

**ORDINANCE 19-09**

**AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, RELATING TO THE LAND DEVELOPMENT CODE; MAKING FINDINGS, AMENDING PERMITTING USES IN SECTION 30-222 IN THE COMMERCIAL INTERMEDIATE DISTRICT (C-3) ZONING DISTRICT TO ALLOW AS A RIGHT IN C-3 DISTRICTS, HEALTH CARE GROUPS FOR OFFICES OF 62121 (DENTIST), 62131 (CHIROPRACTOR), 62132 (OPTOMETRIST), 62133 (MENTAL HEALTH), 62134 (PHYSICAL/ OCCUPATIONAL/ SPEECH THERAPIST), 621111 (PHYSICIANS), 621112 (OSTEOPATHY), 621391 (PODIATRIST), 621399 (MISCELLANEOUS HEALTH OFFICES); PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR SEVERABILITY/INTERPRETATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, City Council has determined that health care offices should be allowed as a permitted use by right in Commercial Intermediate Districts (C-3); and

**WHEREAS**, pursuant to Section 30-62(c)(3)d., the Planning Board finds that the need and justification for this Ordinance is that within the C-3 zoning district ambulatory health care facilities and dental laboratories are currently permitted uses, while hospitals are a conditional use; and

**WHEREAS**, dental and physicians' offices and related health care offices are a logical extension of the current C-3 permitted uses and should be permitted in a district wherein hospitals could be permitted as a conditional use;

**WHEREAS**, Objective 1.1 of the Future Land Use Element of the City's Comprehensive Plan provides:

Objective 1.1: New, revised, or redeveloped uses of land shall be consistent with the designations shown on the Future Land Use Map (FLUM) presented in Exhibit 2.1. The Future Land Use Map and companion Future Land Use designations are hereby adopted as amended (2008) and shall be binding on all development orders approved by the City of Marco Island. The Future Land Use Map is a visual representation of land use designations that are planned to reasonably occur within the prescribed short and long range planning periods, between 2008 and 2013, and between 2013 and 2018, respectively; and

**WHEREAS**, the Planning Board finds that allowing dental and physicians' offices and related health care offices as a permitted use in the C-3 zoning district would be

consistent with the framework of the City's Comprehensive Plan and in particular, Objective 1.1 of the Future Land Use Element; and

**WHEREAS**, Policy 1.7.2 of the Future Land Use Element of the City's Comprehensive Plan provides:

Policy 1.7,2: The City will continue to thoroughly and thoughtfully review and revise, as necessary, the list of permitted uses within zoning districts contained in the adopted Land Development Code; and

**WHEREAS**, revision of the permitted uses in the C-3 zoning district is consistent with Policy 1.7.2 of the Future Land Use Element of the City's Comprehensive Plan, because the Land Development Code revision has been arrived at through a care review of the C-3 permitted uses and is recommended by City's professional planning staff; and

**WHEREAS**, the Planning Board finds that this Ordinance is consistent with the City's Comprehensive Plan and recommends approval by the City Council; and

**WHEREAS**, the City Council finds that some provisions of Section 30-222 need revision and adopts the findings of the Planning Board.

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

**SECTION 1. Recitals.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true, correct, and reflective of the legislative intent underlying this Ordinance.

**SECTION 2. City Code Amended.** That Section 30-222 of the Land Development Code of the Code of Ordinances, City of Marco Island, Florida, is hereby amended to read as follows:

**Sec. 30-222. - Permitted Uses.**

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

- (1) Admin housing/urban planning/community development (Groups 92511, 92512).
- (2) Administration of economic programs (Groups 92611, 92612, 92613, 92614, 92615).
- (3) Administration of environmental quality programs (Groups 92411, 92412).

(4) Administration of human resource programs (Groups 92311, 92312, 92313, 92314).

(5) Administrative and support services (Groups 56111, 56132, 56133, 56141, 56144, 56145, 56179, 56191, 56192, 56199, 561421, 561422, 561431, 561439, 561491, 561492, 561499, 561591, 561599).

(6) Ambulatory health care services; dental or physician's office; chiropractor's office; optometrist office; mental health office; physical/occupational/speech therapist office; osteopath's office; or other miscellaneous health offices (Groups ~~Group~~ 62161, 62121, 62131, 62132, 62133, 62134, 621111, 621112, 621391, 621399).

(7) Building material and garden equip and supplies dealers (Groups 44412, 44413, 44419, 44422).

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

(9) Computer and electronic product manufacturing (Group 334611).

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

(11) Dental laboratories (Group 339116).

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

(13) Electronic and appliance stores (Groups 44312, 44313, 443111, 443112).

(14) Food and beverage stores (Groups 44511, 44512, 44521, 44522, 44523, 44531, 45291, 445292, 445299).

(15) Food manufacturing (Groups 31133, 31134, 311811).

(16) Food service and drinking places (Groups 72211, 72231, 72232, 72233, 722211, 722212, 722213).

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

(18) Furniture and home furnishings store (Groups 44211, 44221, 442291, 442299).

(19) Furniture and related product manufacturing (Groups 33711, 337121, 337122).

(20) Gasoline station (Groups 44711, 44719; without automotive and related repair services).

(21) General government administration (Groups 92111, 92112, 92113, 92114, 92115, 92119).

(22) General merchandise stores (Groups 45211, 45291, 45299).

(23) Group care facilities (category I only); care units; nursing homes; assisted living facilities pursuant to F.S. § 400.402 and ch. 58A-5 F.A.C.; and continuing care retirement communities pursuant to F.S. ch. 651 and ch. 4-193 F.A.C.; all subject to the land development code.

- (24) Health and personal care stores (Groups 44611, 44612, 44613, 446191, 446199).
- (25) Information and data processing services (Groups 51412, 51421, 514191, 514199).
- (26) Insurance carriers and related activities (Groups 52413, 52421, 524113, 524114, 524126, 524127, 524128, 524292, 524298).
- (27) Justice, public order and safety activities (Groups 92215, 92219).
- (28) Marinas (Group 71393).
- (29) Miscellaneous store retailers (Groups 45311, 45321, 45322, 45331, 45391, 45392, 453991, 453998).
- (30) Monetary authority-central bank (Group 52111).
- (31) Motion picture and sound recording industries (Groups 51224, 51229).
- (32) Motor vehicle and parts dealers (Groups 44131, 44132).
- (33) Museums, historical sites and like institutions (Groups 71211, 71212, 71213, 71219).
- (34) Nonstore retailers (Groups 4541, 45421).
- (35) Ophthalmic goods manufacturing (Group 339115).
- (36) Perform arts, spectator sports and related industries (Groups 71111, 71141).
- (37) Personal and laundry services (Groups 81222, 81231, 81232, 81293, 81299, 812111, 812112, 812113, 812921, 812922).
- (38) Postal services (Group 49111).
- (39) Professional, scientific and technical services (Groups 54111, 54131, 54132, 54133, 54134, 54135, 54136, 54137, 54141, 54142, 54143, 54149, 54169, 54181, 54182, 54184, 54186, 54187, 54189, 54193, 54199, 541191, 541199, 541211, 541213, 541214, 541219, 541511, 541512, 541513, 541519, 541611, 541612, 541613, 541614, 541618, 541921, 541922).
- (40) Publishing industries (Groups 51114, 51121).
- (41) Real estate (Groups 53121, 53132, 53139, 531311, 531312).
- (42) Religious/like/professional/like organizations (Groups 81311, 81341, 81391, 81392, 81393, 81394, 81399, 813312).
- (43) Rental and leasing services (Groups 53223, 53242).
- (44) Repair and maintenance (Groups 81143, 81149, 811211, 811212, 811213, 811219, 811412).
- (45) Security, commodity contracts and like activities (Groups 52311, 52312, 52313, 52314, 52321, 52391, 52392, 52393, 523991, 523999).
- (46) Social assistance (Groups 62411, 62412, 62419, 62421, 62423, 62441, 624221, 624229).

(47) Space research and technology (Group 92711).

(48) Sporting goods, hobby, book and music stores (Groups 45111, 45112, 45113, 45114, 45122, 451211, 451212).

(49) Transportation support activities (Group 488111).

(50) Wholesale trade (Group 42186).

**SECTION 3. Codification.** It is the intention of the City Council that the amendments to the City of Marco Island Code of Ordinances made by this Ordinance shall constitute a revised Section 30-222 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 by the codifier.

**SECTION 4. Severability/Interpretation.**

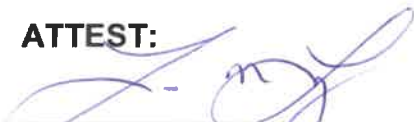
(a) If any term, section, clause, sentence or phrase of this Ordinance is for any reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the other or remaining terms, sections, clauses, sentences or phrases of this Ordinance, and this Ordinance shall be read and applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence or section did not exist.

(b) In interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (\* \* \* \*) indicate a deletion from the Ordinance of text, which continues to exist in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

**SECTION 6. Effective Date.** This Ordinance shall become effective upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND on this 15<sup>th</sup> day of April 2019.

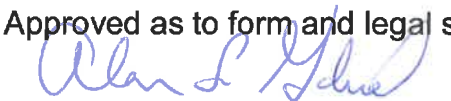
**ATTEST:**

  
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Laura M. Litzan, City Clerk

**CITY OF MARCO ISLAND, FLORIDA**

By:   
\_\_\_\_\_  
Erik Brechnitz, Chairman

Approved as to form and legal sufficiency:

  
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Alan L. Gabriel, City Attorney

