

**CITY OF MARCO ISLAND
ORDINANCE NO. 02-32**

AN ORDINANCE AMENDING CHAPTER 38, ARTICLE II, OF THE CITY CODE, ESTABLISHING THE MARCO ISLAND PLANNING BOARD, BY AMENDING EXHIBIT A AS REFERENCED IN SECTION 1 – PURPOSE AND INTENT, TO AUTHORIZE NONVOTING MEMBERSHIP STATUS TO A REPRESENTATIVE FROM THE SCHOOL DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166 of 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 exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 1.01 of 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, Section 3.16 of the Marco Island City Charter provides for the establishment of a planning advisory board to City Council; and

WHEREAS, Section 163.3174, Florida Statutes, requires that all local planning agencies that first review rezonings and comprehensive plan amendments to include a representative of the school district as a nonvoting member.

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

Section 1. Exhibit A, as referenced in Section 1 – Purpose and Intent, be amended to include a new subsection, 38.33 to read as follows:

Sec. 33. Nonvoting member(s): appointment and purpose.

Pursuant to section 163.3174, Florida Statutes, all local planning agencies that first review rezoning and comprehensive plan amendments in each municipality shall include a representative of the school district as a nonvoting member.

- (a) *Appointment.* The District School Board of Collier County shall appoint the nonvoting representative of the school district to the planning board.
- (b) *Purpose.* The nonvoting school district representative shall attend planning board meetings at which the planning board considers comprehensive plan amendments and rezonings, that would, if approved, increase residential density on the property that is the subject of the application.

Section 2. Effective Date

This ordinance shall take effect immediately upon adoption by the Marco Island City Council.

Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 4th day of November, 2002.

Attest:

CITY OF MARCO ISLAND, FLORIDA

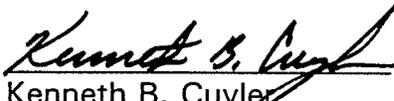


Laura Litzan
City Clerk

BY: 

E. Glenn Tucker, Chairman

Approved as to form and
Legal sufficiency:



Kenneth B. Cuyle
City Attorney

EXHIBIT A

ARTICLE II. PLANNING BOARD

Sec. 38-31. Established.

The city planning board is hereby established, to serve as an advisory board (except in those limited areas where final action has been delegated) to the city council.

Sec. 38-32. Membership; appointment and qualifications of members.

(a) *Qualifications of members.* Members of the planning board shall be permanent residents and qualified electors of the city. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or who have shown interest in the area of planning, zoning and related fields. Further consideration in the appointment of planning board members shall be made so as to provide the planning board with the needed technical, professional, business and/or administrative expertise to accomplish the duties and functions of the planning board as set forth in this article, and as from time to time established by the city council.

(b) *Number of members; appointment.* The planning board shall be composed of seven members to be appointed by the city council.

Sec. 38-33. Nonvoting member(s): appointment and purpose.

Pursuant to section 163.3174, Florida Statutes, all local planning agencies that first review rezoning and comprehensive plan amendments in each municipality shall include a representative of the school district as a nonvoting member.

(a) *Appointment.* The District School Board of Collier County shall appoint the nonvoting representative of the school district assigned to the planning board.

(b) *Purpose.* The nonvoting school district representative shall attend planning board meetings at which the planning board considers comprehensive plan amendments and rezonings, that would, if approved, increase residential density on the property that is the subject of the application.

Sec. 38-38. Staff.

The city manager or his designee shall be the professional staff of the planning board.

Sec. 38-40. Powers and duties.

The city planning board shall have the following powers and duties:

- (1) Serve as the local planning agency (LPA) and land development regulation commission as required by F.S. §§ 163.2137 and 163.3194.
- (2) Prepare or cause to be prepared the city growth management plan or element or portion thereof and submit to the city council an annual report recommending amendments to such plan, element or portion thereof.
- (3) Prepare or cause to be prepared the land development regulations and code to implement the city growth management plan, and submit to the city council an annual report recommending amendments to the land development code.
- (4) Initiate, hear, consider and make recommendations to the city council on applications for amendment to the text of the city growth management plan and development code.
- (5) Initiate, review, hear and make recommendations to the city council on applications for amendment to the future land use map of the city growth management plan or the official zoning atlas of the land development code.
- (6) Hear, consider, and make recommendations to the city council on applications for conditional use permits.
- (7) Make its special knowledge and expertise available upon reasonable written request to and authorization of the city council to any official, department, board, commission, or agency of the city, other municipalities, the county, or state or federal governments.
- (8) Perform those functions, powers and duties as set forth in the City Land Development Code, as may be extended, altered, amended, reenacted or recodified in the future by the city council.
- (9) Consider and take final action regarding preliminary subdivision plats and single-family residential boat dock extensions, excluding boat dock extensions for multifamily developments and boathouses.

Sec. 38-41. Appeal of decisions.

As to any land development petition or application upon which the planning board takes final action, an aggrieved party may appeal such final action to the city council. The city council may affirm, affirm with conditions, reverse, or reverse with conditions the action of the planning board. Such appeal shall be filed with the city manager within 30 days of the date of the final action by the planning board and shall be noticed for hearing with the city council, as applicable, in the same manner as the petition was noticed for hearing with the planning board. The cost of the notice shall be borne by the person filing the appeal.

Secs. 38-42--38-70. Reserved.

