

## 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**

**WHEREAS**, pursuant to Section 38-40(1), City of Marco Island 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., of the City of Marco Island Code of Ordinances requires that the Planning Board determine the need and justification for a Planned Unit Development (PUD) amendment, as well as the proposal's consistency with the City Comprehensive Plan; and

**WHEREAS**, the need and justification for this land development code amendment is to provide convenience for our residents to have recreation 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**, Objective 2.1, Policy 2.1.2 of the Future Land Use Element of the City of Marco Island Comprehensive Plan states that the City will continue to thoroughly and thoughtfully review and revise, as necessary, the list of permitted uses within the zoning districts. The purpose for the reviews will be to ensure compatibility between land uses, that the needs of residents, businesses, and those they serve are met on-island to the extent possible, and that emerging and modern uses are addressed through the City's regulatory framework; and

**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's Future Land Use Element; and

**WHEREAS**, Section 30-62(c)(3)d., of the City of Marco Island Code of Ordinances requires that the Planning Board determine the need and justification PUD amendments; and

**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

plan or preliminary subdivision plat for that development excluding Pickleball, Tennis and other racket related uses.

- ii Signs as permitted in the Land Development Code.
- iii Golfcart parking.

\* \* \*

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

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

\* \* \*

#### **6.02 Permitted Uses and Structures**

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

##### **A. Permitted Uses**

- 1. Golf course
- 2. Golf and Tennis Pro Shop and Club House
- 3. Tennis, and Pickle Ball, Racquetball, Bocce Courts and Courts any other general recreational use which is comparable in nature with the foregoing uses.
- 4. Health Club
- 5. Convenience Commercial Facilities
  - a) Barber & Beauty Shops
  - b) Delicatessens
  - c) Dry Cleaning Shops
  - d) Food Markets
  - e) Gourmet Shops
  - f) Sundry Stores
  - g) Professional Offices
  - h) Any other commercial use or professional service which is comparable in nature with the foregoing uses and which the Director determines to be compatible in the district.
- 6. Playgrounds and playfields

##### **B. Permitted Accessory Uses**

- 1. Maintenance shops and equipment storage.
- 2. Living quarters for maintenance personnel.
- 3. Signs as permitted in the Land Development Code.

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### **6.03 Plan Approval Requirements**

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

#### **A. General Requirements**

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

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### **6.07 Minimum Off-Street Parking**

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

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

### **SECTION 3. 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 4. 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 20<sup>th</sup> day of May 2024.

**ATTEST:**

**CITY OF MARCO ISLAND, FLORIDA**

\_\_\_\_\_  
Joan Taylor, City Clerk

By: \_\_\_\_\_  
Jared Grifoni, Chair

Approved as to form and legal sufficiency:

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Alan L. Gabriel, City Attorney