

## ORDINANCE NO. 04- 13

AN ORDINANCE AMENDING ORDINANCE NUMBER 02-36, THE MARCO ISLAND LAND DEVELOPMENT CODE WHICH INCLUDES THE COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF MARCO ISLAND, FLORIDA, RELATING TO PETITION NUMBER R-04-02; BY AMENDING THE OFFICIAL ZONING ATLAS MAP NUMBER MB6F; BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED REAL PROPERTY FROM "A-ST" TO "C-4" FOR PROPERTY FURTHER DESCRIBED AS EXHIBIT "A" IN SECTION 13, TOWNSHIP 50 SOUTH, RANGE 26 EAST, CITY OF MARCO ISLAND, FLORIDA, CONSISTING OF .54 ACRES; AND PROVIDING AN EFFECTIVE DATE.

Whereas, Maureen Moran, Inc., the owner of Moran's Barge Marina has petitioned the City to change the zoning of property described on Exhibit "A" from "A-ST" to "C-4".

Whereas, William G. Morris, Esquire, of William Morris Law Offices, is the agent representing Maureen Moran, Inc. to change the zoning classification of the herein described real property; and

Whereas, following a public hearing, the Planning Board has considered the recommendation of staff and the public input and has recommended by a vote of 5 to 0, with one abstention that Rezone Petition R-04-02 be approved.

Whereas, the petitioner, staff, public, and all interested parties have been given an opportunity to be heard by City Council in a public meeting assembled, and the Council has considered all matter presented; and

Whereas, the City Council finds that the criteria for granting this rezoning petition have been met and the petition should therefore be granted.

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

### Section One:

Rezone Petition R-04-02 is hereby granted and the zoning classification of the real property legally described on Exhibit "A", located in Section 13, Township 50 South, Range 26 East, City of Marco Island, Florida, is changed from "A-ST" to "C-4", subject to the following conditions:

- a. That no residential use or occupancy may be approved, maintained, or allowed to occur on the subject property. Only hotel and motel uses and uses and structures that are accessory, ancillary, and incidental to these uses shall be provided on-site.

Hotel or motel establishments, meeting the classifications standards in 509, F.S., are recognized as commercial use. However, hotel and motel uses are subject to the density standards set forth in the Comprehensive Plan and the Land Development Code.

- b. That prior to the issuance of Site Development Plan (SDP) approval the owner shall, at his/her sole expense, prepare and record a permanent conservation easement encompassing the existing mangrove portion of the subject property (approximately 0.25 acres).
- c. That development rights shall be transferred from the portion of the subject property encumbered by the permanent conservation easement to the remaining, unencumbered portion of the subject property, or to the adjoining property (1.46 acres, referred to as Moran's Barge Marina, located at 3200 San Marco Road) if the development encompasses both properties.
- d. The petitioner shall be responsible for engineering, designing and constructing the necessary left and right turn lane improvements at the foot of the Goodland Bridge pursuant to traffic impact analysis, access management plans for San Marco Road, and access considerations into the site prior to the issuance of a certificate of occupancy permit for the hotel.

The Official Zoning Atlas Map MB6F, as described in Ordinance 02-36, of the Marco Island Land Development Code, is hereby amended.

Section Two:

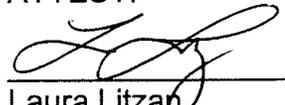
The ordinance shall become effective upon adoption.

Section Three:

This Ordinance relating to Petition Number R-04-02 shall be recorded in the City Council minutes and filed with the Marco Island City Clerk's Office.

Passed in open and regular session of the City Council of Marco Island, Florida, this 7<sup>th</sup> day of September 2004.

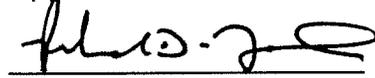
ATTEST:

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

CITY OF MARCO ISLAND

  
\_\_\_\_\_  
Terri DiSciullo  
Chairwoman

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Richard D. Yovanovich  
City Attorney

