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ORDINANCE NO. 13-11

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF MARCO ISLAND, AMENDING CHAPTER 30, LAND DEVELOPMENT CODE REGULATIONS, CHANGING THE LIST OF PERMITTED, CONDITIONAL, AND PROHIBITED USES IN C-1 THROUGH C-5 ZONING DISTRICTS, INCLUDING BUT NOT LIMITED TO: PERMITTING SOCIAL ASSISTANCE SERVICES CONDITIONALLY IN ALL ZONING DISTRICTS, ELIMINATING OTHER DIRECT SELLING ESTABLISHMENTS (GROUP 45439) FROM PERMITTED USE LIST IN C-3, RECLASIFYING MOTOR VEHICLE DEALERS IN C-4 AND C-5, ELIMINATING FARM PRODUCT RAW MATERIALS (GROUP 4225) FROM CONDITIONAL USE LIST IN C-5, MOVING FISHING (GROUP 11411) AND BUS TRANSPORTATION (GROUP 485113) RELATED USES FROM PERMITTED TO CONDITIONAL USE LIST IN C-5, AND MAKING OTHER MINOR TYPOGRAPHICAL CHANGES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR 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 home rule powers to enable them to conduct municipal government, perform municipal functions, render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 1.02 of the Marco Island City Charter empowers the City to adopt, amend, or repeal ordinances, resolutions and codes as may be required for the benefit of residents and governance of the City; and

WHEREAS, THE City Council of the City of Marco Island, Florida ("City Council") recognizes that changes to the adopted Code of Ordinances and Land Development Code are periodically necessary in order to ensure that the City's Codes are current and consistent with the City's planning and regulatory needs; and

WHEREAS, the City Council finds that periodic changes to the list of permitted, conditional, and prohibited uses is necessary in order to ensure the consistency in all commercial zoning districts within City limits; and

WHEREAS, the Marco Island Planning Board, sitting as the Local Planning Agency, held duly advertised public hearings on July 19, 2013 and August 2, 2013 and determined that the proposed changes contained in this Ordinance are consistent with the City of Marco Island Comprehensive Plan and Florida law, and recommended adoption of this Ordinance to the City Council; and

WHEREAS, after reviewing the City of Marco Island Planning Board's recommendation, the recommendation of City staff, and comments from the public, the City Council finds that the proposed amendments to its Code of Ordinances are in compliance and consistent with Florida law and its adopted Comprehensive Plan; and

50 WHEREAS, the City Council further finds that adoption of this Ordinance is in the best
51 interest of the residents of the City of Marco Island.

52
53 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
54 MARCO ISLAND, FLORIDA:

55
56 SECTION 1. Recitals.

57
58 The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true, correct and
59 reflective of the legislative intent underlying this Ordinance and are hereby made a specific part of
60 this Ordinance.

61
62 SECTION 2. Amendment and Adoption.

63
64 The amendments to the Code of Ordinances contained in this Ordinance are hereby amended or created
65 and adopted as follows:

66
67 DIVISION 7. - COMMERCIAL PROFESSIONAL (C-1) AND COMMERCIAL
68 PROFESSIONAL TRANSITIONAL (C-1/T) DISTRICTS
69

70 Sec. 30-181. - Purpose and intent.

71 This division is to establish the C-1 commercial professional and C-1/T commercial
72 professional/transitional districts, and is intended to permit those uses which minimize pedestrian and
73 vehicular traffic, and is designed to be compatible with all residential uses, as well as residential uses
74 located along arterials. The C-1/T commercial professional/transitional district is intended to apply to
75 those areas that are transitional, located between areas of higher and lower intensity development that
76 are no longer appropriate for residential development. The uses in this district are intended as an
77 alternative to retail, and meet the intent of the C-1/T commercial professional/transitional district.
78 The maximum density permissible in the commercial professional district and the commercial
79 professional/transitional district shall not exceed the density rating system contained in the future
80 land use element of the comprehensive plan.

81
82 Sec. 30-182. - Permitted uses.

83 The following uses, as identified with a number from the North American Industry Classification
84 System (1997), or as otherwise provided for within this section, are permitted as of right, or as uses
85 accessory to permitted uses in the C-1 commercial professional district and the C-1/T commercial
86 professional/transitional district:

87 (1) Administrative and support services (Groups 56111, 56141, 56144, 56145, 561492).

88 (2) Cemeteries and crematories (Group 81222).

89 (3) Computer and electronic product marketing (Group 334611).

90 (4) Credit intermediation and related activities (Groups 52221, 52222, 52231, 52232, 52239,
91 522291, 522292, 522293, 522294, 522298).

92 (5) Educational services (Group 61171).

93 (6) Funds, trusts and other financial vehicles (Groups 52511, 52512, 52519, 52599).

94 (7) Information and data processing (Groups 51421, 514191).

95 (8) Insurance carriers and related activities (Groups 52413, 52421, 524113, 524114, 524126,
96 524127, 524128, 524291, 524292, 524298).

97 (9) Justice, public order and safety activities (Group 92215).

- 98 ~~(9) (10) Museums, historical sites and like institutions (Groups 71211, 71212).~~
99 ~~(10) Personal and laundry services (Groups 81222, 81293)~~
100 ~~(11) Parking lots and garages (Group 81293)~~
101 ~~(11) (12) Professional, scientific and technical services (Groups 54111, 54131, 54132, 54133, 54136,~~
102 ~~54137, 54169, 54181, 54182, 54184, 54186, 541191, 541213, 541214, 541219, 541511, 541512,~~
103 ~~541513, 541519, 541611, 541612, 541613, 541614, 541618).~~
104 ~~(12) (13) Publishing industries (Groups 51114, 51121).~~
105 ~~(13) (14) Real estate (Groups 53121, 53132, 53139, 531311, 531312).~~
106 ~~(14) Religious/grant making/professional/like organizations (Group 81399)~~
107 ~~(15) Security, commodity contracts and like activities (Groups 52391, 52392).~~

108 [REDACTED]
109 [REDACTED]
110 **Sec. 30-183. - Uses accessory to permitted uses.**

111 [The following uses are deemed accessory:]

- 112 (1) Uses and structures that are accessory and incidental to the uses permitted as of right in the C-1,
113 C-1/T district.
114 (2) Caretaker's residence, subject to the land development code.

115 [REDACTED]
116 **Sec. 30-184. - Conditional uses.**

117 The following uses are permissible as conditional uses in the commercial professional/transitional
118 district (C-1, C-1/T), subject to the standards and procedures established in the land development
119 code:

- 120 (1) Religious/like/professional/like organizations (Groups 81311, 81341, 81399).
121 (2) Monetary authorities-central bank (Group 52111).
122 (3) Credit intermediation and related activities (Groups 52211, 52212, 52213, 52219, 52221, 52232,
123 52239, 522293, 522298).
124 (4) Security, commodity contracts and like activities (Groups 52313, 523991).
125 (5) Educational services (Group 61111, 61121, 61131).
126 (6) Information and data processing services (Group 51412).
127 (7) Ambulatory health care services (Groups 62121, 62131, 62132, 62133, 62134, 62161, 621111,
128 621112, 621391, 621399, 621491, 621493).

129 [REDACTED]
130 (9) Increased building height to a maximum of 50 feet.

131 (10) Mixed residential and commercial uses only within the following architectural overlay districts
132 and subject to the following criteria:

133 I. Architectural overlay district two—b. (Collier Boulevard pedestrian tourist subdistrict (South
134 section) described and illustrated in section 30-628

135 a. Based upon surrounding land uses, location, and compatibility, the commercial uses in the
136 development, hours of operation, dumpster locations, size of delivery trucks, and type of
137 equipment may be limited;

138 b. Residential and commercial uses may occupy the same floor of a building, except
139 residential uses are prohibited on the first habitable floor;

140 c. The number of residential dwelling units shall be controlled by the dimensional standards
141 of the C-1, C-1/T district, together with the specific requirement that in no instance shall the
142 residential uses exceed 50 percent of the gross floor area of the building or the density
143 permitted under the growth management plan;

144 d. Each residential dwelling unit shall contain the following minimum floor areas: efficiency
145 and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square
146 feet;

- 147 e. A minimum of 24 percent of the mixed use development shall be maintained as open space.
148 The following may be used to satisfy the open space requirements: Areas used to satisfy water
149 management requirements, landscaped areas, recreation areas, or setback areas not covered
150 with impervious surface or used for parking (parking lot island may not be used unless
151 existing native vegetation is maintained);
- 152 f. The mixed commercial/residential structure shall be designed to enhance compatibility of
153 the commercial and residential used through such measures as, but not limited to, minimizing
154 noise associated with commercial uses; directing commercial lighting away from residential
155 units; and separating pedestrian and vehicular access ways and parking areas from residential
156 units, to the greatest extent possible;
- 157 g. Maximum building height: Two stories, not to exceed 35 feet;
- 158 h. The maximum height of a mixed use structure shall be measured from the base flood
159 elevation to the mid-point of the roof;
- 160 i. The location of proposed uses within the site and the degree of compatibility of such uses
161 with each other and surrounding property;
- 162 j. The existing residential density and intensity of commercial use of surrounding property;
- 163 k. The availability and location of utilities, services, and public facilities; and
- 164 l. The access to and suitability of transportation systems and routes.
- 165 II. Architectural overlay district two—c. (Barfield subdistrict) described and illustrated in section
166 30-628
- 167 a. Based upon surrounding land uses, location, and compatibility, the commercial uses in the
168 development, hours of operation, dumpster locations, size of delivery trucks, and type of
169 equipment may be limited;
- 170 b. Residential and commercial uses may occupy the same floor of a building, except
171 residential uses are prohibited on the first habitable floor;
- 172 c. The number of residential dwelling units shall be controlled by the dimensional standards
173 of the C-1, C-1/T district, together with the specific requirement that in no instance shall the
174 residential uses exceed 50 percent of the gross floor area of the building or the density
175 permitted under the growth management plan;
- 176 d. Each residential dwelling unit shall contain the following minimum floor areas: efficiency
177 and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square
178 feet;
- 179 e. A minimum of 24 percent of the mixed use development shall be maintained as open space.
180 The following may be used to satisfy the open space requirements: Areas used to satisfy water
181 management requirements, landscaped areas, recreation areas, or setback areas not covered
182 with impervious surface or used for parking (parking lot island may not be used unless
183 existing native vegetation is maintained);
- 184 f. The mixed commercial/residential structure shall be designed to enhance compatibility of
185 the commercial and residential used through such measures as, but not limited to, minimizing
186 noise associated with commercial uses; directing commercial lighting away from residential
187 units; and separating pedestrian and vehicular access ways and parking areas from residential
188 units, to the greatest extent possible;
- 189 g. Maximum building height: Two stories, not to exceed 35 feet;
- 190 h. The maximum height of a mixed use structure shall be measured from the base flood
191 elevation to the mid-point of the roof;
- 192 i. The location of proposed uses within the site and the degree of compatibility of such uses
193 with each other and surrounding property;
- 194 j. The existing residential density and intensity of commercial use of surrounding property;
- 195 k. The availability and location of utilities, services, and public facilities; and

196 1. The access to and suitability of transportation systems and routes.

197 ~~(11) Professional, scientific and technical services Veterinary services (Group 54194).~~

198 [REDACTED]

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202 **DIVISION 8. - COMMERCIAL CONVENIENCE (C-2) DISTRICT**

203
204 **Sec. 30-201. - Purpose and intent.**

205 The purpose and intent of the commercial convenience district (C-2) is to provide lands where
206 commercial establishments may be located to provide the small scale shopping and personal needs of
207 the surrounding residential land uses within convenient travel distance. The maximum density
208 permissible in the commercial convenience district shall not exceed the density rating system
209 contained in the future land use element of comprehensive plan.

210
211 **Sec. 30-202. - Permitted uses.**

212 The following uses, as defined with a number from the North American Industry Classification
213 System (1997), or as otherwise provided for within this section, are permitted as of right, or as uses
214 accessory to permitted uses in the C-2 commercial convenience district:

215 (1) Administrative and support services (Groups 56111, 56132, 56133, 56141, 56144, 56145,
216 561439, 561492).

217 (2) Ambulatory health care services (Group 62161).

218 (3) Building material and garden equip and supplies dealers (Groups 44412, 44413, 44419).

219 (4) Clothing and clothing accessories stores (Groups 44811, 44812, 44813, 44814, 44815, 44819,
220 44821, 44831, 44832).

221 (5) Computer and electronic product manufacturing (Group 334611).

222 (6) Credit intermediation and related activities (Groups 52211, 52212, 52213, 52219, 52221, 52222,
223 52231, 52232, 52239, 522291, 522292, 522293, 522294, 522298).

224 (7) Educational services (Groups 61111, 61121, 61131, 61171, 611511).

225 (8) Electronics and appliances stores (Groups 44312, 44313, 443111, 443112).

226 (9) Food and beverage stores (Groups 44511, 44521, 44522, 44523, 445291, 445292, 445299).

227 (10) Food manufacturing (Groups 31133, 31134, 311811).

228 (11) Food service and drinking places (Groups 72211, 72231, 72232, 722211, 722212, 722213).

229 (12) Funds, trusts and other financial vehicles (Groups 52511, 52512, 52519, 52599).

230 (13) Furniture and home furnishings stores (Groups 44221, 442291, 442299).

231 [REDACTED]

232 ~~(15)~~ General government administration (Groups 92115).

233 ~~(16)~~ (15) General merchandise store (Groups 45211, 45291, 45299).

234 ~~(17)~~ (16) Health and personal care stores (Groups 44611, 446191).

235 ~~(18)~~ (17) Information and data processing services (Groups 51412, 51421, 514191).

236 ~~(19)~~ (18) Insurance carriers and related activities (Groups 52413, 52421, 524113, 524114, 524126,
237 524127, 524128, 524291, 524292, 524298).

238 ~~(20)~~ (19) Justice, public order and safety activities (Group 92215).

239 ~~(21)~~ (20) Miscellaneous store retailers (Groups 45321, 45322).

240 ~~(22)~~ (21) Monetary authorities-central bank (Group 52111).

241 ~~(23)~~ (22) Motor vehicle and parts dealer (Group 44131).

242 ~~(24)~~ (23) Museums, historical sites and like institutions (Groups 71211, 71212).

243 ~~(25)~~ (24) Nonstore retailers (Groups 45411, 45439).

- 244 (26) (25) Perform arts, spectator sports and related industries (Group 71111).
 245 (27) (26) Personal and laundry service (Groups 81222, 81231, 81232, 81293, 81299, 812111,
 246 812112, 812113, 812921, 812922).
 247 (28) (27) Postal service (Group 49111).
 248 (29) (28) Printing and related support activities (Group 323114).
 249 (30) (29) Professional, scientific and technical services (Groups 54111, 54131, 54132, 54133, 54136,
 250 54137, 54143, 54169, 54181, 54182, 54184, 54186, 54191, 541211, 541213, 541214, 541219,
 251 541511, 541512, 541513, 541519, 541611, 541612, 541613, 541614, 541618, 541921, 541922).
 252 (31) (30) Publishing industries (Groups 51114, 51121).
 253 (32) (31) Real estate (Groups 53121, 53132, 53139, 531311, 531312).
 254 (33) (32) Religious/like/professional/like organizations (Groups 81311, 81341, 81399).
 255 (34) (33) Rental and leasing services (Groups 53223, 53242).
 256 (35) (34) Repair and maintenance (Groups 81143, 81149, 811211, 811212, 811213, 811219,
 257 811412).
 258 (36) (35) Security, commodity and like activities (Groups 52311, 52312, 52313, 52314, 52321,
 259 52391, 52392, 52393, 523991, 523999).
 260 (37) [REDACTED]
 261 (38) (36) Sporting goods, hobby, books and music store (Groups 45112, 45113, 54114 45114, 45122,
 262 451211).

263

264 **Sec. 30-203. - Uses accessory to permitted uses.**

265 [The following uses are deemed accessory:]

- 266 (1) Uses and structures that are accessory and incidental to the customary uses permitted as of right in
 267 the C-2 district.

268

269 **Sec. 30-204. - Conditional uses.**

270 The following use is permissible as a conditional use in the commercial convenience district (C-2),
 271 subject to the standards and procedures established in the land development code:

272 [REDACTED]

273 [REDACTED]

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277 **DIVISION 9. - COMMERCIAL INTERMEDIATE (C-3) DISTRICT**

278

279 **Sec. 30-221. - Purpose and intent.**

280 The purpose and intent of the commercial intermediate district (C-3) is to provide for a wider variety
 281 of goods and services in areas that have a higher degree of automobile traffic. This district is intended
 282 to be compatible with residential areas and is not intended to permit wholesaling, or activities which
 283 require outside storage of merchandise and equipment. The maximum density permissible in the
 284 commercial intermediate district shall not exceed the density rating system contained in the future
 285 land use element of the comprehensive plan.

286

287 **Sec. 30-222. - Permitted uses.**

288 The following uses, as defined with a number from the North American Industry Classification
 289 System (1997), or as otherwise provided for within this section, are permitted as of right, or as uses
 290 accessory to permitted uses in the commercial intermediate district (C-3); uses permitted as of right in
 291 the C-1 and C-2 commercial zoning districts shall also be permitted as of right hereunder:

- 292 (1) Admin housing/urban planning/community development (Groups 92511, 92512).
 293 (2) Administration of economic programs (Groups 92611, 92612, 92613, 92614, 92615).
 294 (3) Administration of environmental quality programs (Groups 92411, 92412).
 295 (4) Administration of human resource programs (Group 92311, 92312, 92313, 92314).
 296 (5) Administrative and support services (Groups 56111, 56132, 56133, 56141, 56144, 56145, 56179,
 297 56191, 56192, 56199, 561421, 561422, 561431, 561439, 561491, 561492, 561499, 561591, 561599).
 298 (6) Ambulatory health care services (Group 62161).
 299 (7) ~~Amusement, gambling and recreation industries (Group 71393).~~
 300 (8) Building material and garden equip and supplies dealers (Groups 44412, 44413, 44419, 44422).
 301 (9) (8) Clothing and clothing accessories stores (Groups 44811, 44812, 44813, 44814, 44815, 44819,
 302 44821, 44831, 44832).
 303 (10) (9) Computer and electronic product manufacturing (Group 334611).
 304 (11) (10) Credit intermediation and related activities (Groups 52211, 52212, 52213, 52219, 52221,
 305 52222, 52231, 52232, 52239, 522291, 522292, 522293, 522294, 522298).
 306 (12) ~~Dental laboratories (Group 80111).~~
 307 (12) Educational services (Groups 61111, 61121, 61131, 61171, 611511).
 308 (13) Electronic and appliance stores (Groups 44312, 44313, 443111, 443112).
 309 (14) Food and beverage stores (Groups 44511, 44512, 44521, 44522, 44523, 44531, 45291, 445292,
 310 445299).
 311 (15) Food manufacturing (Groups 31133, 31134, 311811).
 312 (16) Food service and drinking places (Groups 72211, 72231, 72232, 72233, 722211, 722212,
 313 722213).
 314 (17) Funds, trusts and other financial vehicles (Groups 52511, 52512, 52519, 52599).
 315 (18) Furniture and home furnishings store (Groups 44211, 44221, 442291, 442299).
 316 (19) Furniture and related product manufacturing (Groups 33711, 337121, 337122).
 317 (20) Gasoline station (Groups 44711, 44719; ~~Gasoline stations and related activities (Group 44711).~~
 318 (21) General government administration (Groups 92111, 92112, 92113, 92114, 92115, 92119).
 319 (22) General merchandise stores (Groups 45211, 45291, 45299).
 320 (23) ~~General merchandise stores (Groups 45211, 45291, 45299).~~
 321 ~~General merchandise stores (Groups 45211, 45291, 45299).~~
 322 ~~General merchandise stores (Groups 45211, 45291, 45299).~~
 323 (23) (24) Health and personal care stores (Groups 44611, 44612, 44613, 446191, 446199).
 324 (24) (25) Information and data processing services (Groups 51412, 51421, 514191, 514199).
 325 (25) (26) Insurance carriers and related activities (Groups 52413, 52421, 524113, 524114, 524126,
 326 524127, 524128, 524292, 524298).
 327 (26) (27) Justice, public order and safety activities (Groups 92215, 92219).
 328 (27) (28) ~~Miscellaneous manufacturing (Group 339115).~~ Marinas (Group 71393)
 329 (28) (29) Miscellaneous store retailers (Groups 45311, 45321, 45322, 45331, 45391, 45392, 453991,
 330 453998).
 331 (29) (30) Monetary authority-central bank (Group 52111).
 332 (30) (31) Motion picture and sound recording industries (Groups 51224, 51229).
 333 (31) (32) Motor vehicle and parts dealers (Groups 44131, 44132).
 334 (32) (33) Museums, historical sites and like institutions (Groups 71211, 71212, 71213, 71219).
 335 (33) (34) ~~Nonstore retailers (Groups 4541, 45421, 45422).~~
 336 (34) (35) Ophthalmic goods manufacturing (Group 339115).
 337 (35) (36) Perform arts, spectator sports and related industries (Groups 71111, 71141).
 338 (35) (37) Personal and laundry services (Groups 81222, 81231, 81232, 81293, 81299, 812111,
 339 812112, 812113, 812921, 812922).
 340 (36) (38) Postal services (Group 49111).

- 341 (37) (39) Professional, scientific and technical services (Groups 54111, 54131, 54132, 54133, 54134,
342 54135, 54136, 54137, 54141, 54142, 54143, 54149, 54169, 54181, 54182, 54184, 54186, 54187,
343 54189, 54193, 54199, 541191, 541199, 541211, 541213, 541214, 541219, 541511, 541512, 541513,
344 541519, 541611, 541612, 541613, 541614, 541618, 541921, 541922).
345 (38) (40) Publishing industries (Groups 51114, 51121).
346 (39) (41) Real estate (Groups 53121, 53132, 53139, 531311, 531312).
347 (40) (42) Religious/like/professional/like organizations (Groups 81311, 81341, 81391, 81392, 81393,
348 81394, 81399, 813312).
349 (41) (43) Rental and leasing services (Groups 53223, 53242).
350 (42) (44) Repair and maintenance (Groups 81143, 81149, 811211, 811212, 811213, 811219,
351 811412).
352 (43) (45) Security, commodity contracts and like activities (Groups 52311, 52312, 52313, 52314,
353 52321, 52391, 52392, 52393, 523991, 523999).
354 (44) (46) Social assistance (Groups 62411, 62412, 62419, 62421, 62423, 62441, 624221, 624229).
355 (45) (47) Space research and technology (Group 92711).
356 (46) (48) Sporting goods, hobby, book and music stores (Groups 45111, 45112, 45113, 45114,
357 45122, 451211, 451212).
358 (47) (49) Transportation support activities (Group 488111).
359 (48) (50) Wholesale trade (Group 42186).

360

361 **Sec. 30-223. - Uses accessory to permitted uses.**

362 [The following uses are deemed accessory:]

- 363 (1) Uses and structures that are accessory and incidental to the uses permitted as of right in the C-3
364 district.
365 (2) Caretaker's residence, subject to the land development code.

366

367 **Sec. 30-224. - Conditional uses.**

368 The following uses are permissible as conditional uses in the commercial intermediate district (C-3),
369 subject to the standards and procedures established in the land development code; uses permissible as
370 conditional uses in the C-1 or C-2 commercial zoning districts shall also be permissible as conditional
371 uses hereunder, unless listed as a permitted use in the C-3 district:

- 372 (1) Perform arts, spectator sports and related industries (Groups 71111, 71112, 71119, 71131, 71132,
373 71141, 71151, 711219).
374 (2) Museums, historical sites and like institutions (Group 71219).
375 (3) Amusement and recreation industries (Groups 71312, 71392, 71394, 71395, 71399).
376 (4) Scenic and sightseeing transportation (Groups 48711, 48721, 48799).
377 (5) Educational services (Groups 61141, 61142, 61143, 61161, 61162, 61163, 61171, 611512,
378 611513, 611519, 611691, 611692, 611699).
379 (6) Administrative and support services (Groups 56131, 561599).
380 (7) ~~Motion picture and sound recording industries (Group 51229).~~
381 (8) Rental and leasing services (Groups 53249, 532292).
382 (9) (8) Food service and drinking places (Groups 72211, 72231, 72232, 722211, 722212, 722213).
383 ~~_____~~
384 (11) (9) Hospitals (Groups 62211, 62221, 62231).
385 (12) (10) Justice, public order and safety activities (Groups 92211, 92215).
386 (13) (11) Social assistance (Groups 62411, 62412, 62419, 62421, 62423, 62431, 62441, 624221,
387 624229).
388 (14) (12) Nursing and residential care facilities (Groups 62322, 623312).

389 (15) (13) Religious/like/professional/like organizations (Groups 813212, 813219, 813311, 813312,
390 813319).

391 (16) (14) Mixed residential and commercial uses only within the following architectural overlay
392 districts and subject to the following criteria:

393 I. Architectural overlay district two—b. (Collier Boulevard pedestrian tourist subdistrict (South
394 section) described and illustrated in section 30-628

395 a. Based upon surrounding land uses, location, and compatibility, the commercial uses in the
396 development, hours of operation, dumpster locations, size of delivery trucks, and type of
397 equipment may be limited;

398 b. Residential and commercial uses may occupy the same floor of a building, provided the
399 commercial uses are consistent with the C-1 and C-1/T zoning districts and residential uses
400 are prohibited on the first habitable floor;

401 c. The number of residential dwelling units shall be controlled by the dimensional standards
402 of the C-3 district, together with the specific requirement that in no instance shall the
403 residential uses exceed 50 percent of the gross floor area of the building or the density
404 permitted under the growth management plan;

405 d. Each residential dwelling unit shall contain the following minimum floor areas: efficiency
406 and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square
407 feet;

408 e. A minimum of 24 percent of the mixed-use development shall be maintained as open space.
409 The following may be used to satisfy the open space requirements: areas used to satisfy water
410 management requirements; landscaped areas; recreation areas; or setback areas not covered
411 with impervious surface or used for parking (parking lot islands may not be used unless
412 existing native vegetation is maintained);

413 f. The mixed commercial/residential structure shall be designed to enhance compatibility of
414 the commercial and residential uses through such measures as, but not limited to, minimizing
415 noise associated with commercial uses; directing commercial lighting away from residential
416 units; and separating pedestrian and vehicular access ways and parking areas from residential
417 units, to the greatest extent possible;

418 g. Maximum building height: Four stories, not to exceed 50 feet;

419 h. The maximum height of a mixed use structure shall be measured from the base flood
420 elevation to the mid-point of the roof;

421 i. The location of proposed uses within the site and the degree of compatibility of such uses
422 with each other and surrounding property;

423 j. The existing residential density and intensity of commercial use of surrounding property;

424 k. The availability and location of utilities, services, and public facilities; and

425 l. The access to and suitability of transportation systems and routes.

426 II. Architectural overlay district two—c. (Barfield subdistrict) described and illustrated in section
427 30-628

428 a. Based upon surrounding land uses, location, and compatibility, the commercial uses in the
429 development, hours of operation, dumpster locations, size of delivery trucks, and type of
430 equipment may be limited;

431 b. Residential and commercial uses may occupy the same floor of a building, provided the
432 commercial uses are consistent with the C-1 and C-1/T zoning districts and residential uses
433 are prohibited on the first habitable floor;

434 c. The number of residential dwelling units shall be controlled by the dimensional standards
435 of the C-3 district, together with the specific requirement that in no instance shall the
436 residential uses exceed 50 percent of the gross floor area of the building or the density
437 permitted under the growth management plan;

- 438 d. Each residential dwelling unit shall contain the following minimum floor areas: efficiency
 439 and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square
 440 feet;
- 441 e. A minimum of 24 percent of the mixed use development shall be maintained as open space.
 442 The following may be used to satisfy the open space requirements: Areas used to satisfy water
 443 management requirements, landscaped areas, recreation areas, or setback areas not covered
 444 with impervious surface or used for parking (parking lot island may not be used unless
 445 existing native vegetation is maintained);
- 446 f. The mixed commercial/residential structure shall be designed to enhance compatibility of
 447 the commercial and residential used through such measures as, but not limited to, minimizing
 448 noise associated with commercial uses; directing commercial lighting away from residential
 449 units; and separating pedestrian and vehicular access ways and parking areas from residential
 450 units, to the greatest extent possible;
- 451 g. Maximum building height: Two stories, not to exceed 35 feet;
- 452 h. The maximum height of a mixed use structure shall be measured from the base flood
 453 elevation to the mid-point of the roof;
- 454 i. The location of proposed uses within the site and the degree of compatibility of such uses
 455 with each other and surrounding property;
- 456 j. The existing residential density and intensity of commercial use of surrounding property;
- 457 k. The availability and location of utilities, services, and public facilities; and
- 458 l. The access to and suitability of transportation systems and routes.
- 459 ~~(17)~~ (15) Permitted use with less than 700 square feet gross floor area in the principal structure.
 460 ~~(18)~~ (16) Soup kitchens, as defined by this code.

461 *****

462
 463
 464 **DIVISION 10. - GENERAL COMMERCIAL (C-4) DISTRICT**

465
 466 **Sec. 30-241. - Purpose and intent.**

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

474 It is further the intent and purpose to ensure continuity and compatibility within the C-4 districts on
 475 Marco Island. To that end, the maximum height for C-4 properties in the Marco Lake Subdistrict and
 476 the village commercial area of Old Marco shall be 40 feet.

477
 478 **Sec. 30-242. - Permitted uses.**

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

- 482 (1) Unless otherwise provided for in this code, all permitted uses in the C-3 commercial intermediate
 483 district.
- 484 (2) Agricultural services (veterinary services - 54194 except outdoor kenneling, pet care - 82191
 485 including animal specialty services, animal shelters and boarding kennels except outdoor kenneling).

486 (3) Amusements and recreational services, indoor (dance companies - 71112, sports and recreation
487 instruction - 61162, theater companies and dinner theaters - 71111, dance companies - 71112,
488 musical groups and artist - 71113, other performing arts companies - 71119, writers and performers -
489 71151, bowling centers - 71395, fitness and recreational sports centers - 71394, amusement arcades -
490 71312, sports teams and clubs - 711211, spectator sports - 7112, promoters of entertainment events -
491 7113).

492 ~~Automotive parts and gasoline service stations~~
493 automotive Automotive parts, accessories and tire stores - 44131, gasoline stations - 4471 with
494 services and repairs as described in the land development code and summarized as follows:

- 495 a. Sales and servicing of spark plugs, batteries, distributors and distributor parts;
- 496 b. Sales, mounting, balancing and repair of tires and wheel alignments, but not recapping of tires;
- 497 c. Sales and replacement of water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats,
498 wiper blades, grease retainers, wheel bearings, shock absorbers, mirrors, exhaust systems, and the
499 like;
- 500 d. Provisions of water, antifreeze, flushing of the cooling system, air conditioning recharge, and
501 the like;
- 502 e. Washing and polishing of automobiles and the sale of automobile washing and polishing
503 materials, but this only allows auto detailing as an accessory use, but this provision does not
504 allow carwashes except in those zoning districts where a carwash is a permitted use, and such
505 carwashes shall be subject to criteria specified in the zoning district;
- 506 f. Providing and repairing fuel pumps and lines;
- 507 g. Minor servicing and repair of carburetor and fuel injection systems;
- 508 h. Emergency wiring repairs;
- 509 i. Providing repair and placement of brake rotors, drums and pads;
- 510 j. Minor motor adjustments not involving removal of the head or crankcase;
- 511 k. Greasing and lubrication;
- 512 l. Sales of cold drinks, candies, tobacco, and similar convenience goods for service station
513 customers, but strictly and only accessory and incidental to the principal business operation;
- 514 m. Provision of road maps and other information outside of the enclosed areas;
- 515 n. No mechanical work shall be allowed outside of the enclosed areas;
- 516 o. No automobile service station shall be permitted where any drainage oil pit or visible appliance
517 for any such purpose other than refueling cars is located within 20 feet of any street right-of-way
518 or within 45 feet of any residential district, except where such appliance is located within a
519 wholly enclosed building;
- 520 p. Uses permitted at an automobile service station do not include major mechanical and body
521 work, straightening of frames or body parts, steam cleaning, painting, welding, storage of
522 automobiles (except as expressly permitted in item q. below), commercial garage as an accessory
523 use, or other work involving undue noise, glare, fumes, smoke or other characteristics to an extent
524 greater than normally found in such stations. An automobile service station is not a facility for the
525 sale of automobile vehicles, a repair garage, a body shop, or a truck stop;
- 526 q. The temporary storage of vehicles shall be permitted if the vehicles are to be serviced at the
527 service station or if the vehicles have been towed by the service station and are being held for
528 servicing, for an insurance company, or for sale or salvage. Any such vehicle(s), other than those
529 vehicles serviced daily, shall be stored within an area surround by an opaque fence not less than
530 six feet in height. Said vehicles shall not be stored longer than 90 days;
- 531 r. Convenience grocery stores selling motor fuel must conform with all provisions of the land
532 development code. ~~gasoline stations with convenience stores - 44711,~~

533 ~~gasoline stations with convenience stores - 44711,~~

- 534 (5) Automotive repair, services, parking (passenger car rental and leasing - 53211, parking lots and
535 garages - 81293), carwashes (811192), provided that carwashes abutting residential zoning districts
536 shall be subject to the following criteria:
- 537 a. Size of vehicles. Carwashes designed to serve vehicles exceeding a capacity rating of one ton
538 shall not be allowed.
 - 539 b. Minimum yards.
 - 540 1. Front yard setback: 50 feet.
 - 541 2. Side yard setback: 40 feet.
 - 542 3. Rear yard setback: 40 feet.
 - 543 c. Minimum frontage. A carwash shall not be located on a lot with less than 150 feet of frontage
544 on a dedicated street or highway.
 - 545 d. Lot size. Minimum 18,000 square feet.
 - 546 e. Fence requirements. If a carwash abuts a residential district, a masonry or equivalent wall
547 constructed with a decorative finish, six feet in height shall be erected along the lot line opposite
548 the residential district and the lot lines perpendicular to the lot lines opposite the residential
549 district for a distance not less than 15 feet. The wall shall be located within a landscaped buffer as
550 specified in the land development code. All walls shall be protected by a barrier to prevent
551 vehicles from contacting them.
 - 552 f. Architecture. The building shall maintain a consistent architectural theme along each building
553 facade.
 - 554 g. Noise. A carwash shall be subject to the city noise control ordinance.
 - 555 h. Washing and polishing. The washing and polishing operations for all car washing facilities,
556 including self-service car washing facilities, shall be enclosed on at least two sides and shall be
557 covered by a roof. Vacuuming facilities may be located outside the building, but may not be
558 located in any required yard area.
 - 559 i. Hours of operation. Carwashes abutting residential districts shall be closed from 10:00 p.m. to
560 7:00 a.m.
- 561 (6) Building materials, hardware and garden supplies (paint and wallpaper stores - 44412, hardware
562 stores - 44413, nursery and garden centers - 44422, lawn and garden equipment and supplies store -
563 4442).
- 564 (7) Business services (advertising agencies 54181 - other services related to advertising - 54189,
565 photographic services - 54192, employment placement agencies - 56131, collection agencies - 56144,
566 credit bureaus - 56145, private mail centers - 56143, other business service centers including copying -
567 56149, direct mail advertising - 54186, graphic design services - 54143, commercial photography -
568 541922, court reporting and stenotype services - 561492, business and secretarial schools - 61141,
569 extermination and pest control services - 56171, carpet and upholstery cleaning services - 56174,
570 janitorial services - 56172, other services to buildings and dwellings - 56179, investigation services -
571 561611, security guards and patrol services - 561612, armored car services - 561613, security
572 systems services - 561621, locksmiths - 561622, home health equipment rental - 532291, consumer
573 goods rental - 5322, recreational goods rental - 532292 except airplane, industrial truck, portable
574 toilet and oil field equipment renting and leasing, employment placement agencies - 56131,
575 temporary help services - 56132, custom computer programming services - 541511, other computer
576 related services - 541519, security guards and patrol services 561612 except armored car and dog
577 rental, security systems services - 56162, one hour photo finishing - 812922, news syndicates -
578 51411, business support services - 5614, all other business support services - 561499 except
579 auctioneering, bronzing, field warehousing, salvaging of damaged merchandise).
- 580 (8) Commercial printing (commercial lithographic printing - 323110 excluding newspapers, quick
581 printing - 323114).

- 582 (9) Communications (radio broadcasting 51311, other telecommunications - 51339, including roof-
583 top mounted communication towers up to a specified height as defined in the land development
584 code).
- 585 (10) Eating and drinking establishments (full service restaurants - 72211, mobile food services -
586 72233, drinking places - 72241, excluding bottle clubs. All establishments engaged in the retail sale
587 of alcoholic beverages for on-premises consumption are subject to locational requirements of the land
588 development code).
- 589 (11) Engineering, accounting, research, management and related services (engineering services -
590 54133, architectural services - 54131, surveying/mapping services - 54137 except geophysical,
591 accounting/tax preparation offices/book keeping/payroll services - 54121, scientific R&D services -
592 5417, R&D in social sciences and humanities - 54172, marketing research and public opinion polling
593 - 54191, testing laboratories - 54138, management consulting services - 54161, public relations
594 agencies - 54182, facilities support services - 56121, management consulting services - 54161).
- 595 (12) Glass and glazing work (glass and glazing contractors - 23592).
- 596 (13) [REDACTED]
- 597 [REDACTED]
- 598 [REDACTED]
- 599 [REDACTED]
- 600 (14) Health services (dental laboratories - 339116, graphic design services - 54143, commercial
601 photography - 541922, family planning centers - 62141, outpatient mental health/substance abuse
602 centers - 62142, all other outpatient care centers - 621498, kidney dialysis centers - 621492, medical
603 laboratories - 621511, diagnostic imaging centers - 621512, blood and organ banks - 621991, all
604 other miscellaneous ambulatory health care services - 621999, general medical and surgical hospitals
605 - 62211, psychiatric and substance abuse hospitals - 62221, nursing care facilities - 62311, residential
606 mental retardation facilities - 62321, continuing care retirement communities - 623311).
- 607 (15) Hotels, motels and timeshares (72111).
- 608 (16) Marinas (71393, except canal operation, cargo salvaging, ship dismantling, lighterage, marine
609 salvaging, marine wrecking, steamship leasing) subject to provisions in the land development code.
- 610 (17) Miscellaneous repair services (electronic and precession equipment R&M - 81292, consumer
611 electronics R&M - 81292, computer and office machine R&M - 812921, other electronic and
612 precision equipment R&M - 811219, personal and household goods R - M&8114, reupholstery and - M
613 81142, other personal and household goods R - furniture repair&81149). - M
- 614 (18) Miscellaneous retail (home furnishing stores - 4422, window treatment stores - 442291,
615 electronics and appliance stores - 4431, paint and wallpaper stores - 44412, hardware stores - 44413,
616 pharmacies and drug stores - 44611, beer, wine and liquor stores - 44531, used merchandise stores -
617 45331, sporting goods/hobby/musical instrument stores - 4511, book store - 451211, jewelry stores -
618 44831, camera and photographic supplies stores - 44313, luggage and leather goods stores - 44832,
619 gift, novelty and souvenir stores - 45322, office supplies and stationery stores - 45321, clothing
620 accessories stores - 44815, electronic shopping and mall order houses - 45411, vending machine
621 operators - 4542, direct selling establishments - 4543, florists - 45311, tobacco stores - 453991, news
622 dealers and newsstands - 451212, and optical goods stores - 44613).
- 623 (19) Motion picture theaters (512131).
- 624 (20) Public or private parks and playgrounds.
- 625 (21) Personal services (drycleaning and laundry services - 8123, coin operated laundries and
626 drycleaners - 81231, funeral homes - 81221 except crematories, tax return preparation services and
627 all other personal services - 81299).
- 628 (22) Real estate (nonresidential property managers - 531312).

- 629 (23) Social services (individual and family services - 6241, child and youth services - 62411, services
630 for elderly and disabled persons - 62412, other individual and family services - 62419, vocational
631 rehabilitation services - 62431, child day care services - 6244).
632 (24) Vocational schools (business and secretarial schools - 61141, educational support services -
633 61171).
634 (25) Any other general commercial use which is comparable in nature with the foregoing uses
635 including buildings for retail, service and office purposes consistent with the permitted uses and
636 intent and purpose statement of the district.

637

638 **Sec. 30-243. - Uses accessory to permitted uses.**

639 [The following uses are permitted as accessory to permitted uses:]

- 640 (1) Uses and structures that are accessory and incidental to the uses permitted as of right in the C-4
641 district.
642 (2) Caretaker's residence, subject to the land development code.
643 (3) Parking requirements for uses and structures that are accessory and incidental to permitted
644 transient uses (hotel, motel, and timeshare), with parking required for such accessory uses calculated
645 at 50 percent for hotels, 67 percent for motels, and 75 percent for timeshares.

646 **Sec. 30-244. - Conditional uses.**

647 The following uses are permitted as conditional uses in the general commercial district (C-4), subject
648 to the standards and procedures established in the land development code; uses permissible as
649 conditional uses in the C-1, C-2 or C-3 commercial zoning districts shall also be permissible as
650 conditional uses hereunder, unless listed as a permitted use in the C-4 district:

- 651 (1) Agricultural services (veterinary services - 54194 with outdoor kenneling, pet care - 81291 with
652 outdoor kenneling).
653 (2) Amusement and recreational services, outdoor (race tracks ~~traets~~ tracks - 711212, golf courses and
654 country clubs - 71391, amusement and theme parks - 71311, 71399 except for casino/gambling
655 establishments).
656 (3) Auctioneering services, auction rooms.

657

658 ~~_____~~ Boat dealers 441222; outdoor display permitted ~~_____~~

659

660

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665 ~~(8)~~ (6) Fuel dealers (fuel dealers - 45431, liquefied petroleum gas (bottled gas) dealers - 454312,
666 other fuel dealers - 454319).

667

668 ~~(10)~~ (8) Justice, public order and safety (legal council and prosecution - 92213, correctional
669 institutions - 92214, other justice/public order/safety activity - 92219).

670 ~~(11)~~ (9) Permitted uses with less than 700 square feet of gross floor areas in the principal structure.

671 ~~(12)~~ (10) Soup kitchens, as defined in the land development code.

672 ~~(13)~~ (11) Marina based open rack boat storage facilities located on navigable water frontage, pursuant
673 to section 30-246

674 ~~(14)~~ (12) Reserved.

675 ~~(15)~~ (13) Reserved.

676 ~~(16)~~ (14) Mixed residential and commercial uses only within the following architectural overlay
677 districts and subject to the following criteria:

678 I. Architectural overlay district one (town center mixed-use district) described and illustrated in
679 section 30-628

680 a. Based upon surrounding land uses, location, and compatibility, the commercial uses in the
681 development, hours of operation, dumpster locations, size of delivery trucks, and type of
682 equipment may be limited;

683 b. Residential and commercial uses may occupy the same floor of a building, provided the
684 commercial uses are consistent with the C-1 and C-1/T zoning districts and residential uses
685 are prohibited on the first habitable floor;

686 c. The number of residential dwelling units shall be controlled by the dimensional standards
687 of the C-4 district, the density limitation based on the future land use map element, together
688 with the specific requirement that in no instance shall the residential uses exceed 75 percent of
689 the gross floor area of the building;

690 d. Each residential dwelling unit shall contain the following minimum floor areas: efficiency
691 and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square
692 feet;

693 e. A minimum of 24 percent of the mixed-use development shall be maintained as open space.
694 The following may be used to satisfy the open space requirement: areas used to satisfy water
695 management requirements; landscaped areas; recreation areas; or setback areas not covered
696 with impervious surface or used for parking (parking lot islands may not be used unless
697 existing native vegetation is maintained);

698 f. The mixed commercial/residential structure shall be designed to enhance compatibility of
699 the commercial and residential uses through such measures as, but not limited to, minimizing
700 noise associated with commercial uses; directing commercial lighting away from residential
701 units; and separating pedestrian and vehicular access ways and parking areas from residential
702 units, to the greatest extent possible;

703 g. Maximum building height: 75 feet;

704 h. The maximum height of a mixed-use structure shall be measured from the base flood
705 elevation to the midpoint of the roof;

706 i. The location of proposed uses within the site and the degree of compatibility of such uses
707 with each other and surrounding property;

708 j. The existing residential density and intensity of commercial use of surrounding property;

709 k. The availability and location of utilities, services, and public facilities; and

710 l. The access to and suitability of transportation systems and routes.

711 II. Architectural overlay district three (Marco Lake subdistrict) described and illustrated in section
712 30-628

713 a. Based upon surrounding land uses, location, and compatibility, the commercial uses in the
714 development, hours of operation, dumpster locations, size of delivery trucks, and type of
715 equipment may be limited;

716 b. Residential and commercial uses may occupy the same floor of a building, provided the
717 commercial uses are consistent with the C-1 and C-1/T zoning districts and residential uses
718 are prohibited on the first habitable floor;

719 c. The number of residential dwelling units shall be controlled by the dimensional standards
720 of the C-4 district, the density limitation based on the future land use map element, together
721 with the specific requirement that in no instance shall the residential uses exceed 50 percent of
722 the gross floor area of the building;

723 d. Each residential dwelling unit shall contain the following minimum floor areas: efficiency
724 and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square
725 feet;

- 726 e. A minimum of 24 percent of the mixed-use development shall be maintained as open space.
727 The following may be used to satisfy the open space requirement: areas used to satisfy water
728 management requirements; landscaped areas; recreation areas; or setback areas not covered
729 with impervious surface or used for parking (parking lot islands may not be used unless
730 existing native vegetation is maintained);
- 731 f. The mixed commercial/residential structure shall be designed to enhance compatibility of
732 the commercial and residential uses through such measures as, but not limited to, minimizing
733 noise associated with commercial uses; directing commercial lighting away from residential
734 units; and separating pedestrian and vehicular access ways and parking areas from residential
735 units, to the greatest extent possible;
- 736 g. Maximum building height: 40 feet;
- 737 h. The maximum height of a mixed-use structure shall be measured from the base flood
738 elevation to the midpoint of the roof;
- 739 i. The location of proposed uses within the site and the degree of compatibility of such uses
740 with each other and surrounding property;
- 741 j. The existing residential density and intensity of commercial use of surrounding property;
- 742 k. The availability and location of utilities, services, and public facilities; and
- 743 l. The access to and suitability of transportation systems and routes.
- 744 III. Architectural overlay district four (village commercial district) described and illustrated in
745 section 30-628
- 746 a. Based upon surrounding land uses, location, and compatibility, the commercial uses in the
747 development, hours of operation, dumpster locations, size of delivery trucks, and type of
748 equipment may be limited;
- 749 b. Residential and commercial uses may occupy the same floor of a building, provided the
750 commercial uses are consistent with the C-1 and C-1/T zoning districts and residential uses
751 are prohibited on the first habitable floor;
- 752 c. The number of residential dwelling units shall be controlled by the dimensional standards
753 of the C-4 district, the density limitation based on the future land use map element, together
754 with the specific requirement that in no instance shall the residential uses exceed 50 percent of
755 the gross floor area of the building;
- 756 d. Each residential dwelling unit shall contain the following minimum floor areas: efficiency
757 and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square
758 feet;
- 759 e. A minimum of 24 percent of the mixed-use development shall be maintained as open space.
760 The following may be used to satisfy the open space requirement: areas used to satisfy water
761 management requirements; landscaped areas; recreation areas; or setback areas not covered
762 with impervious surface or used for parking (parking lot islands may not be used unless
763 existing native vegetation is maintained);
- 764 f. The mixed commercial/residential structure shall be designed to enhance compatibility of
765 the commercial and residential uses through such measures as, but not limited to, minimizing
766 noise associated with commercial uses; directing commercial lighting away from residential
767 units; and separating pedestrian and vehicular access ways and parking areas from residential
768 units, to the greatest extent possible;
- 769 g. Maximum building height: 40 feet;
- 770 h. The maximum height of a mixed-use structure shall be measured from the base flood
771 elevation to the midpoint of the roof;
- 772 i. The location of proposed uses within the site and the degree of compatibility of such uses
773 with each other and surrounding property;
- 774 j. The existing residential density and intensity of commercial use of surrounding property;

- 775 k. The availability and location of utilities, services, and public facilities; and
776 l. The access to and suitability of transportation systems and routes.

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778 ***** ***** ***** *****

779
780 **DIVISION 11. - HEAVY COMMERCIAL (C-5) DISTRICT**

781
782 **Sec. 30-261. - Purpose and intent.**

783 The purpose and intent of the heavy commercial district (C-5) is to allow for a range of more
784 intensive commercial uses and services. The C-5 district permits heavy commercial services such as
785 full-service automotive repair, and establishments primarily engaged in construction and specialized
786 trade activities. Outdoor storage yards are permitted consistent with the requirements contained
787 herein. The maximum density permissible or permitted in the district shall not exceed the density
788 permissible under the density rating system of the future land use element.

789
790 **Sec. 30-262. - Permitted uses.**

791 The following uses, as identified within the North American Industrial Classification System (1997
792 edition) or as otherwise provided for within this section, are permitted as of right in the heavy
793 commercial district (C-5):

794 (1) Unless otherwise provided for in this section, all permitted uses in the C-4 general commercial
795 district.

796 (2) Auctioneering/auction house (auction houses - 435998, independent auctioneers - 561990)

797 (3) Automotive dealers and ~~gasoline service stations~~ (new car dealers - 44111, used car dealers -
798 44112, motorcycle, and boat, and other motor vehicle dealers - 44122, automotive parts, accessories,
799 and tire stores - 44131, ~~tire dealers - 44132, other gasoline stations - 44719~~).

800 (4) Building construction general contractors (residential building construction - 2332, nonresidential
801 building construction - 2333).

802 (5) Building materials (building materials and supplies dealer - 4441).

803 (6) Construction special trade contractors (plumbing, heating and AC - 23511, painting and wall
804 covering - 23521, electrical - 23531, masonry and stone - 23541, drywall, acoustical and insulation -
805 23542, tile, marble, terrazzo and mosaic - 23543, carpentry - 23551, floor laying and other flooring -
806 23552, roofing, siding and sheet metal - 23561, concrete - 23571, structural steel erection - 23591,
807 building equipment and other machinery installation - 23595).

808 (7) Educational services (educational support services - 61171).

809 (8) Motor freight transportation and warehousing (other warehousing and storage - 49319 [limited to
810 mini- and self-storage warehousing only]).

811 ~~(9) ...~~

812 (10) Justice, public order and safety (police protection - 92212, fire protection - 92216).

813 ~~(11) ...~~

814 (12) (10) Miscellaneous repair services (general automotive repair - 81111, automotive exhaust
815 system - 81112, automotive transmission repair - 81113, other automotive mechanical and electrical
816 repair - 81118, automotive body, paint and interior repair - 81121, automotive glass replacement -
817 81122, all other automotive repair and maintenance - 81198, consumer electronics repair - 811211,
818 computer and office machine repair - 811212, communication equipment repair - 811213, other
819 electronic and precision equipment repair - 811219, commercial equipment (exc. auto and electric)
820 repair - 811131, home and garden equipment repair - 811411, appliance repair - 811412, reupholstery
821 and furniture repair - 81142, footwear and leather goods repair - 81143, other personal and household
822 goods repair - 81149).

823 ~~(13)~~ (11) Outdoor storage yard, provided outdoor storage yard shall not be located closer than 20 feet
824 to any public street and that such yard shall be completely enclosed, except for necessary ingress and
825 egress, and screened pursuant to the fencing requirements of this section and the land development
826 code. Where an outdoor storage yard abuts developed C-5 property, screening requirements may be
827 relaxed along the abutting side and rear yards with the full knowledge and written approval of the
828 adjoining property owner. This provision shall not allow as a permitted or accessory use, wrecking
829 yards, junkyards, or yards used in whole or part for scrap or salvage operations for economic gain.
830 (14) (12) Printing, publishing, and allied industries (newspaper publishers - 51111, periodical
831 publishers - 51112, database and directory publishers - 51114).
832 (15) Transportation services (other water transportation support services - 48839, motor vehicle
833 towing - 48841, other road transportation support activities - 48849, other transportation support
834 activities - 48899).
835 ~~(16)~~ (13) Any other heavy commercial use which is comparable in nature with the foregoing uses
836 including buildings for retail, service and office purposes consistent with the permitted uses and
837 intent and purpose statement of the district.

838
839 **Sec. 30-263. - Uses accessory to permitted uses.**

840 [The following uses are permitted as accessory to permitted uses:]

- 841 (1) Uses and structures that are accessory and incidental to the uses permitted as of right in the C-5
842 district.
843 (2) Caretaker's residence, subject to the land development code.
844 (3) Parking requirements for uses and structures that are accessory and incidental to permitted
845 transient uses (hotel, motel, and timeshare), with parking required for such accessory uses calculated
846 at 50 percent for hotels, 67 percent for motels, and 75 percent for timeshares.

847
848 **Sec. 30-264. - Conditional uses.**

849 The following uses are permissible as conditional uses in the heavy commercial district (C-5), subject
850 to the standards and procedures established in the land development code; uses permissible as
851 conditional uses in the C-1, C-2, C-3 or C-4 commercial zoning districts shall also be permissible as
852 conditional uses hereunder, unless listed as a permitted use in the C-5 district:

- 853 (1) Agricultural services (veterinary services - 54194, pet care - 81291, both with outdoor kenneling).
854 (2) Amusement and recreation services, outdoor (racetracks - 711212, amusement and theme parks -
855 71311, golf courses and country clubs - 71391).
856 (3) Bottle clubs. (All establishments engaged in the retail sale of alcoholic beverages for on-premises
857 consumption are subject to the locational requirements of the land development code).
858 (4) Child day care services, provided:
859 a. All areas and surfaces readily accessible to children shall be free of toxic substances and
860 hazardous materials. This shall include all adjacent and abutting properties lying within 500 feet
861 of the child-care center's nearest property line.
862 1. For purposes of this subsection, the following definitions shall apply:
863 i. Hazardous materials: A material that has any of the following properties; ignitable,
864 corrosive, reactive and/or toxic.
865 ii. Toxic substances: A substance that is, or is suspected to be, carcinogenic, mutagenic,
866 teratogenic, or toxic to human beings.
867 b. It shall not be located within 500 feet of the nearest property line of land uses encompassing
868 wholesale storage of gasoline, liquefied petroleum, gas, oil, or other flammable liquids or gases.
869 c. It shall not be located on the same street customarily utilized by construction truck traffic from
870 asphalt plants and excavation quarries.
871 d. It shall have a minimum lot area of 20,000 square feet and a minimum lot width of 100 feet.

872 e. It shall provide a minimum usable open space of not less than 30 percent of the total square
873 footage of the lot area.

874 f. It shall provide that all open spaces to be used by children will be bounded by a fence of not
875 less than five feet in height, to be constructed of wood, masonry or other approved material.

876 g. It shall provide a landscape buffer in accordance with the land development code.

877 h. It shall comply with the state department of health and rehabilitative services child day care
878 standards, F.A.C. ch. 10M-12, effective March 11, 1986.

879 i. Where a child care center is proposed in conjunction with, and on the same parcel as, a facility
880 which is a permitted use, the requirements set forth in subparagraphs a. through h. above, with the
881 exceptions of [subparagraphs] d. and e., shall be used to provide the protections to children using
882 the child care center intended by this section consistent with the development of the proposed
883 permitted use.

884 [REDACTED]
885 (5) (6) Communications (radio and television broadcasting - 5131, cable networks and program
886 distribution - 5132, telecommunications - 5133), with communications towers subject to the land
887 development code.

888 [REDACTED]
889 (7) Fuel dealers (fuel dealers - 45431).

890 (8) Homeless shelters, as defined by this code.

891 (9) Increase in maximum building height from 35 feet up to 50 feet for those uses specifically
892 permitted within the C-5 district only.

893 (9) (10) Justice, public order and safety (correctional institutions - 92214, parole offices and
894 probation offices - 92215).

895 (10) (11) Local and suburban passenger transportation (buses and other motor vehicles used for
896 school and employee bus transportation - 48541, charter bus industry - 48551).

897 (12) Marina based open rack boat storage facilities located on navigable water frontage, pursuant to
898 section 30-266

900 (11) (13) Permitted uses with less than 700 square feet of gross floor area in the principal structure.

901 [REDACTED]
902 (12) (15) Soup kitchens, as defined by this code.

903 (13) (16) Transfer stations (solid waste collection - 562111 [local refuse collection and transportation
904 only]).

905 (14) (17) Marina based open rack boat storage facilities located on navigable water frontage, pursuant
906 to section 30-266

907 (15) (18) Increase in maximum building height from 35 feet up to 50 feet for those uses specifically
908 permitted within the C-5 district only.

909 Truck, utility trailer, and RV rental and leasing - outdoor display permitted (C-5, C-6, C-7, C-8, C-9, C-10, C-11, C-12, C-13, C-14, C-15, C-16, C-17, C-18, C-19, C-20, C-21, C-22, C-23, C-24, C-25, C-26, C-27, C-28, C-29, C-30, C-31, C-32, C-33, C-34, C-35, C-36, C-37, C-38, C-39, C-40, C-41, C-42, C-43, C-44, C-45, C-46, C-47, C-48, C-49, C-50, C-51, C-52, C-53, C-54, C-55, C-56, C-57, C-58, C-59, C-60, C-61, C-62, C-63, C-64, C-65, C-66, C-67, C-68, C-69, C-70, C-71, C-72, C-73, C-74, C-75, C-76, C-77, C-78, C-79, C-80, C-81, C-82, C-83, C-84, C-85, C-86, C-87, C-88, C-89, C-90, C-91, C-92, C-93, C-94, C-95, C-96, C-97, C-98, C-99, C-100, C-101, C-102, C-103, C-104, C-105, C-106, C-107, C-108, C-109, C-110, C-111, C-112, C-113, C-114, C-115, C-116, C-117, C-118, C-119, C-120, C-121, C-122, C-123, C-124, C-125, C-126, C-127, C-128, C-129, C-130, C-131, C-132, C-133, C-134, C-135, C-136, C-137, C-138, C-139, C-140, C-141, C-142, C-143, C-144, C-145, C-146, C-147, C-148, C-149, 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SECTION 3. Inclusion in the Code of Ordinances.

It is the intention of the City Council and it is hereby ordained that the amendments to the City of Marco Island Code of Ordinances made by this Ordinance shall become part of the City of Marco Island Code of Ordinances, that the sections of this Ordinance may be renumbered and re-lettered as necessary, and that the word "Ordinance" may be changed to "Section, "Article" or other appropriate word.

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SECTION 4. Conflicts.

All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. Severability.

If any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

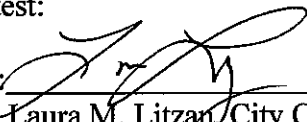
SECTION 6. Effective Date.

This Ordinance shall be effective immediately upon adoption by the City Council on second reading.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 21st day of October, 2013.

Attest:

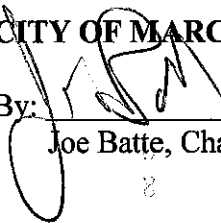
By:



Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND FLORIDA

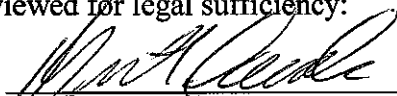
By:



Joe Batte, Chairman

Reviewed for legal sufficiency:

By:



Burt Saunders, City Attorney