

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

90       (3) (4) Credit intermediation and related activities (Groups 52221, 52222, 52231, 52232, 52239,  
91 522291, 522292, 522293, 522294, 522298).

92       (4) (5) Educational services (Group 61171).

93       (5) (6) Funds, trusts and other financial vehicles (Groups 52511, 52512, 52519, 52599).

94       (6) (7) Information and data processing (Groups 51421, 514191).

95       (7) (8) Insurance carriers and related activities (Groups 52413, 52421, 524113, 524114, 524126,  
96 524127, 524128, 524291, 524292, 524298).

97       (8) (9) Justice, public order and safety activities (Group 92215).

(9) (10) Museums, historical sites and like institutions (Groups 71211, 71212).

~~(10) Personal and laundry services (Groups 81222, 81293)~~

(11) Parking lots and garages (Group 81293)

~~(11)~~ (12) Professional, scientific and technical services (Groups 54111, 54131, 54132, 54133, 54136, 54137, 54169, 54181, 54182, 54184, 54186, 541191, 541213, 541214, 541219, 541511, 541512, 541513, 541519, 541611, 541612, 541613, 541614, 541618).

~~(12)~~ (13) Publishing industries (Groups 51114, 51121).

~~(13)~~ (14) Real estate (Groups 53121, 53132, 53139, 531311, 531312).

~~(14) Religious/grant making/professional/like organizations (Group 81399)~~

(15) Security, commodity contracts and like activities (Groups 52391, 52392).

**Sec. 30-183. - Uses accessory to permitted uses.**

[The following uses are deemed accessory:]

(1) Uses and structures that are accessory and incidental to the uses permitted as of right in the C-1, C-1/T district.

(2) Caretaker's residence, subject to the land development code.

**Sec. 30-184. - Conditional uses.**

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

(1) Religious/like/professional/like organizations (Groups 81311, 81341, 81399).

(2) Monetary authorities-central bank (Group 52111).

(3) Credit intermediation and related activities (Groups 52211, 52212, 52213, 52219, 52221, 52232, 52239, 522293, 522298).

(4) Security, commodity contracts and like activities (Groups 52313, 523991).

(5) Educational services (Group 61111, 61121, 61131).

(6) Information and data processing services (Group 51412).

(7) Ambulatory health care services (Groups 62121, 62131, 62132, 62133, 62134, 62161, 621111, 621112, 621391, 621399, 621491, 621493).

(9) Increased building height to a maximum of 50 feet.

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

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

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

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

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

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

- e. A minimum of 24 percent of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: Areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot island may not be used unless existing native vegetation is maintained);
- f. The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential used through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible;
- g. Maximum building height: Two stories, not to exceed 35 feet;
- h. The maximum height of a mixed use structure shall be measured from the base flood elevation to the mid-point of the roof;
- i. The location of proposed uses within the site and the degree of compatibility of such uses with each other and surrounding property;
- j. The existing residential density and intensity of commercial use of surrounding property;
- k. The availability and location of utilities, services, and public facilities; and
- l. The access to and suitability of transportation systems and routes.

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

- a. Based upon surrounding land uses, location, and compatibility, the commercial uses in the development, hours of operation, dumpster locations, size of delivery trucks, and type of equipment may be limited;
- b. Residential and commercial uses may occupy the same floor of a building, except residential uses are prohibited on the first habitable floor;
- c. The number of residential dwelling units shall be controlled by the dimensional standards of the C-1, C-1/T district, together with the specific requirement that in no instance shall the residential uses exceed 50 percent of the gross floor area of the building or the density permitted under the growth management plan;
- d. Each residential dwelling unit shall contain the following minimum floor areas: efficiency and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square feet;
- e. A minimum of 24 percent of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: Areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot island may not be used unless existing native vegetation is maintained);
- f. The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential used through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible;
- g. Maximum building height: Two stories, not to exceed 35 feet;
- h. The maximum height of a mixed use structure shall be measured from the base flood elevation to the mid-point of the roof;
- i. The location of proposed uses within the site and the degree of compatibility of such uses with each other and surrounding property;
- j. The existing residential density and intensity of commercial use of surrounding property;
- k. The availability and location of utilities, services, and public facilities; and

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

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

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

### **Sec. 30-201. - Purpose and intent.**

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

### **Sec. 30-202. - 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 C-2 commercial convenience district:

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) General government administration (Groups 92115).

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

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

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

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

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

(20) Miscellaneous store retailers (Groups 45321, 45322).

(21) Monetary authorities-central bank (Group 52111).

(22) Motor vehicle and parts dealer (Group 44131).

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

(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) ~~Denial laboratory (Group 71121).~~  
 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 station 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) ~~Health care facilities (Groups 81222, 81231, 81232, 81293, 81299, 812111, 812112, 812113, 812921, 812922).~~  
 321 ~~Health care facilities (Groups 81222, 81231, 81232, 81293, 81299, 812111, 812112, 812113, 812921, 812922).~~  
 322 ~~Health care facilities (Groups 81222, 81231, 81232, 81293, 81299, 812111, 812112, 812113, 812921, 812922).~~  
 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 retailer (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 ~~(10) Hospitals (Groups 62211, 62221, 62231).~~  
 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).

91 (16) (14) Mixed residential and commercial uses only within the following architectural overlay  
92 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;

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

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## **DIVISION 10. - GENERAL COMMERCIAL (C-4) DISTRICT**

### **Sec. 30-241. - Purpose and intent.**

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

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

### **Sec. 30-242. - Permitted uses.**

The following uses, as identified within the North American Industrial 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 general commercial district (C-4):

(1) Unless otherwise provided for in this code, all permitted uses in the C-3 commercial intermediate district.

(2) Agricultural services (veterinary services - 54194 except outdoor kenneling, pet care - 82191 including animal specialty services, animal shelters and boarding kennels except outdoor kenneling).

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

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

- a. Sales and servicing of spark plugs, batteries, distributors and distributor parts;
- b. Sales, mounting, balancing and repair of tires and wheel alignments, but not recapping of tires;
- c. Sales and replacement of water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings, shock absorbers, mirrors, exhaust systems, and the like;
- d. Provisions of water, antifreeze, flushing of the cooling system, air conditioning recharge, and the like;
- e. Washing and polishing of automobiles and the sale of automobile washing and polishing materials, but this only allows auto detailing as an accessory use, but this provision does not allow carwashes except in those zoning districts where a carwash is a permitted use, and such carwashes shall be subject to criteria specified in the zoning district;
- f. Providing and repairing fuel pumps and lines;
- g. Minor servicing and repair of carburetor and fuel injection systems;
- h. Emergency wiring repairs;
- i. Providing repair and placement of brake rotors, drums and pads;
- j. Minor motor adjustments not involving removal of the head or crankcase;
- k. Greasing and lubrication;
- l. Sales of cold drinks, candies, tobacco, and similar convenience goods for service station customers, but strictly and only accessory and incidental to the principal business operation;
- m. Provision of road maps and other information outside of the enclosed areas;
- n. No mechanical work shall be allowed outside of the enclosed areas;
- o. No automobile service station shall be permitted where any drainage oil pit or visible appliance for any such purpose other than refueling cars is located within 20 feet of any street right-of-way or within 45 feet of any residential district, except where such appliance is located within a wholly enclosed building;
- p. Uses permitted at an automobile service station do not include major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles (except as expressly permitted in item q. below), commercial garage as an accessory use, or other work involving undue noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in such stations. An automobile service station is not a facility for the sale of automobile vehicles, a repair garage, a body shop, or a truck stop;
- q. The temporary storage of vehicles shall be permitted if the vehicles are to be serviced at the service station or if the vehicles have been towed by the service station and are being held for servicing, for an insurance company, or for sale or salvage. Any such vehicle(s), other than those vehicles serviced daily, shall be stored within an area surround by an opaque fence not less than six feet in height. Said vehicles shall not be stored longer than 90 days;
- r. Convenience grocery stores selling motor fuel must conform with all provisions of the land development code. ~~gasoline stations with convenience stores - 44711, motorcycle dealers - 44712~~

(5) Automotive repair, services, parking (passenger car rental and leasing - 53211, parking lots and garages - 81293), carwashes (811192), provided that carwashes abutting residential zoning districts shall be subject to the following criteria:

a. Size of vehicles. Carwashes designed to serve vehicles exceeding a capacity rating of one ton shall not be allowed.

b. Minimum yards.

1. Front yard setback: 50 feet.

2. Side yard setback: 40 feet.

3. Rear yard setback: 40 feet.

c. Minimum frontage. A carwash shall not be located on a lot with less than 150 feet of frontage on a dedicated street or highway.

d. Lot size. Minimum 18,000 square feet.

e. Fence requirements. If a carwash abuts a residential district, a masonry or equivalent wall constructed with a decorative finish, six feet in height shall be erected along the lot line opposite the residential district and the lot lines perpendicular to the lot lines opposite the residential district for a distance not less than 15 feet. The wall shall be located within a landscaped buffer as specified in the land development code. All walls shall be protected by a barrier to prevent vehicles from contacting them.

f. Architecture. The building shall maintain a consistent architectural theme along each building facade.

g. Noise. A carwash shall be subject to the city noise control ordinance.

h. Washing and polishing. The washing and polishing operations for all car washing facilities, including self-service car washing facilities, shall be enclosed on at least two sides and shall be covered by a roof. Vacuuming facilities may be located outside the building, but may not be located in any required yard area.

i. Hours of operation. Carwashes abutting residential districts shall be closed from 10:00 p.m. to 7:00 a.m.

(6) Building materials, hardware and garden supplies (paint and wallpaper stores - 44412, hardware stores - 44413, nursery and garden centers - 44422, lawn and garden equipment and supplies store - 4442).

(7) Business services (advertising agencies 54181 - other services related to advertising - 54189, photographic services - 54192, employment placement agencies - 56131, collection agencies - 56144, credit bureaus - 56145, private mail centers - 56143, other business service centers including copying - 56149, direct mail advertising - 54186, graphic design services - 54143, commercial photography - 541922, court reporting and stenotype services - 561492, business and secretarial schools - 61141, extermination and pest control services - 56171, carpet and upholstery cleaning services - 56174, janitorial services - 56172, other services to buildings and dwellings - 56179, investigation services - 561611, security guards and patrol services - 561612, armored car services - 561613, security systems services - 561621, locksmiths - 561622, home health equipment rental - 532291, consumer goods rental - 5322, recreational goods rental - 532292 except airplane, industrial truck, portable toilet and oil field equipment renting and leasing, employment placement agencies - 56131, temporary help services - 56132, custom computer programming services - 541511, other computer related services - 541519, security guards and patrol services 561612 except armored car and dog rental, security systems services - 56162, one hour photo finishing - 812922, news syndicates - 51411, business support services - 5614, all other business support services - 561499 except auctioneering, bronzing, field warehousing, salvaging of damaged merchandise).

(8) Commercial printing (commercial lithographic printing - 323110 excluding newspapers, quick printing - 323114).

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

(23) Social services (individual and family services - 6241, child and youth services - 62411, services for elderly and disabled persons - 62412, other individual and family services - 62419, vocational rehabilitation services - 62431, child day care services - 6244).

(24) Vocational schools (business and secretarial schools - 61141, educational support services - 61171).

(25) Any other general commercial use which is comparable in nature with the foregoing uses including buildings for retail, service and office purposes consistent with the permitted uses and intent and purpose statement of the district.

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

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

(1) Uses and structures that are accessory and incidental to the uses permitted as of right in the C-4 district.

(2) Caretaker's residence, subject to the land development code.

(3) Parking requirements for uses and structures that are accessory and incidental to permitted transient uses (hotel, motel, and timeshare), with parking required for such accessory uses calculated at 50 percent for hotels, 67 percent for motels, and 75 percent for timeshares.

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

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

(1) Agricultural services (veterinary services - 54194 with outdoor kenneling, pet care - 81291 with outdoor kenneling).

(2) Amusement and recreational services, outdoor (race tracks ~~tracts~~ tracks - 711212, golf courses and country clubs - 71391, amusement and theme parks - 71311, 71399 except for casino/gambling establishments).

(3) Auctioneering services, auction rooms.

~~Boat dealers 441222; outdoor display permitted~~

~~Boat dealers 441222; outdoor display permitted~~

~~Boat dealers 441222; outdoor display permitted~~

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

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

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

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

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

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

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

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

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

- a. Based upon surrounding land uses, location, and compatibility, the commercial uses in the development, hours of operation, dumpster locations, size of delivery trucks, and type of equipment may be limited;
- b. Residential and commercial uses may occupy the same floor of a building, provided the commercial uses are consistent with the C-1 and C-1/T zoning districts and residential uses are prohibited on the first habitable floor;
- c. The number of residential dwelling units shall be controlled by the dimensional standards of the C-4 district, the density limitation based on the future land use map element, together with the specific requirement that in no instance shall the residential uses exceed 75 percent of the gross floor area of the building;
- d. Each residential dwelling unit shall contain the following minimum floor areas: efficiency and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square feet;
- e. A minimum of 24 percent of the mixed-use development shall be maintained as open space. The following may be used to satisfy the open space requirement: areas used to satisfy water management requirements; landscaped areas; recreation areas; or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);
- f. The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible;
- g. Maximum building height: 75 feet;
- h. The maximum height of a mixed-use structure shall be measured from the base flood elevation to the midpoint of the roof;
- i. The location of proposed uses within the site and the degree of compatibility of such uses with each other and surrounding property;
- j. The existing residential density and intensity of commercial use of surrounding property;
- k. The availability and location of utilities, services, and public facilities; and
- l. The access to and suitability of transportation systems and routes.

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

- a. Based upon surrounding land uses, location, and compatibility, the commercial uses in the development, hours of operation, dumpster locations, size of delivery trucks, and type of equipment may be limited;
- b. Residential and commercial uses may occupy the same floor of a building, provided the commercial uses are consistent with the C-1 and C-1/T zoning districts and residential uses are prohibited on the first habitable floor;
- c. The number of residential dwelling units shall be controlled by the dimensional standards of the C-4 district, the density limitation based on the future land use map element, together with the specific requirement that in no instance shall the residential uses exceed 50 percent of the gross floor area of the building;
- d. Each residential dwelling unit shall contain the following minimum floor areas: efficiency and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square feet;

- e. A minimum of 24 percent of the mixed-use development shall be maintained as open space. The following may be used to satisfy the open space requirement: areas used to satisfy water management requirements; landscaped areas; recreation areas; or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);
- f. The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible;
- g. Maximum building height: 40 feet;
- h. The maximum height of a mixed-use structure shall be measured from the base flood elevation to the midpoint of the roof;
- i. The location of proposed uses within the site and the degree of compatibility of such uses with each other and surrounding property;
- j. The existing residential density and intensity of commercial use of surrounding property;
- k. The availability and location of utilities, services, and public facilities; and
- l. The access to and suitability of transportation systems and routes.

III. Architectural overlay district four (village commercial district) described and illustrated in section 30-628

- a. Based upon surrounding land uses, location, and compatibility, the commercial uses in the development, hours of operation, dumpster locations, size of delivery trucks, and type of equipment may be limited;
- b. Residential and commercial uses may occupy the same floor of a building, provided the commercial uses are consistent with the C-1 and C-1/T zoning districts and residential uses are prohibited on the first habitable floor;
- c. The number of residential dwelling units shall be controlled by the dimensional standards of the C-4 district, the density limitation based on the future land use map element, together with the specific requirement that in no instance shall the residential uses exceed 50 percent of the gross floor area of the building;
- d. Each residential dwelling unit shall contain the following minimum floor areas: efficiency and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square feet;
- e. A minimum of 24 percent of the mixed-use development shall be maintained as open space. The following may be used to satisfy the open space requirement: areas used to satisfy water management requirements; landscaped areas; recreation areas; or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);
- f. The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible;
- g. Maximum building height: 40 feet;
- h. The maximum height of a mixed-use structure shall be measured from the base flood elevation to the midpoint of the roof;
- i. The location of proposed uses within the site and the degree of compatibility of such uses with each other and surrounding property;
- j. The existing residential density and intensity of commercial use of surrounding property;



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

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

### **Sec. 30-261. - Purpose and intent.**

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

### **Sec. 30-262. - Permitted uses.**

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

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

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

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

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

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

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

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

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

~~(9) Food and kindred products (bakery, food and kindred products - 20811)~~

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

~~(11) Other services (air conditioning and refrigeration systems - 81114)~~

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

(11) Outdoor storage yard, provided outdoor storage yard shall not be located closer than 20 feet to any public street and that such yard shall be completely enclosed, except for necessary ingress and egress, and screened pursuant to the fencing requirements of this section and the land development code. Where an outdoor storage yard abuts developed C-5 property, screening requirements may be relaxed along the abutting side and rear yards with the full knowledge and written approval of the adjoining property owner. This provision shall not allow as a permitted or accessory use, wrecking yards, junkyards, or yards used in whole or part for scrap or salvage operations for economic gain.

(12) Printing, publishing, and allied industries (newspaper publishers - 51111, periodical publishers - 51112, database and directory publishers - 51114).

(15) Transportation services (other water transportation support services - 48839, motor vehicle towing - 48841, other road transportation support activities - 48849, other transportation support activities - 48899).

(13) Any other heavy commercial use which is comparable in nature with the foregoing uses including buildings for retail, service and office purposes consistent with the permitted uses and intent and purpose statement of the district.

#### **Sec. 30-263. - Uses accessory to permitted uses.**

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

(1) Uses and structures that are accessory and incidental to the uses permitted as of right in the C-5 district.

(2) Caretaker's residence, subject to the land development code.

(3) Parking requirements for uses and structures that are accessory and incidental to permitted transient uses (hotel, motel, and timeshare), with parking required for such accessory uses calculated at 50 percent for hotels, 67 percent for motels, and 75 percent for timeshares.

#### **Sec. 30-264. - Conditional uses.**

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

(1) Agricultural services (veterinary services - 54194, pet care - 81291, both with outdoor kenneling).

(2) Amusement and recreation services, outdoor (racetracks - 711212, amusement and theme parks - 71311, golf courses and country clubs - 71391).

(3) Bottle clubs. (All establishments engaged in the retail sale of alcoholic beverages for on-premises consumption are subject to the locational requirements of the land development code).

(4) Child day care services, provided:

a. All areas and surfaces readily accessible to children shall be free of toxic substances and hazardous materials. This shall include all adjacent and abutting properties lying within 500 feet of the child-care center's nearest property line.

1. For purposes of this subsection, the following definitions shall apply:

i. Hazardous materials: A material that has any of the following properties; ignitable, corrosive, reactive and/or toxic.

ii. Toxic substances: A substance that is, or is suspected to be, carcinogenic, mutagenic, teratogenic, or toxic to human beings.

b. It shall not be located within 500 feet of the nearest property line of land uses encompassing wholesale storage of gasoline, liquefied petroleum, gas, oil, or other flammable liquids or gases.

c. It shall not be located on the same street customarily utilized by construction truck traffic from asphalt plants and excavation quarries.

d. It shall have a minimum lot area of 20,000 square feet and a minimum lot width of 100 feet.

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

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

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

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

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

~~(5) (6) Communications (radio and television broadcasting - 5131, cable networks and program distribution - 5132, telecommunications - 5133), with communications towers subject to the land development code.~~

~~(6) Fuel dealers (fuel dealers - 45431).~~

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

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

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

~~(10) (11) Local and suburban passenger transportation (taxi and other motor vehicles - 48541, school and employee bus transportation - 48541, charter bus industry - 48551).~~

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

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

~~(12) (15) Soup kitchens, as defined by this code.~~

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

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

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

~~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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C-175~~

921                   **SECTION 4. Conflicts.**

922  
923                   All ordinances or parts of ordinances and all resolutions or parts of resolutions in  
924 conflict with the provisions of this Ordinance are hereby repealed.

925  
926                   **SECTION 5. Severability.**

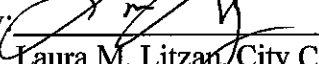
927  
928                   If any section, clause, sentence or phrase of this Ordinance is for any reason held  
929 invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the  
930 validity of the remaining portions of this Ordinance.

931  
932                   **SECTION 6. Effective Date.**

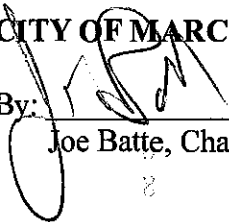
933  
934                   This Ordinance shall be effective immediately upon adoption by the City Council on  
935 second reading.

936  
937                   **ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND** this 21st day  
938 of October, 2013.

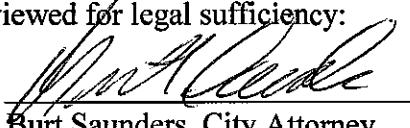
939  
940  
941                   Attest:

942  
943                   By:   
944                   Laura M. Litzan, City Clerk

945  
946                   **CITY OF MARCO ISLAND FLORIDA**

947  
948                   By:   
949                   Joe Batte, Chairman

950  
951                   Reviewed for legal sufficiency:

                  By:   
                  Burt Saunders, City Attorney