

ORDINANCE 24-09

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING THE CITY OF MARCO ISLAND 2040 COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP BY CHANGING THE LAND USE DESIGNATION FOR THE REAL PROPERTIES LOCATED AT 415 AND 1340 LILY COURT, MARCO ISLAND, FLORIDA, FROM LOW DENSITY RESIDENTIAL TO COMMUNITY FACILITY; PROVIDING FOR ADOPTION; PROVIDING FOR TRANSMITTAL OF CERTIFIED COPIES OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMERCE AND ALL OTHER UNITS OF LOCAL GOVERNMENT AND GOVERNMENTAL AGENCIES AS REQUIRED UNDER SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CITY OF MARCO ISLAND COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marco Island (“City”) which owns the real property located at 415 Lily Court and 1340 Lily Court, Marco Island, Florida, (collectively the “Subject Property”) desires to make the future land use designation in the City’s Future Land Use Map for the Subject Property in conformance with the existing uses on the Subject Property; and

WHEREAS, the City Council desires to amend the City’s Future Land Use Map by changing the land use designation for the Subject Property from low density residential to community facility; and

WHEREAS, the Future Land Use Map amendment will not cause the Comprehensive Plan to be internally inconsistent; and

WHEREAS, the Future Land Use Map amendment is compatible with the underlying infrastructure and will not have adverse impacts; and

WHEREAS, the change to the future land use map is compatible with the existing use of the properties; and

WHEREAS, the change to the future land use map will not result in an increase in density; and

WHEREAS, the City of Marco Island Planning Board, sitting as the Local Planning Agency, at a duly advertised public hearing has determined the future land use map amendments are consistent with the City of Marco Island 2040 Comprehensive Plan and Florida law and recommends adoption of this Ordinance to the City Council; and

WHEREAS, after reviewing the City of Marco Island Planning Board's recommendation, the recommendation of City staff, and comments from the public, the City Council finds the proposed amendments to the City of Marco Island 2040 Comprehensive Plan, Future Land Use Map, attached as Exhibit "A", to this Ordinance, are consistent with Florida law and the City of Marco Island Comprehensive Plan.

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

SECTION 1. Recitals.

The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, correct, and reflective of the legislative intent underlying this Ordinance and are hereby made a specific part of this Ordinance.

SECTION 2. Amending the City of Marco Island 2040 Comprehensive Plan Future Land Use Map.

The City of Marco Island 2040 Comprehensive Plan is hereby amended by changing the designating from Low Density Residential to Community Facility for the real property located at 415 Lily Court (Marco Island Utilities) and 1340 Lily Court (LCEC Substation) as Community Facility.

SECTION 3. Transmittal.

City staff was authorized to transmit certified copies of this Ordinance containing the proposed amendments to the City of Marco Island 2040 Comprehensive Plan, Future Land Use Map to the Florida Department of Commerce, all other units of local government and governmental agencies as required by Florida law for review after a vote on first reading of this Ordinance.

SECTION 4. Inclusion in the 2040 Comprehensive Plan.

It is the intention of the City Council and it is hereby ordained that the amendments to the City of Marco Island 2040 Comprehensive Plan Future Land Use Map made by this Ordinance shall become part of the City of Marco Island 2040 Comprehensive Plan, and that the sections of this Ordinance may be renumbered and re-lettered as necessary.

SECTION 5. Conflicts.

All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6. Severability.

If any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. Effective Date.

This Ordinance shall be effective immediately upon passage by the City Council on second reading, except that the effective date of these plan amendments approved by this Ordinance shall become effective 31 days after the Department of Commerce notifies City of Marco Island that the plan amendment package is complete, unless timely petition challenging the plan amendments is filed.

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, on First Reading on the 18th day of March 2024, and adopted on Second Reading on the 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

Exhibit A

