

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

ORDINANCE 26-__

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF MARCO ISLAND TO PROVIDE FOR THE REZONING OF THE PROPERTY LOCATED AT 560 S. COLLIER BLVD., MARCO ISLAND, FLORIDA, CONSISTING OF APPROXIMATELY 10.44 ACRES FROM “RESIDENTIAL TOURIST (RT) ZONING” TO “PLANNED UNIT DEVELOPMENT (PUD) ZONING”; MAKING SPECIFIC FINDINGS; 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, Marco Beach Hotel, Inc.(the “Owner/developer”), submitted an application for rezoning of the property located at 560 S. Collier Blvd., Marco Island (the “Subject Property”) which is legally described as follows:

UNPLATTED LANDS 18 52 26 COMM CTR COLLIER BLVD + WINTERBERRY DR S79DEG W 50FT TO W R/W LI ,S10DEG E 19.04FT TO POB, S86 DEG W 870.92FT TO PT A + MHWL RETURN TO POB, N 10 DEG W 476.17FT, S 79 DEG W 813.03FT TO MHWL, SELY ALG MHWL 370FT TO PT A + PT OF TERMINATION AND PARCEL 13-6 DESC AS FOLL: COMM CTR LI OF WINTERBERRY AND S COLLIER BLVD, S 79 DEG W 50FT TO WLY R/W LI, N 10 DEG W 441.17FT TO POB, N 10 DEG W 143.46FT, S 79 DEG W 812.03FT TO MHWL OF GULF CALLED POINT "A", RETURN TO POB AND S 79 DEG W 807.99FT TO MHWL OF GULF, NWLY ALG MHWL OF GULF 130FT TO POINT "A" OR 1068 PG 147

; and

WHEREAS, at a duly noticed public hearing, and following the presentation of testimony and evidence related to the rezoning application, the City Council reviewed the rezoning application pursuant to the standards set forth at Section 30-62 of the LDC; and

WHEREAS, the proposed rezoning to Planned Unit Development is consistent with the City of Marco Island Comprehensive Plan Future Land Use Element and Future Land Use Map goals, objectives and policies, which provide as follows:

GOAL 1 LIVABLE SMALL TOWN COMMUNITY

46 PROTECT AND ENHANCE THE CITY OF MARCO ISLAND AS A HIGHLY
47 LIVABLE COMMUNITY WITH AN EXCELLENT QUALITY OF LIFE, WHICH
48 ENCOMPASSES ITS TROPICAL BEACHES, RESORTS AND
49 RECREATIONAL AMENITIES, ABUNDANT NATRUAL RESOURCES AND
50 SENSITIVE COASTAL ENVIRONMENTS, AND SMALL TOWN CHAR. FOR
51 THE PURPOSES OF THIS PLAN, SMALL TOWN CHARM IS
52 CHARACTERIZED BY MARCO ISLAND'S CONVENIENT COASTAL LIVING
53 CONSISTNET WTH LOW DENSITY AND INTENSITY, A BALANCED MIX OF
54 LAND USES TO SERVE LOCAL RESIDENTS AND THE VISITOR
55 POPULATION, AND A STRONG SENDE OF PLACE IDENTIFIED BY THE
56 CITY'Y UNIQUE HISTORY, ARCHITECTURE, SIGNAGE, LANDSCAPEING,
57 COMMUNITY FACILITIES , AND NATRUAL ENVIRNOMENT.
58

59 Objective 1.1 Maintain the unique character and quality of life within Marco
60 Island by managing growth through implementation of the Comprehensive
61 Plan, Land Development Code (LDC) regulations, 2019 Strategic Plan and
62 other planning tools adopted by City Council.
63

64 Policy 1.1.1 The density and intensity limits and other land use
65 restrictions described in the Comprehensive Plan are legally binding
66 immediately upon adoption, except as otherwise provided by Florida
67 Law. During the preparation of the LDC that will fully implement this
68 plan, conflicts may arise with previous regulations, development
69 approvals or zoning districts. The administrative Section following these
70 Goals, Objectives and Policies describes how such conflicts will be
71 resolved.
72

73 * * *

74 **GOAL 3 FUTURE LAND USE MAP**

75 MAINTAIN AND IMPLEMENT A FUTURE LAND USE MAP THAT PLANS FOR
76 A PREDICTABLE AND CONTEXT APPROPRIATE APPROACH TO THE
77 PROPOSED DISTRIBUTION, LOCATION, AND EXTENT OF LAND USES,
78 DENSITIES AND INTENSITIES IN THE CITY TO PROTECT NATURAL
79 RESOURCES, ENCOURAGE, WHERE APPROPRIATE, HIGH LEVEL
80 SERVICES AND INFRASTRUCTURE IN A COST EFFECTIVE MANNER,
81 AND MAINTAIN THE COMMUNITY CHARACTER AND SMALLTOWN
82 CHARM.
83

84
85 Objective 3.1 Ensure sufficient land in appropriate locations on the Future
86 Land Use Map to accommodate the projected population of the City
87 through the year 2040 in attractive and safe neighborhoods with a variety
88 of housing types.
89

90 Policy 3.1.5 The Resort/Residential future land use category is
91 intended for areas generally along the City's beachfront, which

92 provides residential dwellings and hospitality uses including
93 resorts, hotels, and timeshare uses. This category is intended
94 to accommodate those resort needs associated with an island
95 community. The maximum density permitted is 16 dwelling units
96 per acre (16 du/acre).

97 * * *

98
99
100 **GOAL 4 GROWTH MANAGEMENT & REDEVELOPMENT**

101 OUTLINE AN ECONOMICALLY FEASIBLE PLAN WHICH COORDINATES
102 THE LOCATION AND TIMING OF NEW DEVELOPMENT AND
103 REDEVELOPMENT WITH THE PROVISION OF INFRASTRUCTURE AND
104 SERVICES, WHILE PROTECTING THE CITY'S SMALL-TOWN CHARM,
105 ESTABLISHED RESIDENTIAL NEIGHBORHOODS, NATURAL
106 RESOURCES, AND PROPERTY VALUES.

107
108 **Objective 4.1**

109 Direct new growth and redevelopment to those areas of the City where
110 adequate public facilities exist, or are planned, and where compact and
111 contiguous development patterns can be created, and which are located
112 away from established low-density residential neighborhoods.

113
114 **Policy 4.1.1**

115 Development will be permitted only where they are consistent with the
116 Future Land Use Map and the goals, objectives, policies, and standards
117 of this plan.

118
119 **Policy 4.1.2**

120 Rezoning, conditional use, site improvement plans, and other
121 development proposals will be evaluated as to the availability and
122 proximity of the road network; central sewer and water lines; community
123 facilities and services such as schools, EMS, fire and police protection,
124 and other public facilities; compatibility with surrounding land uses; and
125 any other relevant facts affecting the public health, safety, and welfare.

126
127 **WHEREAS**, the proposed rezoning is consistent with the City of Marco Island's
128 2019 Strategic Plan, as incorporated in Policy 1.1.1 of the Future Land Use Element,
129 states in the "Marco Island Vision 2034, Principle 2, Small Town Feel, # 5. "Development
130 in scale of a small town.", and 11 "Low Density," and, the 2019 Strategic Plan states the
131 Marco Island City Government: Mission, Principle 2, #6 "Maintain or reduce density;" and
132

133 **WHEREAS**, the City of Marco Island Future Land Use Map designates the Subject
134 Property as Resort/Residential; and
135

136 **WHEREAS**, rezoning the Subject Property to Planned Unit Development, which
137 would provide for the implementation of fractional density to develop a maximum of 626

138 units as part of a hotel use on the Subject Property, makes this rezoning request
139 appropriate; and

141 **WHEREAS**, the rezoning of the Subject Property will not change the light or air for
142 the properties to the north, south, and east of the Subject Property; and

144 **WHEREAS**, as a result of the rezoning of the Subject Property, property values
145 for property in the immediate vicinity of the Subject Property will not be adversely affected
146 with a PUD district in the surrounding areas; and

148 **WHEREAS**, the rezoning of the Subject Property will not be a deterrent to the
149 development of adjacent properties; and

151 **WHEREAS**, the rezoning of the Subject Property will not grant a special privilege to
152 the Subject Property as compared to adjacent properties; and

154 **WHEREAS**, the rezoning of the Subject Property is not out of scale with the needs
155 of the neighborhood or City; and

157 **WHEREAS**, the rezoning of the Subject Property will not require any higher degree
158 of site alterations; and

160 **WHEREAS**, the rezoning of the Subject Property will have no negative impact on
161 the level of service.

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

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

169 **Section 2.** Approval of Rezoning of Subject Property. Based on the above
170 findings, and following the presentation of testimony and evidence at a duly noticed public
171 hearing, the City Council hereby approves the rezoning of the Subject Property which is
172 located at 560 S. Collier Blvd., Marco Island, Florida, and legally described as follows:

174 UNPLATTED LANDS 18 52 26 COMM CTR COLLIER BLVD +
175 WINTERBERRY DR S79DEG W 50FT TO W R/W LI ,S10DEG E 19.04FT
176 TO POB, S86 DEG W 870.92FT TO PT A + MHWL RETURN TO POB, N
177 10 DEG W 476.17FT, S 79 DEG W 813.03FT TO MHWL, SELY ALG MHWL
178 370FT TO PT A + PT OF TERMINATION AND PARCEL 13-6 DESC AS
179 FOLL: COMM CTR LI OF WINTERBERRY AND S COLLIER BLVD, S 79
180 DEG W 50FT TO WLY R/W LI, N 10 DEG W 441.17FT TO POB, N 10 DEG
181 W 143.46FT, S 79 DEG W 812.03FT TO MHWL OF GULF CALLED POINT
182 "A", RETURN TO POB AND S 79 DEG W 807.99FT TO MHWL OF GULF,
183 NWLY ALG MHWL OF GULF 130FT TO POINT "A" OR 1068 PG 147

184
185 The Subject Property consists of 10.43 +/- acres, and shall be rezoned from “Residential
186 Tourist (RT) to Planned Unit Development (PUD). The City Manager, or said Manager’s
187 designee, is hereby directed to amend the City’s Official Zoning Atlas to reflect this
188 rezoning of the Subject Property.

189
190 **Section 3.** Approval Does Not Create A Vested Right. That issuance of this
191 approval by the City does not in any way create any right on the part of the
192 Owner/Developer to obtain a permit from a state or federal agency and does not create
193 any liability on the part of the City for issuance of the approval if the Owner/Developer fails
194 to obtain the requisite approvals or fulfill the obligations imposed by a state or federal
195 agency or undertakes actions that result in the violation of state or federal law. All
196 applicable state and federal permits must be obtained before commencement of the
197 Development. This condition is included pursuant to Section 166.033, Florida Statutes,
198 as amended.

199
200 **Section 4.** Failure to Comply with Ordinance. That failure to adhere to the
201 approval terms and conditions contained in this Ordinance shall be considered a violation
202 of this Ordinance and the City Code, and persons found violating this Ordinance shall be
203 subject to the penalties prescribed by the City Code, including but not limited to the
204 revocation of any of the approval(s) granted in this Ordinance and any other approvals
205 conditioned on this approval. The Owner/Developer understands and acknowledges that
206 it must comply with all other applicable requirements of the City Code before it may
207 commence construction or operation, and that the foregoing approval in this Ordinance
208 may be revoked by the City at any time upon a determination that the Owner/Developer is
209 in non-compliance with the City Code.

210
211 **Section 5.** Effective Date. This Ordinance shall be effective immediately upon
212 passage by the City Council on second reading.

213
214 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this ___ day of
215 _____ 2026.

216
217 **ATTEST:** **CITY OF MARCO ISLAND, FLORIDA**
218
219 _____ By: _____
220 Joan Taylor, City Clerk Dennis Polumbo, Chair

221
222
223 Approved as to form and legal sufficiency:
224
225 _____
226 Alan L. Gabriel, City Attorney
227
228