

ORDINANCE 26-__

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING CHAPTER 30, "LAND DEVELOPMENT CODE", ARTICLE II, "ZONING," DIVISION 10, "GENERAL COMMERCIAL (C-4) DISTRICT," SECTION 30-245, "DIMENSIONAL STANDARDS," SUB-SECTION 30-245(8), "MAXIMUM DENSITY," OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES BY REMOVING LOTS 2 AND 3, BLOCK 1, PLAT OF MARCO HIGHLANDS, RECORDED IN PLAT BOOK 3, PAGE 91, LOCATED AT 155 AND 151 1ST AVENUE, MARCO ISLAND, FLORIDA, 34145 (THE "SUBJECT PROPERTY"), FROM THE LIMITATION OF ONLY SIXTEEN (16) UNITS PER ACRE FOR HOTELS, MOTELS, AND TIMESHARE FACILITIES, AND TO PROVIDE FOR A LIMITATION OF TWENTY-SIX (26) UNITS PER ACRE FOR HOTELS, MOTELS, AND TIMESHARE FACILITIES ON THE SUBJECT PROPERTY AS CONTAINED IN APPLICATION NUMBER LDCA-25-000195; PROVIDING THAT APPROVAL DOES NOT CREATE A VESTED RIGHT; PROVIDING FOR FAILURE TO COMPLY WITH THIS ORDINANCE; PROVIDING FOR INTERPRETATION, AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 38-40(1), of the City of Marco Island Code of Ordinances, the Planning Board serves as the City's Local Planning Agency and Land Development Regulation Commission; and

WHEREAS, Section 30-62(c)(3)d, of the City of Marco Island Code of Ordinances, requires that the Planning Board determine the need and justification for a Land Development Code ("LDC") amendment, as well as the proposal's consistency with the City of Marco Island's Comprehensive Plan; and

WHEREAS, the need and justification for this Ordinance is to provide for fair and consistent regulations that are easily enforced, and to provide for the simple and clear dissemination of public information at City-owned or controlled property for the benefit of the public; and

WHEREAS, Objective 3.2 Land Use Element of the City's Comprehensive Plan provides:

To accommodate orderly and well-planned commercial and mixed-use development at appropriate locations to serve the residents, businesses, and those they serve.

; and

WHEREAS, Policy 1.1.3 of the Land Use Element of the City's Comprehensive Plan provides that:

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48 The City will update and maintain LDC regulations that implement the
49 community vision set forth in this Plan including development
50 regulations and standards to address aesthetic and design
51 requirements; management of the type, location, quality, design, density
52 and intensity City of Marco Island Future Land Use Element, p. I-4 City
53 of Marco Island Comprehensive Plan, Page 10 of 119 of new
54 development and redevelopment; enhanced standards for land uses
55 that have the potential to impact the community character and
56 established residential neighborhoods; and
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58 **WHEREAS**, Policy 1.2.1 of the Land Use Element of the City's Comprehensive
59 Plan provides that:

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61 The City will evaluate the growth management strategy and policies of
62 the Future Land Use Element through visioning and evaluation of land
63 use allocation for residential and non-residential development to
64 optimize the use of infrastructure and services and ensure a balanced
65 mix of land uses; and
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67 **WHEREAS**, Policy 3.2.4 of the Land Use Element of the City's Comprehensive
68 Plan provides that:

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70 The Community Commercial future land use category is intended to
71 provide a range of commercial uses at arterial and collector intersections
72 and nodes within the City outside of the Town Center/Mixed Use future
73 land use category. These areas will be comprised of retail, office, and
74 mixed-use land uses. Standard densities are limited to 12 du/acre.
75 Hotel/motel densities are limited to 26 du/acre; and
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77 **WHEREAS**, Policy 4.1.1 of the Land Use Element of the City's Comprehensive
78 Plan provides that:

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80 Development will be permitted only where they are consistent with the
81 Future Land Use Map and the goals, objectives, policies, and standards
82 of this plan; and
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84 **WHEREAS**, upon consideration of testimony by the City's Growth Management
85 staff and consideration of this Ordinance, the Planning Board finds that this Ordinance is
86 consistent with the City's Comprehensive Plan; and
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88 **WHEREAS**, the Planning Board has found that the need and justification of this
89 Ordinance is to accommodate orderly and well-planned commercial and mixed-use

development at appropriate locations to serve the residents, businesses, and those they serve; and

WHEREAS, the Planning Board has found that, as a result of the foregoing, this Ordinance will promote the public health, safety, aesthetics, and welfare of the community; and

WHEREAS, the City Council adopts the findings of the Planning Board, also sitting as the City's Local Planning Agency.

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

SECTION 1. Recitals. Each and all the foregoing recitals be and the same are hereby incorporated into this Ordinance as if specifically set forth herein.

SECTION 2. Amendment and Adoption. That Chapter 30, "Land Development Code," Article II, "Zoning," Division 10, "General Commercial (C-4) District," Section 30-245, "Dimensional Standards," Sub-Section 30-245(8), "Maximum Density," of the City of Marco Island Code of Ordinances be, and the same is hereby amended to read as follows:

Section 30-245 Dimensional Standards

The following dimensional standards shall apply to all permitted, accessory and conditional uses in the general commercial district (C-4):

* * *

(8) Maximum density: 16 units per acre for hotels, motels and timeshare facilities when located within the Marco Lake and the Village Commercial (Old Marco) Districts, except this limitation shall not apply to Lots 2 and 3, Block 1, Marco Highlands, according to the map or plat thereof as recorded in Plat Book 3, Page 72, of the Public Records of Collier County, Florida; and Lot 4, Block 1, Marco Highlands Addition, according to the map or plat thereof as recorded in Plat Book 3, Page 91, Public Records of Collier County, Florida. Twenty-six units per acre for hotels, motels and timeshare facilities when located outside the Marco Lake/Village Commercial (Old Marco) Districts, or on Lots 2 and 3, Block 1, Marco Highlands, according to the map or plat thereof as recorded in Plat Book 3, Page 72, of the Public Records of Collier County, Florida; and Lot 4, Block 1, Marco Highlands Addition, according to the map or plat thereof as recorded in Plat Book 3, Page 91, Public Records of Collier County, Florida.

SECTION 4. Severability/Interpretation.

(a) If any term, section, clause, sentence or phrase of this Ordinance is for any reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the other or remaining terms, sections, clauses, sentences, or phrases portions of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

(b) In interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (* * *) indicate a deletion from the Ordinance of text, which continues to exist in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

SECTION 5. Effective Date. This Ordinance shall be effective immediately upon adoption by the City Council on second reading.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this ____ day of _____, 2026.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA

Joan Taylor, City Clerk

By: _____
Darren Polumbo, Chair

Approved as to form and legal sufficiency:

Alan L. Gabriel, City Attorney