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ORDINANCE 21-__

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, WHICH INCLUDES PERMENENT MAKEUP; 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

46 **WHEREAS**, the Planning Board has found that, as a result of the foregoing, this
47 Ordinance will promote the public health, safety, aesthetics, and welfare of the
48 community; and

49
50 **WHEREAS**, the City Council adopts the findings of the Planning Board, also sitting
51 as the City’s Local Planning Agency.

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

55
56 **SECTION 1. Recitals.** Each and all the foregoing recitals be and the same are
57 hereby incorporated into this Ordinance as if specifically set forth herein.

58
59 **SECTION 2. Amendment and Adoption.** That section 30-222 of the Code of
60 Ordinances, City of Marco Island, Florida, is hereby amended to read as follows:

61
62 **DIVISION 9. - COMMERCIAL INTERMEDIATE (C-3) DISTRICT**

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

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

71
72 **Sec. 30-222. Permitted uses.**

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

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

- 90 therapist office; osteopath's office; or other miscellaneous health offices
91 (Groups 62161, 62121, 62131, 62132, 62133, 62134, 621111, 621112,
92 621391, 621399).
- 93 (7) Building material and garden equip and supplies dealers (Groups 44412,
94 44413, 44419, 44422).
- 95 (8) Clothing and clothing accessories stores (Groups 44811, 44812, 44813,
96 44814, 44815, 44819, 44821, 44831, 44832).
- 97 (9) Computer and electronic product manufacturing (Group 334611).
- 98 (10) Credit intermediation and related activities (Groups 52211, 52212, 52213,
99 52219, 52221, 52222, 52231, 52232, 52239, 522291, 522292, 522293,
100 522294, 522298).
- 101 (11) Dental laboratories (Group 339116).
- 102 (12) Educational services (Groups 61111, 61121, 61131, 61171, 611511).
- 103 (13) Electronic and appliance stores (Groups 44312, 44313, 443111, 443112).
- 104 (14) Food and beverage stores (Groups 44511, 44512, 44521, 44522, 44523,
105 44531, 45291, 445292, 445299).
- 106 (15) Food manufacturing (Groups 31133, 31134, 311811).
- 107 (16) Food service and drinking places (Groups 72211, 72231, 72232, 72233,
108 722211, 722212, 722213).
- 109 (17) Funds, trusts and other financial vehicles (Groups 52511, 52512, 52519,
110 52599).
- 111 (18) Furniture and home furnishings store (Groups 44211, 44221, 442291,
112 442299).
- 113 (19) Furniture and related product manufacturing (Groups 33711, 337121,
114 337122).
- 115 (20) Gasoline station (Groups 44711, 44719; without automotive and related
116 repair services).
- 117 (21) General government administration (Groups 92111, 92112, 92113, 92114,
118 92115, 92119).
- 119 (22) General merchandise stores (Groups 45211, 45291, 45299).
- 120 (23) Group care facilities (category I only); care units; nursing homes; assisted
121 living facilities pursuant to F.S. § 400.402 and ch. 58A-5 F.A.C.; and
122 continuing care retirement communities pursuant to F.S. ch. 651 and ch. 4-
123 193 F.A.C.; all subject to the land development code.
- 124 (24) Health and personal care stores (Groups 44611, 44612, 44613, 446191,
125 446199).
- 126 (25) Information and data processing services (Groups 51412, 51421, 514191,
127 514199).
- 128 (26) Insurance carriers and related activities (Groups 52413, 52421, 524113,
129 524114, 524126, 524127, 524128, 524292, 524298).
- 130 (27) Justice, public order and safety activities (Groups 92215, 92219).
- 131 (28) Marinas (Group 71393).
- 132 (29) Miscellaneous store retailers (Groups 45311, 45321, 45322, 45331, 45391,
133 45392, 453991, 453998) excluding recreational marijuana stores.
- 134 (30) Monetary authority-central bank (Group 52111).
- 135 (31) Motion picture and sound recording industries (Groups 51224, 51229).

- 136 (32)Motor vehicle and parts dealers (Groups 44131, 44132).
 137 (33)Museums, historical sites and like institutions (Groups 71211, 71212, 71213,
 138 71219).
 139 (34)Nonstore retailers (Groups 4541, 45421).
 140 (35)Ophthalmic goods manufacturing (Group 339115).
 141 (36)Perform arts, spectator sports and related industries (Groups 71111, 71141).
 142 (37)Personal and laundry services (Groups 81222, 81231, 81232, 81293, 81299,
 143 812111, 812112, 812113, 812921, 812922).
 144 (38) Other personal care services (Group 812199 - Excluding massage and
 145 tattoo parlor)
 146 (398)Postal services (Group 49111).
 147 (4039) Professional, scientific and technical services (Groups 54111,
 148 54131, 54132, 54133, 54134, 54135, 54136, 54137, 54141, 54142, 54143,
 149 54149, 54169, 54181, 54182, 54184, 54186, 54187, 54189, 54193, 54199,
 150 541191, 541199, 541211, 541213, 541214, 541219, 541511, 541512,
 151 541513, 541519, 541611, 541612, 541613, 541614, 541618, 541921,
 152 541922).
 153 (410)Publishing industries (Groups 51114, 51121).
 154 (424)Real estate (Groups 53121, 53132, 53139, 531311, 531312).
 155 (432)Religious/like/professional/like organizations (Groups 81311, 81341,
 156 81391, 81392, 81393, 81394, 81399, 813312).
 157 (443)Rental and leasing services (Groups 53223, 53242).
 158 (454)Repair and maintenance (Groups 81143, 81149, 811211, 811212, 811213,
 159 811219, 811412).
 160 (465)Security, commodity contracts and like activities (Groups 52311, 52312,
 161 52313, 52314, 52321, 52391, 52392, 52393, 523991, 523999).
 162 (476)Social assistance (Groups 62411, 62412, 62419, 62421, 62423, 62441,
 163 624221, 624229).
 164 (487)Space research and technology (Group 92711).
 165 (498)Sporting goods, hobby, book and music stores (Groups 45111, 45112,
 166 45113, 45114, 45122, 451211, 451212).
 167 (5049) Transportation support activities (Group 488111).
 168 (510)Wholesale trade (Group 42186).
 169

170 **SECTION 4. Severability/Interpretation.**
 171

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

178 (b) In interpreting this Ordinance, underlined words indicate additions to
 179 existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (*
 180 * * *) indicate a deletion from the Ordinance of text, which continues to exist in the Code
 181 of Ordinances. It is intended that the text in the Code of Ordinances denoted by the

182 asterisks and not set forth in this Ordinance shall remain unchanged from the language
183 existing prior to adoption of this Ordinance.

184
185 **SECTION 5. Effective Date.** This Ordinance shall be effective immediately upon
186 adoption by the City Council on second reading.

187
188 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this
189 ____ day of _____, 2021.

190
191 **ATTEST:** **CITY OF MARCO ISLAND, FLORIDA**

192
193 _____ By: _____
194 Laura M. Litzan, City Clerk Jared Grifoni, Chair

195
196 Approved as to form and legal sufficiency:

197
198 _____
199 Alan L. Gabriel, City Attorney
200