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ORDINANCE 24-12

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING CITY OF MARCO ISLAND ORDINANCE 92-11, "THE PLANNED UNIT DEVELOPMENT (PUD) KNOWN AS HIDEAWAY BEACH," PURSUANT TO THE PUD AMENDMENT REQUEST (REZN-24-000006) TO PROVIDE FOR AN AMENDMENT TO SECTION 4.03, "PERMITTED USES AND STRUCTURES," SECTION 4.04.09, "OFF-STREET PARKING REQUIREMENTS," 6.02, "PERMITTED USES AND STRUCTURES," SECTION 6.03, "PLAN APPROVAL REQUIREMENTS," AND SECTION 6.07, "MINIMUM OFF-STREET PARKING,"; TO PROVIDE FOR THE ADDITION OF PICKLE BALL, BOCCE COURTS, GOLF COURSES, PLAYGROUNDS, AND PLAYFIELDS AS APPROVED USES WITHIN THE PUD, AND ADDING RECREATIONAL ACCESSORY USES TO LOTS 1 AND 2, BLOCK 18, HIDEAWAY PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE

17 **WHEREAS**, pursuant to Section 38-40(1), City of Marco Island Code of
18 Ordinances, the Planning Board serves as the City's Local Planning Agency and Land
19 Development Regulation Commission; and
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21 **WHEREAS**, Section 30-62(c)(3)d., of the City of Marco Island Code of Ordinances
22 requires that the Planning Board determine the need and justification for a Planned Unit
23 Development (PUD) amendment, as well as the proposal's consistency with the City
24 Comprehensive Plan; and
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26 **WHEREAS**, the need and justification for this land development code amendment
27 is to provide convenience for our residents to have recreation within an area that
28 provides other needed services, such as grocery shopping, gyms, specialty shops, etc.
29 and promote fair and consistent regulations that are easily enforced; and
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31 **WHEREAS**, Objective 2.1, Policy 2.1.2 of the Future Land Use Element of the
32 City of Marco Island Comprehensive Plan states that the City will continue to thoroughly
33 and thoughtfully review and revise, as necessary, the list of permitted uses within the
34 zoning districts. The purpose for the reviews will be to ensure compatibility between land
35 uses, that the needs of residents, businesses, and those they serve are met on-island to
36 the extent possible, and that emerging and modern uses are addressed through the
37 City's regulatory framework; and
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39 **WHEREAS**, upon consideration of testimony by the City's Growth Management
40 staff and consideration of this Ordinance, the Planning Board finds that this Ordinance is
41 consistent with the City's Comprehensive Plan's Future Land Use Element; and
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43 **WHEREAS**, Section 30-62(c)(3)d., of the City of Marco Island Code of Ordinances
44 requires that the Planning Board determine the need and justification PUD amendments;
45 and

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WHEREAS, the Planning Board has found the need and justification for this Ordinance amendment is to provide convenience for our residents to have recreational uses within an area that provides other needed services, such as grocery shopping, gyms, specialty shops, etc. and promote fair and consistent regulations that are easily enforced; and

WHEREAS, the Planning Board has found that, based on the foregoing, that this Ordinance will promote the public health, safety, aesthetics, and welfare of the community; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:

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

SECTION 2. Amendment and Adoption. That City of Marco Island Ordinance 92-11, “The Planned Unit Development (PUD), known as Hideaway Beach,” be, and the same is hereby amended, in part, to provide as follows:

4.03 Permitted Uses and Structures

No building or structure, or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part, for other than the following:

A. Permitted Principal Uses and Structures

- 1. Single Family detached dwellings.
- 2. Solely as to Lots 1 and 2, Block 18, Hideaway Beach:
 - i Bocce Courts.
 - ii Golf Course.
 - iii Playgrounds and playfields **excluding Pickleball, Tennis and other racket related uses.**

B. Permitted Accessory Uses and Structures

- 1. Customary accessory uses and structures, including private garages and private docking facilities as specified in Section 4.04.10.
- 2. Solely as to Lots 1 and 2, Block 18, Hideaway Beach -
 - i Recreational facilities, including but not limited to Bocce Courts, Golf courses, playgrounds, and playfields, that serve as an integral part of a residential development and have been designated, reviewed, and approved on a site development

- 90 plan or preliminary subdivision plat for that development
91 excluding Pickleball, Tennis and other racket related uses.
92 ii Signs as permitted in the Land Development Code.
93 iii Golfcart parking.
94

95 * * *

96 **4.04.09 Off-Street Parking Requirements:**

- 97 A. One parking space shall be required for each dwelling unit and
98 such space shall be located within the building setback line.
99 B. Bocce Courts - 1 space per court.
100 C. Golf Course – 2 spaces per golf hole.
101 D. Up to 40% of the required parking spaces may be golf cart-type
102 vehicle parking spaces in paved or unpaved areas.
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105 **6.02 Permitted Uses and Structures**

106 No building or structure, or part thereof, shall be erected, altered or used,
107 or land used, in whole or in part, for other than the following:

108 **A. Permitted Uses**

- 109 1. Golf course
110 2. Golf and Tennis Pro Shop and Club House
111 3. ~~Tennis, and Pickle Ball~~, Racquetball, Bocce Courts and Courts
112 any other general recreational use which is comparable in nature
113 with the foregoing uses.
114 4. Health Club
115 5. Convenience Commercial Facilities
116 a) Barber & Beauty Shops
117 b) Delicatessens
118 c) Dry Cleaning Shops
119 d) Food Markets
120 e) Gourmet Shops
121 f) Sundry Stores
122 g) Professional Offices
123 h) Any other commercial use or professional service which is
124 comparable in nature with the foregoing uses and which
125 the Director determines to be compatible in the district.
126 6. Playgrounds and playfields
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128 **B. Permitted Accessory Uses**

- 129 1. Maintenance shops and equipment storage.
130 2. Living quarters for maintenance personnel.
131 3. Signs as permitted in the Land Development Code.
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135 **6.03 Plan Approval Requirements**

136 Plans for all principal and all accessory uses shall be submitted to the
137 Director who will review these plans and approve their construction. All
138 construction shall be in accordance with the approved plans and
139 specifications.

140 A. General Requirements

- 141 1. Overall design shall be harmonious in terms of landscaping, location
142 of parking areas, recreation facilities, and building masses.
- 143 2. Buildings shall be setback a minimum of 50 feet from abutting private
144 street pavement edges and residential structures (except for
145 maintenance personnel living quarters).
- 146 3. ~~Tennis and racquetball courts~~ Tennis, Pickle Ball, and Bocce courts
147 shall be set back a minimum of 45 feet from abutting ~~private street~~
148 ~~pavement edges~~ and residential structures (except maintenance
149 personnel living quarters).
- 150 4. A minimum of 6 tennis courts ~~and 2 racquetball courts~~ shall be
151 provided.
- 152 5. Lighting facilities shall be arranged in a manner to protect roadways
153 and neighboring properties from direct glare.
- 154 6. The required setbacks for buildings and courts shall be heavily
155 landscaped to act as buffers.
- 156 7. All outdoor storage area and maintenance yards shall be screened
157 from view.

158 * * *

159 **6.07 Minimum Off-Street Parking**

160 Golf course, including ~~(incl. Golf and Tennis Pro Shop and Health Clubhouse~~
161 ~~and Golf Clubhouse), Tennis and Racquetball Courts~~ Tennis, Pickle Ball,
162 and Bocce Courts – two (2) spaces per golf hole and 1 space per court. Up
163 to 40% of the parking spaces may be golf cart-type vehicle parking spaces
164 in paved or unpaved areas.

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167 Convenience Commercial – 1 space per 250 square feet of gross floor
168 area. The director may permit a lesser number of parking spaces to be
169 paved when circumstances indicate infrequent use. However, these
170 unpaved parking spaces shall be grassed and reserved for future paving.
171 Notwithstanding the foregoing, up to 40% of the required parking spaces
172 may be golf cart-type vehicle parking spaces in paved or unpaved areas.

173 **SECTION 3. Severability/Interpretation.**

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

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183 (b) In interpreting this Ordinance, underlined words indicate additions to
184 existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (*
185 * * *) indicate a deletion from the Ordinance of text, which continues to exist in the Code
186 of Ordinances. It is intended that the text in the Code of Ordinances denoted by the
187 asterisks and not set forth in this Ordinance shall remain unchanged from the language
188 existing prior to adoption of this Ordinance.

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190 **SECTION 4. Effective Date.** This Ordinance shall be effective immediately upon
191 adoption by the City Council on second reading.

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193 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this ____
194 day of _____, 2024.

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196 **ATTEST:** **CITY OF MARCO ISLAND, FLORIDA**
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198 _____
199 Joan Taylor, City Clerk By: _____
200 Jared Grifoni, Chair

201 Approved as to form and legal sufficiency:
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204 _____
205 Alan L. Gabriel, City Attorney