

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.