

**CITY OF MARCO ISLAND**

**ORDINANCE 01-20**

AN ORDINANCE TO ESTABLISH NEW COMMERCIAL PROFESSIONAL (C-1) AND COMMERCIAL PROFESSIONAL TRANSITIONAL (C-1/T) 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 PROFESSIONAL AND COMMERCIAL PROFESSIONAL TRANSITIONAL DISTRICTS USE AND DEVELOPMENT ON MARCO ISLAND; ESTABLISHING INTENT AND PURPOSES FOR SUCH DISTRICTS; 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. This Ordinance is to establish the C-1 commercial professional and C-1/T commercial professional/transitional districts, and is intended to permit those uses which minimize pedestrian and vehicular traffic, and is designed to be compatible with all residential uses, as well as residential uses located along arterials. The C-1/T commercial professional/transitional district is intended to apply to those areas that are transitional, located between areas of higher and lower intensity development that are no longer appropriate for residential development. The uses in this district are intended as an alternative to retail, and meet the intent of the C-1/T commercial professional/transitional district. The maximum density permissible in the commercial professional district and the commercial professional/transitional 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 identified 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 C-1 commercial professional district and the C-1/T commercial professional/transitional district.

Permitted uses.

1. Administrative and Support Services (Groups 56111, 56141, 56144, 56145, 561492)
2. Computer and Electronic Product Marketing (Group 334611)
3. Credit Intermediation and Related Activities (Groups 52221, 52222, 52231, 52232, 52239, 522291, 522292, 522293, 522294, 522298)
4. Educational Services (Group 61171)
5. Funds, Trusts and Other Financial Vehicles (Groups 52511, 52512, 52519, 52599)
6. Information and Data Processing (Groups 51421, 514191)
7. Insurance Carriers and Related Activities (Groups 52413, 52421, 524113, 524114, 524126, 524127, 524128, 524291, 524292, 524298)
8. Justice, Public Order and Safety Activities (Group 92215)
9. Museums, Historical Sites and Like Institutions (Groups 71211, 71212)

10. Personal and Laundry Services (Groups 81222, 81293)
11. Professional, Scientific and Technical Services (Groups 54111, 54131, 54132, 54133, 54136, 54137, 54169, 54181, 54182, 54184, 54186, 541191, 541213, 541214, 541219, 541511, 541512, 541513, 541519, 541611, 541612, 541613, 541614, 541618)
12. Publishing Industries (Groups 51114, 51121)
13. Real Estate (Groups 53121, 53132, 53139, 531311, 531312)
14. Religious/Grant making/Professional/Like Organizations (Group 81399)
15. Security, Commodity Contracts and Like Activities (Groups 52391, 52392)
16. Social Assistance (Groups 62411, 62412, 62419, 62421, 62423, 62441, 624221, 624229)

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-1, C-1/T 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 professional/transitional district (C-1, C-1/T), subject to the standards and procedures established in the Land Development Code.

1. Religious/Like/Professional/Like Organizations (Groups 81311, 81341, 81399)
2. Monetary Authorities-Central Bank (Group 52111)
3. Credit Intermediation and Related Activities (Groups 52211, 52212, 52213, 52219, 52221, 52232, 52239, 522293, 522298)
4. Security, Commodity Contracts and Like Activities (Groups 52313, 523991)
5. Educational Services (Group 61111, 61121, 61131)

6. Information and Data Processing Services (Group 51412)
7. Ambulatory Health Care Services (Groups 62121, 62131, 62132, 62133, 62134, 62161, 621111, 621112, 621391, 621399, 621491, 621493)
8. Homeless shelters, as defined by this code.
9. Increased building height to a maximum of 50 feet.
10. 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-1, C-1/T 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 island 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 used 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. Professional, Scientific and Technical Services (Group 54194)

SECTION FIVE: DIMENSIONAL STANDARDS.

The following dimensional standards shall apply in the C-1, C-1/T district.

*Minimum lot area.* 20,000 square feet.

*Minimum lot width.* 100 feet.

*Minimum yard requirements.*

1. *Front yard.* 25 feet.
2. *Side yard.* 15 feet.
3. *Rear yard.* 15 feet.
4. *Minimum yard requirement from any residentially zoned or used property.* 25 feet.

*Maximum height of structures.* 35 feet.

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

*Maximum lot coverage.* 76% of the 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.

*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.

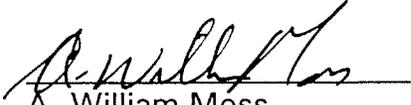
#### SECTION EIGHT: EFFECTIVE DATE

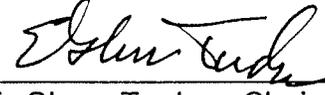
This Ordinance shall take effect immediately upon adoption by the Marco Island City Council.

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.

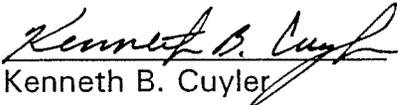
Attest:

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