

## *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.

(Ord. No. 02-01, § 1, 1-7-2002; Ord. No. 13-11, § 2, 10-21-2013)

### **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 - 81291 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).
- (4) Automotive parts, accessories and tire stores - 4413, 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

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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 surrounded 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.
- (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.

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- 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 roof-top 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

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- 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) 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.
  - (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 precision 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 furniture repair - 81142, other personal and household goods R&M - 81149).
  - (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.

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(Ord. No. 02-01, § 2, 1-7-2002; Ord. No. 13-11, § 2, 10-21-2013; Ord. No. 22-02, § 3, 3-7-2022)

**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.

(Ord. No. 02-01, § 3, 1-7-2002; Ord. No. 13-11, § 2, 10-21-2013)

**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 - 711212, golf courses and country clubs - 71391, amusement and theme parks - 71311, 71399 except for casino/gambling establishments).
- (3) Auctioneering services, auction rooms.
- (4) Boat dealers 441222; outdoor display permitted.
- (5) 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.)
- (6) Fuel dealers (fuel dealers - 45431, liquefied petroleum gas (bottled gas) dealers - 454312, other fuel dealers - 454319).
- (7) Reserved.
- (8) Justice, public order and safety (legal council and prosecution - 92213, correctional institutions - 92214, other justice/public order/safety activity - 92219).
- (9) Permitted uses with less than 700 square feet of gross floor areas in the principal structure.
- (10) Soup kitchens, as defined in the land development code.
- (11) Marina based open rack boat storage facilities located on navigable water frontage, pursuant to section 30-246.
- (12) Reserved.
- (13) Reserved.
- (14) Mixed residential and commercial uses only within the following architectural overlay districts and subject to the following criteria:

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- 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 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: 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,

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- 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);

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- 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.

(Ord. No. 02-01, § 4, 1-7-2002; Ord. No. 06-10, § 4, 8-21-2006; Ord. No. 10-08, § 2.3., 8-16-2010; Ord. No. 13-11, § 2, 10-21-2013; Ord. No. 15-03, § 1, 3-2-2015)

### **Sec. 30-245. Dimensional standards.**

The following dimensional standards shall apply to all permitted, accessory and conditional uses in the general commercial district (C-4):

- (1) *Minimum lot area:* 10,000 square feet.
- (2) *Minimum lot width:* 100 feet.
- (3) *Minimum yard requirements:*
  - a. *Front yard:* 25 feet plus one foot for each one foot of building height over 50 feet.
  - b. *Side yard:* Zero or a minimum of 15 feet except where the adjacent parcels are developed, in which case the required side yard may be zero to 15 feet, however in no case shall the separation between structures be less than 15 feet. Side yards located within the Marco Lake Subdistrict: Zero or a minimum of five feet with a minimum separation of ten feet unless attached.
  - c. *Rear yard:* Ten feet. Principal and accessory buildings shall be setback a minimum of 25 feet from an alley right-of-way when vehicular parking spaces take direct access from the alley, or ingress/egress is provided into the building.
  - d. *Any yard abutting a residential parcel:* 25 feet.
  - e. *Waterfront:* 25 feet, except none for marinas.
- (4) *Maximum height:* 100 feet, as measured from the base flood elevation to the mid-point of the roof; 75 feet beginning January 1, 2005. Maximum height is 40 feet within the Marco Lake District (lots 1-62, Block 5, and lots 1-4, Block 1, Marco Highlands). Maximum height is 40 feet within the Village Commercial District (Old Marco).
- (5) *Minimum floor area:* 700 square feet gross floor area for each building on the ground floor.
- (6) *Maximum lot coverage:* 76 percent of the total lot area.
- (7) *Floor area ratio:* (Reserved.)

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- (8) *Maximum density:* 16 units per acre for hotels, motels and timeshare facilities when located within the Marco Lake and the Village Commercial (Old Marco) Districts. Twenty-six units per acre for hotels, motels and timeshare facilities when located outside the Marco Lake/Village Commercial (Old Marco) Districts.

(Ord. No. 02-01, § 5, 1-7-2002)

**Sec. 30-246. Parking and loading, landscaping, lighting, signage, and architectural and site design standards.**

- (a) *Minimum off-street parking and off-street loading.* As required in the land development code.
- (b) *Landscaping.* As required in the land development code.
- (c) *Merchandise storage and display.* Unless specifically permitted for a use, outside storage or display of merchandise is prohibited.
- (d) *Lighting.* Pursuant to the city outdoor lighting ordinance.
- (e) *Signs.* As required in the land development code.
- (f) *Architectural and site design standards.* (Reserved.)

Marina based open rack boat storage facilities may deviate from the list of permitted building materials and screening requirements of the architectural and site design standards if such deviation can be justified and approved through the conditional use review process.

(Ord. No. 02-01, § 6, 1-7-2002)

**Sec. 30-247. Development standards for Port Marco Subdivision.**

- (a) *Location of Port Marco.* Port Marco Subdivision is that tract of land in Government Lot 5, Section 5, Township 52 South, Range 26 East, the tract being a part of that certain area indicated as "Doxsee Property" in the "Amended Plat of Collier City" as recorded in Plat Book 1 at page 58 of the public records of Collier County, Florida.
- (b) *Existing uses.* The State of Florida, by State Charter dated February 28, 1966, authorized the owners of Port Marco to:
- (1) Purchase or otherwise acquire, operate and manage a mobile home project on a non-profit basis and in the interest of and for the housing of its members and other lawful occupants.
  - (2) In connection with such project, the corporation may provide such community facilities, services and benefits as may be necessary or convenient for the welfare of the members and other lawful occupants.

The Port Marco Subdivision includes 16 mobile home sites, common recreational area, boat docking facilities, and a private access road. Mobile home sites often include such accessory uses as carports and utility buildings.

- (c) *Dimensional standards.* Setbacks between mobile homes, between individual mobile homes and the access road, and between mobile homes and accessory uses shall comply with minimum separation requirements per the city's fire code.
- (d) *Height.* The maximum height for any structure in Port Marco Subdivision is 25 feet.
- (e) *Expansion, alteration or replacement.* Prior to any expansion, alteration or replacement of an existing mobile home or accessory use, or any new accessory use, the property owner or authorized agent shall provide the

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community development director with three copies of a scaled drawing of the proposed expansion, alteration, replacement or new development, which will show the existing location of structures and the relationship to adjacent mobile homes, accessory structures, access roads, and parcel boundaries.

- (f) *Criteria for authorizing any expansion, alteration or replacement.* The planning board, by resolution, may approve the expansion, alteration or replacement of any existing mobile home, based on the following standards and criteria:
- (1) The expansion, alteration or replacement will not increase the density of the parcel or lot on which the mobile home is located.
  - (2) The expansion, alteration or replacement will not further encroach upon any nonconforming setback area.
  - (3) The expansion, alteration or replacement will not decrease the existing parking areas for the structure.
  - (4) The expansion, alteration or replacement will not damage the character or quality of the neighborhood.
  - (5) Such expansion, alteration or replacement will not present a threat to the health, safety or welfare of the community or residents.
- (g) *Architectural standards.* The Port Marco Subdivision is exempt from the architectural standards and provisions of the land development code.

(Ord. No. 02-01, § 7, 1-7-2002)

**Secs. 30-248—30-260. Reserved.**