



47 and seasonal flooding, and to ensure the installation of  
48 adequate and necessary public facilities and physical  
49 improvements by the developer such that the citizens of  
50 Marco Island will not have to bear the costs associated with  
51 the proposed subdivision of land; and  
52

53 **WHEREAS**, Future Land Use Element, Policy 2.1.3 of the 2040 Marco Island  
54 Comprehensive Plan states that:

55  
56 The City will enforce existing and future Land Development  
57 regulations to eliminate and/or reduce uses of land  
58 inconsistent with the Future Land Use Map; and  
59

60 **WHEREAS**, Future Land Use Element, Objective 4.1 of the 2040 Marco Island  
61 Comprehensive Plan states that:

62  
63 Direct new growth and redevelopment to those areas of the City where  
64 adequate public facilities exist, or are planned, and where compact and  
65 contiguous development patterns can be created, and which are located  
66 away from established low density residential neighborhoods; and  
67

68 **WHEREAS**, Future Land Use Element, Policy 4.1.2 of the 2040 Marco Island  
69 Comprehensive Plan states that:

70  
71 Rezoning, conditional use, site improvement plans, and other  
72 development proposals will be evaluated as to the availability and proximity  
73 of the road network; central sewer and water lines; community facilities and  
74 services such as schools, EMS, fire and police protection, and other public  
75 facilities; compatibility with surrounding land uses; and any other relevant  
76 facts affecting the public health, safety, and welfare.  
77

78 **WHEREAS**, at the Planning Board public hearing, the City of Marco Island  
79 Planning Board recommended approval of the San Marco Health Record Plat finding the  
80 San Marco Health Record Plat to be consistent with the City of Marco Island  
81 Comprehensive Plan, subject to conditions as contained herein.  
82

83  
84 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**  
85 **OF MARCO ISLAND, FLORIDA:**  
86

87 **SECTION 1. Recitals; Exhibits.**

88 (a) The foregoing recitals (“WHEREAS” clauses) are hereby ratified and  
89 confirmed as being true and correct and are hereby made a specific part of this  
90 Ordinance.  
91

92 (b) The exhibit attached hereto is by this reference incorporated herein. Said  
93 exhibit include: Exhibit A – “The San Marco Health Record Plat”;  
94

95 **SECTION 2. Conditions.** The San Marco Health Record Plat is subject to  
96 Ordinance 21-06, approved by the City Council on April 5, 2021, which is incorporated  
97 herein by reference.  
98

99 **SECTION 3. Failure to Obtain Other Permits.** That issuance of this approval by  
100 the City does not in any way create any right on the part of the Owner/Developer to obtain  
101 a permit from the City, a State of Florida, or federal agency, and does not create any  
102 liability on the part of the City for issuance of the approval if the Owner/Developer fails to  
103 obtain the requisite approvals or fulfill the obligations imposed by a state or federal agency  
104 or undertakes actions that result in the violation of state or federal law. All applicable  
105 local, state, and federal permits must be obtained before commencement of the  
106 Development. This condition is included pursuant to Section 166.033, Florida Statutes,  
107 as amended.  
108

109 **SECTION 4. Failure to Adhere to Ordinance.**  
110

111 (a) That failure to adhere to the terms and conditions contained in this  
112 Ordinance shall be considered a violation of this Ordinance and the City Code, and  
113 persons found violating this Ordinance shall be subject to the penalties prescribed by the  
114 City Code of Ordinances.  
115

116 (b) Should the Owner/Developer of any particular Tract fail to comply  
117 with the provisions set forth in this Ordinance, the City may, but is not obligated to,  
118 withhold building permits and other Development Orders and Certificates of Occupancy,  
119 or Certificates of Completion, (all whether temporary or permanent in nature) for such  
120 Tract until such time as the particular Tract is brought into compliance.  
121

122 (c) Any violation of this Ordinance, or attached exhibit to this Ordinance,  
123 is deemed to be a violation of the City Code of the City of Marco Island, Florida. The  
124 failure by the City to enforce a violation shall not waive said violation. Violations of this  
125 Ordinance may be prosecuted: (1) as a code enforcement violation pursuant to Sections  
126 14-31 *et seq.* or 14-71 *et seq.*, Marco Island Code of Ordinances, as amended from time  
127 to time; (2) as a code enforcement violation as may be authorized from time to time by  
128 Chapter 162, Florida Statutes, as amended from time to time; (3) pursuant to Section 1-  
129 14, Marco Island Code of Ordinances, as amended from time to time; (4) by any legal or  
130 equitable action in a court of law.  
131

132 **SECTION 5. Conflict.** All ordinances or parts of ordinances in conflict herewith  
133 are hereby repealed to the extent of such conflict.  
134

135 **SECTION 6. Severability.** In the event that any term, provision, clause, sentence  
136 or section of this Ordinance shall be held by a court of competent jurisdiction to be partially  
137 or wholly unenforceable or invalid for any reason whatsoever, any such invalidity,

138 illegality, or unenforceability shall not affect any of the other or remaining terms,  
139 provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be  
140 read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause,  
141 sentence, or section did not exist.

142  
143 **SECTION 7. Effective Date.** This Ordinance shall become effective upon  
144 adoption.

145  
146 Passed in open and regular session through roll call vote by the City Council of the  
147 City of Marco Island, Florida, on First Reading the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
148 and adopted on Second Reading the \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

149  
150 CITY OF MARCO ISLAND, FLORIDA

151  
152  
153 By: \_\_\_\_\_  
154 Jared Grifoni, Chair

155 ATTEST:

156  
157 \_\_\_\_\_  
158 LAURA M. LITZAN  
159 City Clerk

160  
161 Approved as to form and legal sufficiency:

162  
163  
164 \_\_\_\_\_  
165 Alan L. Gabriel  
166 City Attorney  
167