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ORDINANCE 24-__

AN ORDINANCE OF THE CITY OF MARCO ISLAND 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, "MINIUMUM 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 ASSESSORY 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 proposals 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 though 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

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

47
48 **WHEREAS**, the Planning Board has found the need and justification for this
49 Ordinance amendment is to provide convenience for our residents to have recreational
50 uses within an area that provides other needed services, such as grocery shopping,
51 gyms, specialty shops, etc. and promote fair and consistent regulations that are easily
52 enforced; and

53
54 **WHEREAS**, the Planning Board has found that, based on the foregoing, that this
55 Ordinance will promote the public health, safety, aesthetics, and welfare of the
56 community; and

57
58 **WHEREAS**, the City Council adopts the findings of the Planning Board, also sitting
59 as the City’s Local Planning Agency.

60
61 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**
62 **MARCO ISLAND, FLORIDA:**

63
64 **SECTION 1. Recitals.** Each and all the foregoing recitals be and the same are
65 hereby incorporated into this Ordinance as if specifically set forth herein.

66
67 **SECTION 2. Amendment and Adoption.** That City of Marco Island Ordinance 92-
68 11, “The Planned Unit Development (PUD), known as Hideaway Beach,” be, and the same
69 is hereby amended, in part, to provide as follows:

70
71 **4.03 Permitted Uses and Structures**

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

74 **A. Permitted Principal Uses and Structures**

- 75 1. Single Family detached dwellings.
76 2. Solely as to Lots 1 and 2, Block 18, Hideaway Beach:
77 i Bocce Courts.
78 ii Golf Course.
79 iii Playgrounds and playfields.

80
81
82 **B. Permitted Accessory Uses and Structures**

- 83 1. Customary accessory uses and structures, including private garages and
84 private docking facilities as specified in Section 4.04.10.
85 2. Solely as to Lots 1 and 2, Block 18, Hideaway Beach -
86 i Recreational facilities, including but not limited to Bocce Courts, Golf
87 courses, playgrounds, and playfields, that serve as an integral part of a

88 residential development and have been designated, reviewed, and
89 approved on a site development plan or preliminary subdivision plat for
90 that development.

91 ii Signs as permitted in the Land Development Code.

92 iii Golfcart parking.

93

94

95 **4.04.09 Off-Street Parking Requirements:**

96 A. One parking space shall be required for each dwelling unit and such
97 space shall be located within the building setback line.

98 B. Bocce Courts - 1 space per court.

99 C. Golf Course – 2 spaces per golf hole.

100 D. Up to 40% of the required parking spaces may be golf cart-type vehicle
101 parking spaces in paved or unpaved areas.

102

103

104 **6.02 Permitted Uses and Structures**

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

107 **A. Permitted Uses**

108 1. Golf course

109 2. Golf and Tennis Pro Shop and Club House

110 3. Tennis, ~~and Pickle Ball~~, Racquetball, Bocce Courts and Courts
111 any other general recreational use which is comparable in nature
112 with the foregoing uses.

113 4. Health Club

114 5. Convenience Commercial Facilities

115 a) Barber & Beauty Shops

116 b) Delicatessens

117 c) Dry Cleaning Shops

118 d) Food Markets

119 e) Gourmet Shops

120 f) Sundry Stores

121 g) Professional Offices

122 h) Any other commercial use or professional service which is
123 comparable in nature with the foregoing uses and which the
124 Director determines to be compatible in the district.

125 6. Playgrounds and playfields

126

127 **B. Permitted Accessory Uses**

128 1. Maintenance shops and equipment storage.

129 2. Living quarters for maintenance personnel.

130 3 Signs as permitted in the Land Development Code.

131

132 ***

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134 **6.03 Plan Approval Requirements**

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

138 A. General Requirements

139 1. Overall design shall be harmonious in terms of landscaping, location of
140 parking areas, recreation facilities, and building masses.

141 2. Buildings shall be setback a minimum of 50 feet from abutting private street
142 pavement edges and residential structures (except for maintenance
143 personnel living quarters).

144 3. ~~Tennis and racquetball courts~~ Tennis, Pickle Ball, and Bocce courts shall be
145 set back a minimum of 45 feet from abutting ~~private street pavement edges~~
146 ~~and~~ residential structures (except maintenance personnel living quarters).

147 4. A minimum of 6 tennis courts ~~and 2 racquetball courts~~ shall be provided.

148 5. Lighting facilities shall be arranged in a manner to protect roadways and
149 neighboring properties from direct glare.

150 6. The required setbacks for buildings and courts shall be heavily landscaped
151 to act as buffers.

152 7. All outdoor storage area and maintenance yards shall be screened from
153 view.

154

155 ***

156 **6.07 Minimum Off-Street Parking**

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

162 Convenience Commercial – 1 space per 250 square feet of gross floor area. The
163 City's Director of Community Affairs ~~director~~ may permit a lesser number of parking
164 spaces to be paved when circumstances indicate infrequent use. However, these
165 unpaved parking spaces shall be grassed and reserved for future paving.

166 Notwithstanding the foregoing, up to 40% of the required parking spaces may be
167 golf cart-type vehicle parking spaces in paved or unpaved areas.

168

169 **SECTION 3. Severability/Interpretation.**

170

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

177

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 4. 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 _____, 2024.

190

191 **ATTEST:**

CITY OF MARCO ISLAND, FLORIDA

192

193 _____

By: _____

194 Joan Taylor, City Clerk

Jared Grifoni, Chair

195

196 Approved as to form and legal sufficiency:

197

198

199 _____

200 Alan L. Gabriel, City Attorney