Front yard:* Fifty feet.
2. *Side yard:* Fifty feet.
3. *Rear yard:* Fifty feet.

*Maximum height:* Thirty-five feet.

*Maximum density:* One dwelling unit for each five gross acres.

SECTION SIX: SUPPLEMENTAL STANDARDS – CONSERVATION  
DISTRICT.

*Communication towers:* As required in the Land Development Code.

*Off-street parking.* As required in the Land Development Code.

*Signage:* As required in the Land Development Code.

SECTION SEVEN: MINIMUM LANDSCAPING REQUIREMENTS –  
CONSERVATION DISTRICT.

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

SECTION EIGHT: ARCHITECTURAL AND DESIGN REGULATIONS.

*Architectural and design regulations:* Reserved.

SECTION NINE: PURPOSE AND INTENT – PUBLIC (P) USE DISTRICT.

The purpose and intent of the public use district (P) is to accommodate only local, state and federally owned or leased and operated government facilities that provide essential public services. The P district is intended to facilitate the coordination of urban services and land uses while minimizing the potential disruption of the uses of nearby properties.

Any public facilities that lawfully existed prior to the effective date of this code and that are not zoned for public use district (P) are determined to be conforming to these zoning regulations.

Any future expansion of these public facilities on lands previously reserved for their use shall be required to meet the regulations in effect for the zoning district in which the public facility is located.

SECTION TEN: PERMITTED USES – PUBLIC USE DISTRICT.

The following uses are permitted as of right in the public use district (P).

1. Administrative service facilities.
2. Childcare, not for profit.
3. Collection and transfer sites for resource recovery.
4. Communication towers.
5. Education facilities.
6. Essential public/governmental service facilities.
7. Fairgrounds.
8. Libraries.
9. Museums.
10. Parks.
11. Parking facilities.
12. Safety service facilities.
13. Any other public structures and uses which are comparable in nature with the foregoing uses.

SECTION ELEVEN: ACCESSORY USES – PUBLIC USE DISTRICT.

1. Accessory uses and structures customarily associated with the principal permitted uses.

2. Residential and commercial uses of an accessory nature which are incidental and customarily associated with support of a primary public use of the site for public purpose and which are consistent with the comprehensive plan.
3. Temporary use of the site for public purpose in accordance with the Land Development Code.
4. Accessory uses that are provided by concessionaires under agreement with the City for the provision of the service.
5. Any other public uses that are comparable in nature with the foregoing uses.

#### SECTION TWELVE:CONDITIONAL USES – PUBLIC USE DISTRICT.

The following uses are permissible as conditional uses in the public use district (P), subject to the standards and procedures established in the Land Development Code.

1. Animal control.
2. Detention facilities and jails.
3. Major maintenance and service facilities.
4. Mental health and rehabilitative facilities, not for profit.
5. Resource recovery plants.
6. Rifle and pistol range for law enforcement training.
7. Sanitary landfills.
8. Any other public uses which are comparable in nature with the foregoing uses.
9. Earthmining.

#### SECTION THIRTEEN: DIMENSIONAL STANDARDS AND REGULATIONS – PUBLIC USE DISTRICT.

The following dimensional standards shall apply to all permitted and accessory uses in the public use district (P).

*Minimum lot area:* None.

*Minimum lot width:* None.

*Minimum yard requirements:* The yard requirements of the most restrictive adjoining district shall apply to all portions of the site within 100 feet of the adjoining district.

*Maximum height:* The height of the most restrictive adjoining district within 100 feet of such district.

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

SECTION FOURTEEN: SUPPLEMENTAL STANDARDS – PUBLIC USE DISTRICT.

*Maximum off-street parking:* As required in the Land Development Code, provided, however, that the community development director may determine that the required number of spaces is excessive for a specific use based upon an analysis of factors including but not limited to: the number of employees; square footage of the proposed facilities versus those areas in-tented for public use; and customer parking. Landscaping equivalent to a type a buffer shall be substituted in lieu of paved parking with said areas reserved for future parking should the board of county commissioners find that the spaces are needed.

*Lighting:* Per the City of Marco Island Outdoor Lighting Ordinance.

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

SECTION FIFTEEN: MINIMUM LANDSCAPING REQUIREMENTS – PUBLIC USE DISTRICT.

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

SECTION SIXTEEN: ARCHITECTURAL AND DESIGN REGULATIONS.

*Architectural and design standards.* Reserved.

SECTION SIXTEEN: PURPOSE AND INTENT – COMMUNITY FACILITY (CF) DISTRICT.

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.

SECTION SEVENTEEN: PERMITTED USES – COMMUNITY FACILITY DISTRICT.

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.

SECTION EIGHTEEN:      ACCESSORY USES – COMMUNITY FACILITY DISTRICT.

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

SECTION NINETEEN:      CONDITONAL USES – COMMUNITY FACILITY DISTRICT.

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.

SECTION TWENTY:      DIMENSIONAL STANDARDS AND REGULATIONS – COMMUNITY FACILITIES DISTRICT.

The following dimensional standards shall apply in the CF district.

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

*Minimum lot width:* 80 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.

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

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

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

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

*Floor area ratio.* (Reserved.)

## SECTION TWENTY-ONE: SUPPLEMENTAL STANDARDS – COMMUNITY FACILITY DISTRICT.

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

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

*Lighting.* Per the City of Marco Island Outdoor Lighting Ordinance.

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

## SECTION TWENTY-TWO: ARCHITECTURAL AND DESIGN REGULATIONS.

*Architectural and design standards.* Reserved.

## SECTION TWENTY-THREE: GOLF COURSE DISTRICT (GC) PURPOSE AND INTENT.

*Purpose and intent.* The purpose and intent of this district is to provide lands for golf courses and normal accessory uses to golf courses, including certain uses of a commercial nature.

#### SECTION TWENTY-FOUR: PERMITTED USES.

*Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses, in the golf course district (GC).

*Permitted uses.*

1. Golf courses.

*Uses accessory to permitted uses.*

1. Uses and structures that are accessory and incidental to uses permitted as of right in the GC district.
2. Recreational facilities that serve as an integral part of the permitted use, including but not limited to clubhouse, community center building, practice driving range, storage rooms or buildings, shuffleboard courts, swimming pools and tennis facilities, snack shops and restrooms.
3. Pro shops with equipment sales up to 1,000 square feet in size; restaurants with a seating capacity of 300 seats or less and shall serve patrons no later than 12:00 p.m.
4. A maximum of two residential dwelling units for use by golf course employees in conjunction with the operation of the golf course.

#### SECTION TWENTY-FIVE: CONDITIONAL USES.

*Conditional uses.* The following uses are permissible as conditional uses in the GC district, subject to the standards and provisions established in the Land Development Code.

1. Commercial establishments oriented to the permitted uses of the district including gift shops; pro shops with equipment sales in excess of 1,000 square feet; restaurants with seating capacity of greater than 300 seats; cocktail lounges, and similar uses, primarily intended to serve patrons of the golf course.

## SECTION TWENTY-SIX: DIMENSIONAL STANDARDS.

*Dimensional standards.* The following dimensional standards shall apply to all permitted, accessory and conditional uses in the golf course district (GC).

*Minimum lot area.* Not applicable.

*Minimum lot width.* Not applicable.

*Minimum yard requirements.* A 50-foot yard setback requirement together with landscaping and buffering pursuant to the Land Development Code, buffer type B, shall be provided adjacent to any residential district which is contiguous to the area of the golf course upon which is located the clubhouse and all related activities to the clubhouse, and adjacent to all maintenance buildings. The length of the buffer shall be of a sufficient distance to block the view of recreational activities, parking and any activities relative to any other buildings, structures or outside activities from contiguous residences.

*Maximum height.* 35 feet.

*Maximum density.* Not applicable. However, a maximum of two residential units for use by golf course employees in conjunction with the operation of the golf course as described in the uses accessory to permitted uses may be allowed in the district.

*Distance between structures.* Not applicable.

*Minimum floor area.* Not applicable.

*Minimum lot coverage.* Not applicable.

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

*Lighting.* Per the City of Marco Island Outdoor Lighting Ordinance.

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

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

SECTION TWENTY-SEVEN: ARCHITECTURAL AND DESIGN REGULATIONS.

*Architectural and design standards.* Reserved.

SECTION TWENTY-EIGHT: AGRICULTURAL DISTRICT (A).

*Purpose and intent.* The purpose and intent of the agricultural district (A) is to provide lands for agricultural, pastoral, and rural land uses by accommodating traditional agricultural, agricultural related activities and facilities, support facilities related to agricultural needs, and conservation uses. Uses that are generally considered compatible to agricultural uses that would not endanger or damage the agricultural, environmental, potable water, or wildlife resources of the City of Marco Island are permissible as conditional uses in the A district.

SECTION TWENTY-NINE: PERMITTED USES.

*Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses, in the rural agricultural district (A).

*Permitted uses.*

1. Single-family dwelling.
2. Agricultural activities, including, but not limited to: crop raising; dairying; horticulture; fruit and nut production; forestry; groves; nurseries; ranching; beekeeping; poultry and egg production; milk production; live stock raising; and animal breeding; raising, training, stabling or kenneling, and aquaculture for native species subject to State of Florida game and freshwater fish commission permits.
3. Wholesale reptile breeding and raising (non-venomous), subject to the following standards:
  - a. Minimum ten acre parcel size;
  - b. Any roofed structure used for the shelter and/or feeding of such reptiles shall be located a minimum of 100 feet from any lot line.

4. Wildlife management, plant and wildlife conservancies, wildlife refuges and sanctuaries.
5. Conservation uses.
6. Family care facilities, subject to the Land Development Code.
7. Communications towers up to specified height, authorized in the Land Development Code.

SECTION THIRTY: USES ACCESSORY TO PERMITTED USES.

1. Uses and structures that are accessory and incidental to the uses permitted as of right in the A district.
2. Farm labor housing, subject to the Land Development Code.
- ~~3.~~ Retail sale of fresh, unprocessed agricultural products; grown primarily on the property and subject to a review of traffic circulation, parking, and safety concerns pursuant to the submission of a site improvement plan.
4. Excavation and related processing and production subject to the following criteria:
  - a. The activity is clearly incidental to the agricultural development of the property.
  - b. The affected area is within a surface water management system for agricultural use as permitted by the South Florida Water Management District.
  - ~~e.~~ The amount of excavated material removed from the site cannot exceed 4,000 cubic yards. Amounts in excess of 4,000 cubic yards shall require conditional use approval for earthmining, pursuant to the procedures and conditions set forth in the Land Development Code
- ~~5.~~ Guesthouses, subject to the Land Development Code
6. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or subdivision master plan for that development. Recreation facilities may

include but are not limited to golf course, clubhouse, community center building and tennis facilities, parks, playgrounds and playfields.

#### SECTION THIRTY-ONE: CONDITIONAL USES.

*Conditional uses.* The following uses are permitted as conditional uses in the rural agricultural district (A), subject to the standards and procedures established in the Land Development Code.

1. Extraction or earthmining, and related processing and production not incidental to the agricultural development of the property.
2. Sawmills.
3. Zoo, aquarium, aviary, botanical garden, or other similar uses.
4. Hunting cabins.
- ~~5.~~ Aquaculture for nonnative or exotic species, subject to State of Florida game and freshwater fish commission permits.
6. Churches and other places of worship.
7. Private landing strips for general aviation, subject to any relevant state and federal regulations.
8. Cemeteries.
9. Schools, public and private.
10. Child care centers and adult day care centers.
11. Collection and transfer sites for resource recovery.
12. Communication towers above specified height contained in the Land Development Code.
13. Social and fraternal organizations.
14. Veterinary clinic.

15. Group care facilities (category I and II); care units; 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.
16. Golf courses and/or golf driving ranges.
17. Sports instructional schools and camps.
18. Sporting and recreational camps.
19. Retail plant nurseries subject to the following conditions:
  - a. Retail sales shall be limited to the sale of plants, decorative products such as mulch or stone, fertilizers, pesticides, and other products and tools accessory to or required for the planting or maintenance of said plants.
  - b. The sale of large power equipment such as lawn mowers, tractors, and the like shall not be permitted in association with a retail plant nursery in the rural agricultural district.
20. Cultural, educational, or recreational facilities and their related modes of transporting participants, viewers or patrons where applicable, subject to all applicable federal, state and local permits.

## SECTION THIRTY-TWO: DIMENSIONAL STANDARDS.

*Dimensional standards.* The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the rural agricultural district (A).

*Minimum lot area.* Five acres.

*Minimum lot width.* 165 feet.

*Minimum yard requirements.*

1. *Front yard.* 50 feet.
2. *Side yard.* 30 feet.
3. *Rear yard.* 50 feet.

4. Yard requirements for nonconforming lots of record.

a. *Front yard.* 40 feet.

b. *Side yard.* Ten percent of the lot width, not to exceed a maximum of 20 feet on each side.

c. *Rear yard.* 30 feet.

*Minimum floor area.* 1200 square feet for single-family dwelling units.

*Maximum height.* 30 feet, except as provided in the Land Development Code.

*Maximum density.* Once dwelling unit for each five acres.

*Off-street parking.* As required in the Land Development.

*Landscaping.* As required in the Land Development

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

SECTION THIRTY-THREE:        ARCHITECTURAL        AND        DESIGN  
   REGULATIONS.

*Architectural and design standards.* Reserved.

SECTION THIRTY-FOUR:        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.

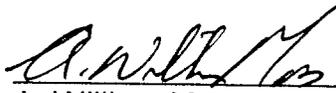
SECTION THIRTY-FIVE: EFFECTIVE DATE.

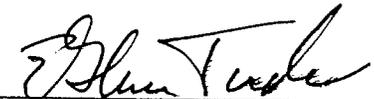
This Ordinance shall take effect immediately upon adoption by the Marco Island City Council.

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.

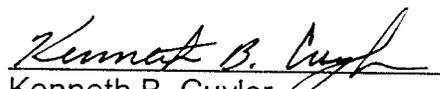
Attest:

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