

CITY OF MARCO ISLAND

ORDINANCE 06-08

AN ORDINANCE TO AMEND CHAPTER 30, THE LAND DEVELOPMENT CODE PORTION OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES; TO AMEND DIVISION 6 RESIDENTIAL TOURIST (RT) ZONING DISTRICT BY AMENDING SECTION 30-164 CONDITIONAL USES IN ORDER TO ADD SUBSECTION (8) TO ESTABLISH A NEW CONDITIONAL USE FOR HOTEL USE ALONG THE WEST SIDE OF SOUTH COLLIER BOULEVARD BETWEEN THE SAND CASTLE II CONDOMINIUM AND THE MARRIOTT PUD; PROVIDING FOR A NEW ZONING OVERLAY DISTRICT ALONG THE EAST SIDE OF SOUTH COLLIER BOULEVARD AS PROVIDED FOR IN SECTION 30-167, TO SUPERSEDE, SUPPLEMENT, AND/OR REPLACE DEVELOPMENT AND DIMENSIONAL STANDARDS; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (*SECOND READING*)

**WHEREAS**, Article VIII of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the Marco Island City Charter empowers the City to adopt, amend, or repeal ordinances, resolutions, and codes as may be required for the good governing of the City; and

**WHEREAS**, the City staff has been requested by the City Council to draft amendments to the Land Development Code; and

**WHEREAS**, following a public hearing, the Planning Board considered the recommendation of staff and public input and recommended, that proposed text amendments to the City's Land Development Code, be adopted; and

**WHEREAS**, after considering the recommendation of the Planning Board and the City Staff and following two advertised public hearings on the subject, the City Council has determined it is in the best interest of the City of Marco Island to adopt the proposed text amendments to the City's Land Development Code relating to the Board of Zoning Appeals.

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

Section 1. That Section 30-164 is hereby amended to read as follows (with underlining indicating new text additions and strikeout indicating deletions):

- (8) Hotel use for the redevelopment of properties located along the west side of Collier Boulevard between the northern property boundary of the Sand Castle II Condominium and the southern boundary of the Marriott PUD which have an existing principal use of hotel as of the date of this Ordinance. In addition to the criteria for review of conditional use petitions set forth in Section 30-64(3), the following supplemental review criteria shall be considered for such use and each petition shall be subject to the following standards:

- a. The maximum building height for principal structures shall be measured from the base flood elevation to the mid-point of the roof and shall not exceed 150 feet.
- b. Minimum yard requirements:
  - 1. Front yard: One-half the building height as measured from each exterior wall with a minimum of 50 feet.
  - 2. Side yard: Fifty feet.
  - 3. Rear yard: One-half the building height as measured from each exterior wall with a minimum of 30 feet.
- c. Distance between structures:  
Between any two principal buildings on the same parcel of land, there shall be provided a distance equal to at least 30 feet. For accessory structure separations, see section 30-1001.
- d. The floor area requirements shall not exceed 1,300 square feet except that 20 percent of the units may be utilized for suites greater than 1,300 square feet.
- e. Architectural renderings and a site development plan shall be provided revealing the location and size of all buildings, units, recreational facilities, restaurants, meeting rooms, lobby, hotel guest accommodations, and open space.
- f. Maximum lot coverage may exceed 76% provided redevelopment is consistent with Policy 1.1.2.5 of the Comprehensive Plan.
- g. Valet and tandem parking may be considered on-site, provided a parking analysis and traffic circulation plan is reviewed by staff.
- h. For purposes of this conditional use timeshare estate facilities which allow for transient occupancy consistent with the following criteria shall be deemed a hotel and may be constructed at a density of 26 units per acre consistent with the Marco Island Comprehensive Plan:
  - 1. daily occupancy;
  - 2. units are available for rent by the general public if not used by owners or members of an internal exchange organization;
  - 3. units include complete living, sleeping, cooking, and sanitation facilities;
  - and
  - 4. at least 7% of room nights in the facility will be available for rental to the general public over the course of a year.
- i. Upon providing public beach access in a manner consistent with the conditions described herein, an applicant may be granted an increase from the 26 unit per acre maximum density of up to 3 units per acre pursuant to Policy 1.1.2.3 of the Comprehensive Plan provided the following requirements are met: a minimum 20-foot wide access way is provided by easement or dedication to the City adjacent to the northern or southern property line for beach access; said access easement or dedication

provides access for the general public; all cost associated with improving the beach access shall be the responsibility of the developer; improvement plans shall be reviewed by the City as a site development plan; the public beach access is provided from Collier Boulevard right-of-way to the beach; and the public beach access is completed prior to issuance of a certificate of occupancy permit.

- j. The redevelopment project shall include at least 80% of the number of hotel units provided on site prior to the redevelopment project.

Section 2. That Section 30-167 is hereby amended to read as follows (with underlining indicating new text additions and strikeout indicating deletions):

**Section 30-167. Building regulations along the east side of Collier Boulevard.**

- (1) Maximum height: Fifty feet, or existing building height if greater than 50 feet at the time of adoption.
- (2) Minimum yard requirements:
  - a. Front yard: From one-half the building height as measured from each exterior wall with a minimum of 50 feet.
  - b. Side yard: From one-half the building height as measured from each exterior wall with a minimum of 15 feet.
  - c. Rear yard: 25 feet.

Section 3. It is the intention of the City Council and it is hereby ordained that the provisions of the Ordinance shall become and be made a part of the Code of Ordinances of the City of Marco Island, Florida, and that the sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article" or other appropriate word.

Section 4. All sections or parts of sections of the Code and Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. In the event this Ordinance conflicts with any other Ordinance of the City of Marco Island or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

Section 6. The ordinance shall become effective immediately upon adoption.

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida this 7<sup>th</sup> day of August 2006.

MARCO ISLAND CITY COUNCIL  
CITY OF MARCO ISLAND, FLORIDA

Attest:

  
\_\_\_\_\_  
Laura Litzan, City Clerk

By:   
\_\_\_\_\_  
Terri DiSciullo, Chairwoman

Approved as to form and legal  
sufficiency:

  
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Richard D. Yovanovitch, Esquire  
City Attorney