

**CITY OF MARCO ISLAND
ORDINANCE NO. 08-**

AN ORDINANCE AMENDING THE MARCO ISLAND COMPREHENSIVE PLAN, ORIGINALLY ADOPTED BY ORDINANCE 01-02, AS AMENDED, TO INCORPORATE AMENDMENTS BASED UPON THE CITY'S EVALUATION AND APPRAISAL REPORT; 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 Marco Island Planning Board has reviewed the proposed amendments to the Marco Island Comprehensive Plan at a public hearing and has forwarded the proposed amendments to the City Council with a unanimous recommendation for approval; and

WHEREAS, the City Council of the City of Marco Island, Florida held public hearings on February 20, 2007, March 5, 2007, and March 19, 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 as Exhibit "A". 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.

Approved at First Reading and transmitted to the Florida Department of Community Affairs and other required review agencies this 19th day of March, 2007.

Passed and adopted at second reading and public hearing in open and regular session through roll call vote of the City Council of the City of Marco Island, Florida, this 3rd day of March, 2008.

Attest:

CITY OF MARCO ISLAND, FLORIDA

Laura Litzan, City Clerk
Chairwoman

BY: _____
Michael F. Minozzi Jr., Chairman

Approved as to form
and legal sufficiency:

Alan L. Gabriel, Esquire
City Attorney