

## ORDINANCE 21-13

**AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, UPDATING THE CITY'S COMPREHENSIVE PLAN BY AMENDING THE TEXT CONTAINED IN THE FUTURE LAND USE, TRANSPORTATION, HOUSING, INFRASTRUCTURE, CONSERVATION AND COASTAL MANAGEMENT, PARKS, OPEN SPACE, AND RECREATION, INTERGOVERNMENTAL COORDINATION, CAPITAL IMPROVEMENT ELEMENTS OF THE COMPREHENSIVE PLAN, AND THE GLOSSARY; ADOPTION OF THE UPDATED MAP SERIES; PROVIDING FOR TRANSMITTAL OF CERTIFIED COPIES OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER UNITS OF GOVERNMENTAL AGENCIES AS REQUIRED PURSUANT TO CHAPTER 163, PART II, FLORIDA STATUTES; MAKING FINDINGS; ADOPTING ORDINANCE RECITALS AND DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3184 Florida Statutes governs the process for adoption and amendments of the comprehensive plan; and

**WHEREAS**, the City of Marco Island has proposed amendments to all elements of the City of Marco Island's Comprehensive Plan;

**WHEREAS**, the City of Marco Island Planning Board, sitting as the Local Planning Agency, at a duly advertised public hearing has determined the proposed changes contained herein are consistent with Florida law and recommends adoption of this ordinance to the City Council for transmittal to the Florida Department of Economic Opportunity; 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 Comprehensive Plan, attached as Exhibit "A" to this Ordinance, are in compliance with and consistent with Florida law.

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

### **SECTION 1. Recitals.**

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

## **SECTION 2. Amendment and Adoption.**

The Future Land Use, Transportation, Housing, Infrastructure, Conservation and Coastal Management, Parks, Open Space, and Recreation, Intergovernmental Coordination, Capital Improvement Elements, the Glossary, and Map Series, which are included in the proposed Comprehensive Plan, attached hereto as Exhibit "A," are hereby amended and adopted.

## **SECTION 3. Transmittal.**

City staff was authorized and transmitted certified copies of this Ordinance containing the proposed amendments to the City of Marco Island Comprehensive Plan to the Florida Department of Economic Opportunity and all other governmental agencies as required by Florida law for review after a vote on first reading of this Ordinance.

## **SECTION 4. Inclusion in the Comprehensive Plan.**

It is the intention of the City Council, and it is hereby ordained that the City of Marco Island Comprehensive Plan adopted by this Ordinance shall become the City of Marco Island Comprehensive Plan, that the sections of this Ordinance may be renumbered and re-lettered as necessary, and that the word "Ordinance" may be changed to "Section", "Article" or other appropriate word.

## **Section 5. 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 6. Effective Date.**

This Ordinance shall be effective immediately upon passage by the City Council on second reading, except that the effective date of the Comprehensive Plan approved by this Ordinance shall be the date a final order is issued by the Department of Economic Opportunity finding the Comprehensive Plan to be in compliance with Florida law, in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. The Department of Economic Opportunity notice of intent to find the plan amendments in compliance shall be deemed to be a final order if no timely petition challenging the plan amendments is filed.

ADOPTED BY THE MARCO ISLAND CITY COUNCIL THIS 4<sup>TH</sup> DAY OF OCTOBER 2021.

**ATTEST:**

**CITY OF MARCO ISLAND, FLORIDA**

\_\_\_\_\_  
Laura Litzan, City Clerk

By: \_\_\_\_\_  
Jared Grifoni, Chairman

Approved as to form and legal sufficiency:

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Alan L. Gabriel, City Attorney