

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

PROTECT AND ENHANCE THE CITY OF MARCO ISLAND AS A HIGHLY LIVABLE COMMUNITY WITH AN EXCELLENT QUALITY OF LIFE, WHICH ENCOMPASSES ITS TROPICAL BEACHES, RESORTS AND RECREATIONAL AMENITIES, ABUNDANT NATURAL RESOURCES AND SENSITIVE COASTAL ENVIRONMENTS, AND SMALL TOWN CHAR. FOR THE PURPOSES OF THIS PLAN, SMALL TOWN CHARM IS CHARACTERIZED BY MARCO ISLAND'S CONVENIENT COASTAL LIVING CONSISTENT WITH LOW DENSITY AND INTENSITY, A BALANCED MIX OF LAND USES TO SERVE LOCAL RESIDENTS AND THE VISITOR POPULATION, AND A STRONG SENSE OF PLACE IDENTIFIED BY THE CITY'S UNIQUE HISTORY, ARCHITECTURE, SIGNAGE, LANDSCAPING, COMMUNITY FACILITIES, AND NATURAL ENVIRONMENT.

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

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

* * *

GOAL 3 FUTURE LAND USE MAP

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

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

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

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

GOAL 4 GROWTH MANAGEMENT & REDEVELOPMENT

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

Objective 4.1

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

Policy 4.1.1

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

Policy 4.1.2

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

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

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

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

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

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

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

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

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

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

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

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

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, and following the presentation of testimony and evidence at a duly noticed public hearing, the City Council hereby approves the rezoning of the Subject Property which is located at 560 S. Collier Blvd., Marco Island, Florida, and 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

The Subject Property consists of 10.43 +/- acres, and shall be rezoned from "Residential Tourist (RT) to Planned Unit Development (PUD). The City Manager, or said Manager's designee, is hereby directed to amend the City's 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.

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: _____
Dennis Polumbo, Chair

Approved as to form and legal sufficiency:

Alan L. Gabriel, City Attorney