

ORDINANCE 21-16

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA; AMENDING SECTION 30-222, "COMMERCIAL INTERMEDIATE (C-3) DISTRICT – PERMITTED USES" OF THE CITY'S CODE OF ORDINANCES, TO INCLUDE THE NORTH AMERICAN INDUSTRY CLASSIFICATION CODE (NAICS) NUMBER 812199 – OTHER PERSONAL CARE SERVICES, EXCLUDING TATOO PARLOR; AND 30-10,"DEFINITIONS", DEFINING MASSAGE PARLOR; MAKING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INTERPRETATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 38-40(1), City Code of Ordinances, the Planning Board serves as the City's Local Planning Agency and Land Development Regulation Commission; and

WHEREAS, Section 30-62(c)(3)d., Code of Ordinances of the City of Marco Island, Florida, requires that the Planning Board determine the need and justification for a Land Development Code ("LDC") amendment, as well as the proposals consistency with the City Comprehensive Plan; and

WHEREAS, the need and justification for this Ordinance is to provide for fair and consistent regulations that are easily enforced; and

WHEREAS, Objective 1.7 Land Use Element of the City's Comprehensive Plan provide:

Objective 1.7: The City will enforce existing and future Land Development regulations to eliminate and/or reduce uses of land inconsistent with the Future Land Use Map and the community's character.

WHEREAS, upon consideration of testimony by the City's growth management staff and consideration of this Ordinance, the Planning Board finds that this Ordinance is consistent with the City's Comprehensive Plan, and in particular Objective 1.7 of the Comprehensive Plan's Future Land Use Element; and

WHEREAS, Section 30-62(c)(3)d., Code of Ordinances of the City of Marco Island, Florida, requires that the Planning Board determine the need and justification for a Land Development Code ("LDC") amendment; and

WHEREAS, the Planning Board has found that the need and justification of this Ordinance is to promote fair and consistent regulations that are easily enforced; and

47 **WHEREAS**, the Planning Board has found that, as a result of the foregoing, this
48 Ordinance will promote the public health, safety, aesthetics, and welfare of the
49 community; and
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51 **WHEREAS**, the City Council adopts the findings of the Planning Board, also sitting
52 as the City's Local Planning Agency.
53

54 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**
55 **MARCO ISLAND, FLORIDA:**
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57 **SECTION 1. Recitals.** Each and all the foregoing recitals be and the same are
58 hereby incorporated into this Ordinance as if specifically set forth herein.
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60 **SECTION 2. Amendment and Adoption.** That section 30-222 of the Code of
61 Ordinances, City of Marco Island, Florida, is hereby amended to read as follows:
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63 **DIVISION 9. - COMMERCIAL INTERMEDIATE (C-3) DISTRICT**

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

65 The purpose and intent of the commercial intermediate district (C-3) is to provide for
66 a wider variety of goods and services in areas that have a higher degree of automobile
67 traffic. This district is intended to be compatible with residential areas and is not intended
68 to permit wholesaling, or activities which require outside storage of merchandise and
69 equipment. The maximum density permissible in the commercial intermediate district
70 shall not exceed the density rating system contained in the future land use element of the
71 comprehensive plan.
72

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

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

- 79 (1) Admin housing/urban planning/community development (Groups 92511,
80 92512).
- 81 (2) Administration of economic programs (Groups 92611, 92612, 92613, 92614,
82 92615).
- 83 (3) Administration of environmental quality programs (Groups 92411, 92412).
- 84 (4) Administration of human resource programs (Groups 92311, 92312, 92313,
85 92314).
- 86 (5) Administrative and support services (Groups 56111, 56132, 56133, 56141,
87 56144, 56145, 56179, 56191, 56192, 56199, 561421, 561422, 561431,
88 561439, 561491, 561492, 561499, 561591, 561599).
- 89 (6) Ambulatory health care services; dental or physician's office; chiropractor's
90 office; optometrist office; mental health office; physical/occupational/speech

- therapist office; osteopath's office; or other miscellaneous health offices (Groups 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, 445291, 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) excluding recreational marijuana stores.
- (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) Other personal care services (Group 812199 - Excluding tattoo parlor)
- ~~(398)~~ Postal services (Group 49111).
- ~~(4039)~~ 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).
- (410) Publishing industries (Groups 51114, 51121).
- ~~(424)~~ Real estate (Groups 53121, 53132, 53139, 531311, 531312).
- ~~(432)~~ Religious/like/professional/like organizations (Groups 81311, 81341, 81391, 81392, 81393, 81394, 81399, 813312).
- ~~(443)~~ Rental and leasing services (Groups 53223, 53242).
- ~~(454)~~ Repair and maintenance (Groups 81143, 81149, 811211, 811212, 811213, 811219, 811412).
- ~~(465)~~ Security, commodity contracts and like activities (Groups 52311, 52312, 52313, 52314, 52321, 52391, 52392, 52393, 523991, 523999).
- ~~(476)~~ Social assistance (Groups 62411, 62412, 62419, 62421, 62423, 62441, 624221, 624229).
- ~~(487)~~ Space research and technology (Group 92711).
- ~~(498)~~ Sporting goods, hobby, book and music stores (Groups 45111, 45112, 45113, 45114, 45122, 451211, 451212).
- ~~(5049)~~ Transportation support activities (Group 488111).
- ~~(510)~~ Wholesale trade (Group 42186).

Sec. 30-10. Definitions.

Massage Parlor - a licensed facility providing massage therapy services by licensed massage therapists.

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 portions of this Ordinance, and this Ordinance shall be read and/or

180 applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or
181 section did not exist.

182 (b) In interpreting this Ordinance, underlined words indicate additions to
183 existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (*
184 * * *) indicate a deletion from the Ordinance of text, which continues to exist in the Code
185 of Ordinances. It is intended that the text in the Code of Ordinances denoted by the
186 asterisks and not set forth in this Ordinance shall remain unchanged from the language
187 existing prior to adoption of this Ordinance.
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189 **SECTION 5. Effective Date.** This Ordinance shall be effective immediately upon
190 adoption by the City Council on second reading.
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192 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 1st
193 day of November 2021.
194

195 **ATTEST:**

CITY OF MARCO ISLAND, FLORIDA

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197 _____
198 Laura M. Litzan, City Clerk

By: _____
, Chair

199
200 Approved as to form and legal sufficiency:
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202
203 _____
204 Alan L. Gabriel, City Attorney