



Legislation Text

File #: ID 24-3694, Version: 1

Agenda Item: 11(B)	Prepared By: Mary P. Holden, Planning Manager
Business: Ordinance - First Reading	Department: Community Affairs - Growth Management

Subject:

Ordinance - First Reading - Land Development Code Amendment (LDCA 24-000034) Request to Adopt a New Section to Provide for Authorization for Mixed-Use in Overlay District Two - A Subject to Conditional Use Approval - Mary P. Holden, Planning Manager, Community Affairs/Growth Management

**BACKGROUND:**

**PROJECT DESCRIPTION:**

The request is to provide for a text amendment to Section 30-224(14) of the City’s Land Development Code (“LDC”) by adding a new sub-section III to allow for mixed use in “Overlay District Two-a,” subject to conditional use approval. The application for the text amendment submitted by Oliverio Investment and Consulting Inc., and additional information are attached and provided in this Staff report.

**PLANNING BOARD SUMMARY AND RECOMMENDATION:**

The Planning Board held a public hearing and considered this request at their June 7, 2024 meeting. After the request was presented by Staff and the applicant, the Planning Board discussed the applicability of the Live Local Act, what could be allowed in this overlay district, compliance with the Comprehensive Plan, whether the elimination of this overlay district to conditionally allow mixed use was a scrivener’s error, density, and similar topics. The public comments primarily concerned issues related density that could result from potential development. The Planning Board, after discussion, added an additional element to the criteria for the conditional use approval, that any mixed use projects in this overlay district would not be eligible for parking credits. The Planning Board voted 5-1 to forward a recommendation of approval based on the below findings and the added criteria that projects in this overlay district would not be eligible for parking credits:

1. The justification for approval of the amendment is based on the fact that the applicant is asserting that the amendment is necessary in order to reinstate the conditional use that was allowed prior to the 2006 Land Development Code amendment.
2. The proposed amendment is compliant with the following City of Marco Island Comprehensive Plan 2040 objectives and policies:

**Future Land Use Element:**

**Objective 2.1**

The City will implement LDC regulations that specify enhanced landscaping, signage and architectural standards consistent with the goal of maintaining the City’s small town coastal identity.

Policy 2.1.2

The City will continue to thoroughly and thoughtfully review and revise, as necessary, the list of permitted uses within zoning districts contained in the adopted LDC. 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.

**Objective 3.2**

To accommodate orderly and well-planned commercial and mixed-use development at appropriate locations to serve the residents, businesses, and those they serve.

Policy 3.2.2

The City will evaluate necessary updates to the LDC regulations to provide minimum standards and incentives for the conversion of strip commercial development into compact, integrated commercial and mixed-use projects that emphasize multi-modal access, public gathering space, interconnections between properties, and high aesthetic value.

Policy 3.2.4

The Community Commercial future land use category is intended to provide a range of commercial uses at arterial and collector intersections and nodes within the City outside of the Town Center/Mixed Use future land use category. These areas will be comprised of retail ,office and mixed use land uses. Standard densities are limited to 12 du/acre. Hotel/motel densities are limited to 26 du/acre.

**FUNDING SOURCE / FISCAL IMPACT:**

Applicant has paid \$2,000.00 in applicable fees.

**PUBLIC NOTICE REQUIREMENTS:** Two advertised public hearings on the proposed ordinance. The first public hearing shall be held at least 7 days after the day that the first advertisement is published (in the display section of the newspaper). The second hearing shall be held at least 10 days after the first hearing and shall be advertised (in the display section of the newspaper) at least 5 days prior to the public hearing.

**NOTICE APPEARANCE DATE(S):** First Reading: July 8, 2024

**RECOMMENDATION:** Approve Ordinance 24-14 on the first reading.

**POTENTIAL MOTION:** Move to approve Ordinance 24-14 on the first reading.