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ORDINANCE 24-11

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA; AMENDING CHAPTER 30, "LAND DEVELOPMENT CODE," ARTICLE II, "ZONING," DIVISION 9, "COMMERCIAL INTERMEDIATE (C-3) DISTRICT," SECTION 30-224, "CONDITIONAL USES," OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES, TO ALLOW FOR GENERAL WAREHOUSING AND STORAGE LIMITED ONLY TO PERSONAL USE VEHICLES WITHIN THE C-3 ZONING DISTRICT AS A CONDITIONAL USE; MAKING FINDINGS; PROVIDING FOR SEVERABILITY/ INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE.

14 **WHEREAS**, pursuant to Section 38-40(1), City of Marco Island Code of
15 Ordinances, the Planning Board serves as the City's Local Planning Agency and Land
16 Development Regulation Commission; and
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18 **WHEREAS**, Section 30-62(c)(3)d., of the City of Marco Island Code of Ordinances
19 requires that the Planning Board determine the need and justification for a Land
20 Development Code ("LDC") amendment, as well as the proposals consistency with the
21 City Comprehensive Plan; and
22

23 **WHEREAS**, the need and justification for this land development code amendment
24 is to provide convenience for our residents to have personal vehicle storage within an
25 area that provides other needed services, such as grocery shopping, gyms, specialty
26 shops, etc. and promote fair and consistent regulations that are easily enforced; and
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28 **WHEREAS**, Objective 2.1, Policy 2.1.2 of the Future Land Use Element of the
29 City of Marco Island Comprehensive Plan states that the City will continue to thoroughly
30 and thoughtfully review and revise, as necessary, the list of permitted uses within the
31 zoning districts contained in the adopted LDC. The purpose for the reviews will be to
32 ensure compatibility between land uses, that the needs of residents, businesses, and
33 those they serve are met on-island to the extent possible, and that emerging and modern
34 uses are addressed though the City's regulatory framework.
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36 **WHEREAS**, the Future Land Use Element, Objective 3.2 of the City of Marco
37 Island Comprehensive Plan states that the City should ". . . accommodate orderly and
38 well-planned commercial and mixed-use development at appropriate locations to serve the
39 residents, businesses, and those they serve."; and
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41 **WHEREAS**, upon consideration of testimony by the City's growth management
42 staff and consideration of this Ordinance, the Planning Board finds that this Ordinance is
43 consistent with the City's Comprehensive Plan's Future Land Use Element; and
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45 **WHEREAS**, Section 30-62(c)(3)d., of the City of Marco Island Code of Ordinances
46 requires that the Planning Board determine the need and justification for a Land
47 Development Code (“LDC”) amendment; and
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49 **WHEREAS**, the Planning Board has found the need and justification for this
50 Ordinance amendment is to provide convenience for our residents to have personal
51 vehicle storage within an area that provides other needed services, such as grocery
52 shopping, gyms, specialty shops, etc. and promote fair and consistent regulations that
53 are easily enforced; and
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55 **WHEREAS**, the Planning Board has found that, based on the foregoing, that this
56 Ordinance will promote the public health, safety, aesthetics, and welfare of the
57 community; and
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59 **WHEREAS**, the City Council adopts the findings of the Planning Board, also sitting
60 as the City’s Local Planning Agency.
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62 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**
63 **MARCO ISLAND, FLORIDA:**
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65 **SECTION 1. Recitals.** Each and all the foregoing recitals be and the same are
66 hereby incorporated into this Ordinance as if specifically set forth herein.
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68 **SECTION 2. Amendment and Adoption.** That Chapter 30, “Land Development
69 Code,” Article II, “Zoning,” Division 9, “COMMERCIAL INTERMEDIATE (C-3) DISTRICT,
70 Section 30-224, “Conditional Uses,” of the Code of Ordinances, City of Marco Island, Florida,
71 be, and the same is hereby amended to read as follows:
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73 **DIVISION 9. - COMMERCIAL INTERMEDIATE (C-3) DISTRICT**
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75 **Sec. 30-224. Conditional uses.**

76 The following uses are permissible as conditional uses in the commercial
77 intermediate district (C-3), subject to the standards and procedures
78 established in the Land Development Code; uses permissible as conditional
79 uses in the C-1 or C-2 commercial zoning districts shall also be permissible
80 as conditional uses hereunder, unless listed as a permitted use in the C-3
81 district:

82 (17) General warehousing and storage – 49311 (Limited to
83 personal use vehicles only): subject to the following criteria:

- 84 a. All overhead doors shall not face street frontage.
- 85 b. All storage and activity are internal to the building.
- 86 c. Only for storage of personal use vehicles which are vehicles used
87 for the private use of the individual who owns the vehicle.
- 88 d. Sleeping quarters are prohibited.

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

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 8th day of April 2024.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA

Joan Taylor, City Clerk

By: _____
Jared Grifoni, Chairman

Approved as to form and legal sufficiency:

Alan L. Gabriel, City Attorney