

ORDINANCE NO. 01-09

AN ORDINANCE AMENDING ORDINANCE NO. 92-11, AS AMENDED, OF THE COLLIER COUNTY LAND DEVELOPMENT CODE, THE HIDEAWAY BEACH PLANNED UNIT DEVELOPMENT, INCORPORATED BY REFERENCE IN THE COLLIER COUNTY LAND DEVELOPMENT CODE IN EFFECT ON AUGUST 28, 1997, WHICH IS THE LAND DEVELOPMENT CODE FOR THE CITY OF MARCO ISLAND; SECTION ONE, AMENDING SECTION VII, BEACH CLUB, SUBSECTION 7.02, PERMITTED USES, PARAGRAPH A. PRINCIPAL USES, TO PROVIDE FOR RESTAURANTS AND BAR FACILITIES FOR MEMBERS AND GUESTS; AMENDING PARAGRAPH B. PERMITTED ACCESSORY USES AND STRUCTURES, TO PROVIDE FOR AN OUTDOOR GRILLE WITH THE SERVICE BARS AND TO PROVIDE FOR USES AND STRUCTURES ACCESSORY AND INCIDENTAL TO PERMITTED USES; AMENDING SUBSECTION 7.05, MINIMUM OFF-STREET PARKING, TO PROVIDE PARKING FOR RESTAURANTS AND BAR FACILITIES, STABILIZED GRASS PARKING AND GOLF CART-TYPE PARKING SPACES IN PAVED OR UNPAVED AREAS; DELETING SUBSECTION 7.07, MAXIMUM SIZE OF RESTAURANT, AND RENUMBERING SUBSECTION 7.08, APPROVAL OF CONSUMPTION-ON-PREMISES LICENSE, AS SUBSECTION 7.07; AMENDING SECTION 9.2 TRANSPORTATION, SUBSECTION D. TO AMEND THE FAIR SHARE CONTRIBUTION TO ROADWAY AND INTERSECTION IMPROVEMENTS; ADDING SUBSECTION H. TO SECTION 9.2 TO PROVIDE SHARED AND VALLET PARKING AT THE CLUBHOUSE AND RECREATION CENTER; AND CORRECTING SCRIVENOR'S ERRORS IN SECTION VII; SECTION TWO, PROVIDING AN EFFECTIVE DATE.

WHEREAS, Robert D. Pritt, Esq., of Roetzel and Andres, representing Hideaway Beach Association, Inc., petitioned the Marco Island City Council to amend Ordinance 92-11, Hideaway Beach PUD, and

WHEREAS, the Collier County Board of County Commissioners has previously approved the Hideaway Beach Planned Unit Development, by Collier County Ordinance No. 79-68, Collier County Ordinance No. 80-81, as amended by Ordinance Nos. 84-67, 89-29, and 90-106; and

WHEREAS, the Collier County Board of County Commissioners, by Collier County Ordinance No. 92-11, amended the zoning classification for the Hideaway Beach PUD, adopting the Planned Unit Development Document for Hideaway Beach, Marco Island, Florida, Exhibit "A", Consolidated Document, and repealing Ordinance 80-81; and

WHEREAS, the Planned Unit Development ordinance was further amended by Collier County Ordinance No. 95-59; and

WHEREAS, the City of Marco Island has adopted as its own ordinance, the Hideaway Beach Planned Unit Development ordinances as they existed on August 28, 1997; and

WHEREAS, The Hideaway Beach Association, Inc. desires to expand, update and upgrade the Beach Club as provided for in Section VII of the PUD document; and

WHEREAS, public notice and public hearings have been held in accordance with law and local ordinances and a determination is made that the proposed amendments are consistent with law and city ordinances;

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

SECTION ONE: Ordinance No. 92-11, as amended, The Hideaway Beach Planned Unit Development, incorporated by reference in the Collier County Land Development Code in effect on August 28, 1997, which is the Land Development Code for the City of Marco

Island, is hereby further amended by amending Section VII, Beach Club, so that said section, as amended, shall read as follows, with underline indicating new language and ~~strikethrough~~ indicating deleted language:

SECTION VII

BEACH CLUB

7.01 PURPOSE

The purpose of this section is to set forth the regulations for the area designated on Exhibit "B1" Master Plan as Parcel B.

7.02 PERMITTED PRINCIPAL USES AND STRUCTURES

A. Principal Uses:

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:

1. Clubhouse
2. Restaurant and bar facilities for use by ~~residents~~ members and guests only.

B. Permitted Accessory Uses and Structures:

1. Swimming Pools and spas.
2. Outdoor service bars and grille.
3. Accessory uses and structures customarily associated with recreation buildings.
4. Signs as permitted by the Land Development Code.
5. Uses and structures that are accessory and incidental to the uses permitted as of right in this district.

7.03 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 set back a minimum of 30 feet from abutting private street pavement edges and residential structures.
3. Pool, patios, and other such structures shall be set back a minimum of 20 feet from abutting residential lots and private street pavement edges.
4. The required perimeter setbacks shall be heavily landscaped to provide buffers.
5. The principal building shall be set back a minimum of 100+ feet from the vegetation line of the beach as defined at the time of platting.
6. Accessory structures shall be set back a minimum of 50+ feet from the vegetation line of the beach as defined at time of platting.

7.04 MAXIMUM HEIGHT

- A. Principal Buildings - 50 feet above finished grade of crown of the nearest private road.
- B. Accessory Structures - 25 feet above finished grade of crown of the nearest private road.

7.05 MINIMUM OFF-STREET PARKING

A. Clubhouse

One (1) parking space per 250 square feet of gross floor area excluding restaurants and bars.

B. Restaurants-Bar Facilities

One (1) space for each 4 seats in public rooms whether seating is fixed or movable.

The Director may permit a lesser number of parking spaces to be paved when circumstances indicate infrequent use. However, these unpaved spaces shall be grassed, stabilized and reserved for future paving. Up to 40% of the parking spaces may be golf cart-type vehicle parking spaces in paved or unpaved areas.

7.06 OFF-STREET PARKING LANDSCAPING

Landscaping shall be provided as required by the Land Development Code of Collier County.

~~7.07 MAXIMUM SIZE OF RESTAURANT~~

~~The restaurant bar shall have maximum seating capacity of 250 seats.~~

~~7.08~~ 7.07 APPROVAL OF CONSUMPTION-ON-PREMISES LICENSE

Shall be subject to any requirements of the Land Development Code in effect at time of application.

9.2 TRANSPORTATION

D. External Road Improvements

The Homeowner's Association shall pay its fair share for the cost of four laning Kendall Drive to its intersection with Collier Boulevard when the four laning is deemed necessary by the County Engineer. At such time as the City of Marco Island begins bid stage activities for roadway capacity and/or signalization improvements at the North Collier Boulevard/Kendall Drive intersection, the petitioner shall pay the City a proportionate fair share cost for said roadway and/or signal work (not to exceed \$55,000.00), which will be credited against a fair share cost for converting Kendal Drive to a two lane divided roadway as set forth in the City of Marco Island Right-Of-Way Master Plan. Such amount shall be paid to the City at the time two lane improvements are let for bids.

H. Shared Parking

Shared and valet parking shall be provided between the clubhouse and recreation center.

SECTION TWO: This Ordinance shall become effective immediately upon adoption.

PASSED IN OPEN REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA THIS 4TH DAY OF JUNE, 2001.

ATTEST:



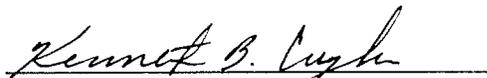
A. WILLIAM MOSS
CITY MANAGER/CITY CLERK

CITY OF MARCO ISLAND:

BY: 

E. Glenn Tucker, Chairman

Approved as to form and legal sufficiency:



Kenneth B. Cuyler
City Attorney