

**CITY OF MARCO ISLAND
ORDINANCE NO. 06-**

AN ORDINANCE AMENDING THE MARCO ISLAND COMPREHENSIVE PLAN; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Marco Island adopted the Evaluation and Appraisal Report (EAR) on February 22, 2005, pursuant to Chapter 163.3191, Florida Statutes, and Chapter 9J-5.0053, Florida Administrative Code; and

WHEREAS, the adopted EAR contains recommendations for the amendment of the Comprehensive Plan; and

WHEREAS, based on the EAR recommendations, the City prepared proposed amendments to the City's Comprehensive Plan; and

WHEREAS, the amendments to the Comprehensive Plan were prepared in accordance with Chapter 163.3177 Florida Statutes and Chapter 9J-5, Florida Administrative Code; and

WHEREAS, the Planning Board voted ___to___ to adopt the proposed amendments to the Comprehensive Plan following a public hearing on February 16, 2007; and

WHEREAS, the City Council of the City of Marco Island, Florida held a public hearings on February 20, 2007 prior to transmitting the Comprehensive Plan to the Department of Community Affairs; and

WHEREAS, said public hearings were advertised in accordance with Chapter 163.3184 (15), Florida Statutes; and

WHEREAS, the City Council of the City of Marco Island, Florida, hereby finds it to be in the best interest of the public health, safety and welfare of the citizens to adopt the amendments to the Comprehensive Plan.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Marco Island, Florida, that:

Section 1. Adoption of the Marco Island Comprehensive Plan Amendments

The amendments to the Comprehensive Plan are hereby adopted, attached hereto and incorporated herein. The adopted Comprehensive Plan Amendments shall consist of Part I (Goals, Objectives, Policies). Part II (Data and Analysis)

shall be recognized and approved as a non-adopted companion and support document of the City's Comprehensive Plan.

Section 2. Conflict and Severability

If any phrase or portion of this ordinance is held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portion.

Section 3. Effective Date.

This Ordinance shall take effect immediately upon adoption by the Marco Island City Council at second reading provided, however, the effective date of the Marco Island Comprehensive Plan amendments shall be the date a final order of compliance is issued by the Department of Community affairs or the date on which the Administration Commission finds the Comprehensive Plan amendments in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs first. No development orders, development permits, or land uses dependent on the Comprehensive Plan amendments may be issued or commenced before the amendments become effective. If a final order of noncompliance is issued by the Administration Commission, the Comprehensive Plan amendments may nevertheless be made effective by adoption of a resolution by City Council affirming its effective status, a copy of such resolution shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Passed in open and regular session through roll call vote of the City Council of the City of Marco Island, Florida, this ____ day of _____ 2007.

Attest:

CITY OF MARCO ISLAND, FLORIDA

Laura Litzan, City Clerk

BY: _____
Terri DiSciullo, Chairwoman

Approved as to form
and legal sufficiency:

Richard D. Yovanovich, Esquire
City Attorney

City of Marco Island Comprehensive Plan
Proposed Amendments - Evaluation and Appraisal Report

Schedule

- ✓ January 8, 2007 - Publication of Planning Board Public Hearing Notice (11 Days Notice - 10 Days Notice Required)
- ✓ January 19, 2007 - Planning Board Public Hearing
- ✓ February 9, 2007 – Continued Planning Board Public Hearing
- ✓ February 16, 2007 – Continued Planning Board Public Hearing
- ✓ February 13, 2007 - Publication of City Council Public Hearing Notice (7 Days Notice – 7 Days Notice Required)

- February 20, 2007 - City Council Public Hearing for Transmittal of Amendments to DCA

- February 28, 2007 - DCA Completeness Review (Within 5 Days of Receipt)

- March 1, 2007 - DCA Sufficiency Review Commences (To be completed within 60 Days of determination of completeness)

- April 30, 2007 – Anticipated date of completion of sufficiency review by DCA

- May 2, 2007 -Publication of Adoption Public Hearing Notice in Newspaper (5 days notice required)

- May 7, 2007 - City Council adoption of Comprehensive Plan Amendments

- May 14, 2007 - Express mail Amendments to DCA

- May 16, 2007 – Deadline for submittal of EAR based Comprehensive Plan Amendments to Florida Department of Community Affairs