

ORDINANCE 24-10

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, REZONING REAL PROPERTY; MAKING FINDINGS; ADOPTING ORDINANCE RECITALS; AMENDING THE OFFICIAL ZONING ATLAS AND REZONING THE PROPERTY LOCATED AT 415 LILY COURT, MARCO ISLAND, FLORIDA, CONSISTING OF 7.64 +/- ACRES FROM “RESIDENTIAL SINGLE-FAMILY DWELLING (RSF-4) DISTRICT” TO “PUBLIC USE (P)”; 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, Section 30-62 of the City of Marco Island Land Development Code (“LDC”) provides for review and approval of changes to the official zoning map; and

WHEREAS, the City of Marco Island (Owner/developer), has submitted an application for rezoning of the property located at 415 Lily Court, and legally described as Tract G, Unit 25, Marco Beach, Property Identification Number 58970320008 (the “Subject Property”), consisting of 7.64 +/- acres from “Residential Single-Family 4” to “Public Use” (P) District ; and

WHEREAS, the rezoning application has been reviewed pursuant to the standards set forth at Section 30-62 of the LDC; and

WHEREAS, the proposed zoning change will be consistent with the City of Marco Island’s Comprehensive Plan Future Land Use Plan upon approval of the amendment to the City of Marco Island’s Future Land Use Plan; and

WHEREAS, the existing land use is not changing with this requested rezoning. The land use will remain a water treatment plant; and

WHEREAS, the rezoning will not create an isolated zoning district. The zoning designation will be an extension of the zoning district that directly abuts this property to the north; and

WHEREAS, the existing district boundaries appear to have stopped short of this area. Extending the district boundary makes sense and corrects an oversight; and

WHEREAS, even though conditions have changed over time, the use of this property as a water treatment facility has not changed except for an increased demand. The proposed zoning district is appropriate for this property; and

WHEREAS, the proposed zoning change will have no adverse impact on living conditions, since the actual use is not changing; and

WHEREAS, the proposed zoning change will have no adverse impact with respect to traffic, since the actual use is not changing; and

WHEREAS, the proposed zoning change will have no adverse impact with respect to drainage, since the actual use is not changing; and

WHEREAS, the proposed zoning change will have no adverse impact with respect to the reduction of light and air quality in the area, since the actual use is not changing; and

WHEREAS, the proposed zoning change will have no adverse impact on property values, since the actual use is not changing; and

WHEREAS, the proposed zoning change will have no adverse impact on the ability to develop adjacent property, since the actual use is not changing; and

WHEREAS, the proposed zoning change will not grant a special privilege since the use is for public welfare; and

WHEREAS, the property is zoned RSF-4, and the City has used the property as a water treatment facility since the late 1970's, and due to its use as a water treatment facility, the property will not be used for single-family homes; and

WHEREAS, the City is only changing the zoning designation for the property, and not the use of the property. The use is not out of scale with the needs of the City; and

WHEREAS, the site has and will remain to be used as a water treatment facility. To relocate elsewhere on the island would be costly; and

WHEREAS, there is no need for physical alterations since the use is not changing, just the zoning district classification.

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

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

Section 2. Approval of Rezoning of Subject Property. Based on the above findings, the City Council hereby approves the rezoning of the property located at 415 Lily Court, Marco Island, Florida, and legally described as Tract G, Unit 25, Marco Beach, Property Identification Number 58970320008, consisting of 7.64 +/- Acres From "Residential Single-Family 4" to "Public Use" (P) District, The City Manager, or said Manager's designee, is hereby directed to amend the Official Zoning Atlas to reflect this rezoning of the Subject Property.

Section 3. Approval Does Not Create A Vested Right. That issuance of this approval by the City does not in any way create any right on the part of the Owner/Developer to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the approval if the Owner/Developer fails to obtain the requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in the violation of state or federal law. All applicable state and federal permits must be obtained before commencement of the Development. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

Section 4. Failure to Comply with Ordinance. That failure to adhere to the approval terms and conditions contained in this Ordinance shall be considered a violation of this Ordinance and the City Code, and persons found violating this Ordinance shall be subject to the penalties prescribed by the City Code, including but not limited to the revocation of any of the approval(s) granted in this Ordinance and any other approvals conditioned on this approval. The Owner/Developer understands and acknowledges that it must comply with all other applicable requirements of the City Code before it may commence construction or operation, and that the foregoing approval in this Ordinance may be revoked by the City at any time upon a determination that the Owner/Developer is in non-compliance with the City Code.

Section 5. Effective Date. This Ordinance shall be effective immediately upon passage by the City Council on second reading, except that the effective date of the rezoning approved by this Ordinance shall become effective 31 days after the Department of Economic Opportunity notifies the City of Marco Island that the plan amendments adopted contemporaneously with this Ordinance package is complete, unless timely petition challenging the plan amendments is filed.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 20th day of May 2024.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA

Joan Taylor, City Clerk

By: _____
Jared Grifoni, Chairman

Approved as to form and legal sufficiency:

Alan L. Gabriel, City Attorney