

**CITY OF MARCO ISLAND
ORDINANCE NO. 04-04**

AN ORDINANCE TO AMEND THE ADOPTED CITY OF MARCO ISLAND COMPREHENSIVE PLAN (ORD. 01-02) BY AMENDING THE FUTURE LAND USE MAP; BY AMENDING GOALS, OBJECTIVES AND POLICIES CONTAINED IN THE FUTURE LAND USE ELEMENT; BY AMENDING THE SCHEDULE OF CAPITAL IMPROVEMENTS; BY AMENDING GOALS, OBJECTIVES AND POLICIES CONTAINED IN THE CAPITAL IMPROVEMENT ELEMENT; BY ACKNOWLEDGING NARRATIVE UPDATES CONTAINED IN THE SUPPORTING DATA AND ANALYSIS PORTION OF THE PLAN (PART II); BY PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Marco Island has adopted through Ordinance 01-02) a Comprehensive Plan in accordance with the requirements of Chapter 163, Part II, Florida Statutes; and

WHEREAS, Chapter 163, F.S., allows municipalities to amend their comprehensive plans no more than twice annually; and

WHEREAS, the City of Marco Island desires to amend the Future Land Use Element, including the Future Land Use Map, and the Capital Improvement Element, in conjunction with narrative updates to the non-adopted portion of the Plan (Part II, Data & Analysis); and

WHEREAS, the Marco Island Planning Board, as the Local Planning Agency (LPA), has approved the amendments contained herein, and has forwarded the amended Comprehensive Plan to the City Council with a recommendation of approval; and

WHEREAS, the City of Marco Island received the Objections, Recommendations and Comments (ORC) Report from the Department of Community Affairs dated February 2, 2004, and has undertaken corrective actions consistent with the recommendations contained in the ORC Report; and

WHEREAS, all necessary public participation has occurred and all necessary public hearings have taken place in accordance with Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Marco Island, Florida, that:

Section 1. **Adoption of amendments to the Future Land Use Map of the Marco Island Comprehensive Plan.**

The amended Future Land Use Map of the Marco Island Comprehensive Plan, attached hereto and incorporated herein, is hereby adopted. The amended Future Land Use Map includes the following changes as recommended by the Planning Board and City Council:

- #1 Change future land use map designation from "Resort Residential" to "Planned Unit Development" (Marriott property).
- #2 Change the future land use map designation from "Town Center/Mixed Use" to "High Density Residential" (West Elkcam Circle at Smokehouse Bay).
- #3 Change the future land use map designation from "Town Center/Mixed Use" to "Planned Unit Development" (Glon property).
- #4 Change the future land use map designation from "Town Center/Mixed Use" to "High Density Residential" (Tallwood Street/Hartley Avenue).
- #5 Change the future land use map designation from "Community Commercial" to "Community Facility" (City Hall complex).
- #6 Change the future land use map designation from "Low Density Residential" to "Community Facility" (Tract "R-C").
- #7 Change the future land use map designation from "Low Density Residential" to "Community Commercial" (Tract "L", Hawaii Circle).
- #8 Change the future land use map designation from "Preservation/Conservation" to "Community Commercial" (the Eastern 300 feet of Tract C, MB Unit 17 "Moran's Barge Marina").

Section 2. Adoption of amendments to the goals, objectives and policies of the Future Land Use Element.

The amended goals, objectives and policies of the Future Land Use Element of the Marco Island Comprehensive Plan, attached hereto, and incorporated herein, are hereby adopted. The following amendments to the Future Land Use Element have been recommended by the Planning Board and City Council:

- #1 Policy 1.1.1 (Density Matrix) as amended.
- #2 Policy 1.1.2.1 (Hotel/motel density allocation) as proposed.
- #3 Policy 1.1.2.2 (PUD density incentive program) as proposed.

- #4 Policy 1.1.2.3 (Resort Residential density incentive program) as proposed.
- #5 Policy 1.1.2.4 (Maximum height, Town Center) as proposed.
- #6 Policy 1.11.1.5 (Site specific provisions restricting future commercial development on a parcel described as the eastern 300 feet of Tract C, MB Unit 17) as proposed.
- #7 Minor changes, clarifications, deletions as presented in strike-through and underline format for the balance of the goals, objectives and policies of the Future Land Use Element.

Section 3. Amendment to the Schedule of Capital Improvements.

The original schedule of capital improvements contained in the Capital Improvement Element is hereby amended to reflect the Five-Year (2004-2008) City of Marco Island Capital Improvement Plan, as approved June 18, 2003, attached hereto and incorporated herein, is hereby adopted.

Section 4. Adoption of amendments to the goals, objectives and policies of the Capital Improvement Element.

The amended goals, objectives and policies of the Capital Improvement Element of the Marco Island Comprehensive Plan, attached hereto, and incorporated herein, are hereby adopted. The following amendments to the Capital Improvement Element have been recommended by the Planning Board and City Council:

- #1 Minor changes, clarifications, deletions as presented in strike-through and underline format for the balance of the goals, objectives and policies of the Capital Improvement Element.

Section 5. Acknowledgment of narrative updates to Part II.

The City Council hereby acknowledges the narrative updates to the Data & Analysis portion of the Comprehensive Plan (Part II) for those updates related to the Future Land Use Element and the Capital Improvement Element.

Section 6. Incorporation, conflict and severability.

- (a) It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the adopted Comprehensive Plan for the City of Marco Island. The amended Marco Island Comprehensive Plan shall consist of Part 1 (Goals,

Objectives and Policies). Part II (Data and Analysis) shall be recognized and approved as a non-adopted companion and support document.

- (b) 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 holdings shall not affect the validity of the remaining portion.

Section 7. Effective date.

The effective date of this comprehensive plan amendment shall be the date a final order of compliance is issued by the Department of Community Affairs or the date on which the Administration Commission finds the amended Comprehensive Plan in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs first. No development orders, development permits, or land uses dependent on the proposed amendments may be issued or commenced before it becomes effective. If a final order of noncompliance is issued by the Administration Commission, the amended Comprehensive Plan may nevertheless be made effective by adoption of a resolution by City Council affirming its effective status, a copy of which resolution shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 15th day of March 2004.

Attest:

CITY OF MARCO ISLAND, FLORIDA

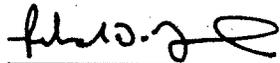


Laura Litzan

By: 

Terri DiSciullo, Chairwoman

Approved as to form and
Legal sufficiency:



Richard Yovanovich
City Attorney