

ORDINANCE 18-01

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN; MAKING FINDINGS; ADOPTING ORDINANCE RECITALS AND DEFINITIONS; AMENDING THE FUTURE LAND USE PLAN MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE LAND USE DESIGNATION OF APPROXIMATELY 7.35 +/- ACRES FROM "PLANNED UNIT DEVELOPMENT" OR "PUD" TO "COMMUNITY FACILITIES" ON PROPERTY LOCATED IN LOTS 1, 2, 3, AND 4, BLOCK 796, SECOND REPLAT OF A PORTION OF MARCO BEACH UNIT 6, AS RECORDED IN PLAT BOOK 12, PAGE 38, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, AND LOTS 1, 2, 3, 4, 5, 9, 10, AND 11, BLOCK 798, REPLAT OF TRACT "A" OF MARCO BEACH UNIT 6, AS RECORDED IN PLAT BOOK 12, PAGES 53-54, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, AND A VACATED ALLEYWAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 2871, PAGE 2380, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, AND A VACATED PORTION OF WEST ELKCAM CIRCLE, AS DESCRIBED IN OFFICIAL RECORDS BOOK 4551, PAGE 3327, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, A/K/A AS VETERANS COMMUNITY PARK AT 901 PARK AVENUE; AMENDING FUTURE LAND USE ELEMENT OBJECTIVE 1.1 AND POLICY 1.1.1 RELATING TO THE FUTURE LAND USE MAP; ADOPTING FUTURE LAND USE MAP 2-A; ADOPTING NEW PARKS AND OPEN SPACE ELEMENT POLICY 1.2.5 RELATING TO THE MARCO ISLAND CITY PARKS MAP; AMENDING MAP 14, THE CITY PARKS MAP; REPEALING FUTURE LAND USE ELEMENT POLICY 1.1.4.5, RELATING TO THE TRANSFER OF DENSITY UNITS; AMENDING FUTURE LAND USE ELEMENT POLICY 1.2.3 RELATING TO ADOPTION OF THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD); AMENDING APPENDIX A WITH THE DEFINITION FOR NAVD; AMENDING SECTION 38-1 OF THE CITY CODE OF ORDINANCES TO REFLECT REFERENCES TO ALL AMENDMENTS TO THE COMPREHENSIVE PLAN; PROVIDING FOR TRANSMITTAL, INTERPRETATION, AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Sections 163.3184 and 163.3187, Florida Statutes, provide procedures for amendments to adopted local comprehensive plans; and

WHEREAS, Section 163.3174(4)(a), Florida Statutes, requires that City's Local Planning Agency ("LPA") shall have the general responsibility for the conduct of the comprehensive planning program, and that during the preparation of an amendment to the Comprehensive Plan, the LPA shall hold at least one public hearing to consider the plan amendment; and

WHEREAS, Section 38-40(1) of the City of Marco Island Code of Ordinances, requires that the City's Planning Board shall "serve as the Local Planning Agency (LPA) as required by F.S. §§ 163.3174 and 163.3194"; and

WHEREAS, Section 38-40(4) and (5) of the City of Marco Island Code of Ordinances, requires that the Planning Board, sitting as the LPA, shall make recommendations to the City Council on applications for amendment to the text of the Comprehensive Plan and amendments to the Future Land Use Map of the Comprehensive Plan; and

WHEREAS, the City Council as the applicant and Owner/Developer of the Subject Property, has proposed an amendment of the Future Land Use Plan Map of the Future Land Use Element of the adopted City of Marco Island Comprehensive Plan to change the land use designation of 7.35 +/- acres (the Subject Property) from Planned Unit Development ("PUD") to Community Facilities ("CF"); and

WHEREAS, the Subject Property is popularly known as Veterans Community Park; and

WHEREAS, the City's Planning Board, sitting as the Local Planning Agency, held an advertised public hearing on August 4, 2017, said hearing having been made with due public notice; and

WHEREAS, the City's Planning Board, sitting as the Local Planning Agency, reviewed the amendments proposed by this Ordinance, heard public comment, and found the amendments to be internally consistent with the existing Comprehensive Plan as required by Section 163.3177, Florida Statutes; and

WHEREAS, on August 4, 2017, the City's Planning Board, sitting as the Local Planning Agency, recommended approval by the City Council of the proposed amendment; and

WHEREAS, on September 4, 2017, the Marco Island City Council held a public hearing as required by Section 163.3184(11)(b)1., Florida Statutes, heard public comment, and voted by majority vote of all Councilors present in favor of transmitting the proposed amendments set forth in this Ordinance to the Florida Department of Economic Opportunity ("DEO"), and other reviewing agencies, as required by Section 163.3184, Florida Statutes; and

WHEREAS, at the aforementioned public hearing, public comment was accepted and any comments of Collier County, the DEO, Southwest Florida Regional Planning Council, South Florida Water Management District, Florida Department of Environmental Protection, Florida Department of State, and Florida Department of Transportation, were considered; and

WHEREAS, the City Council, after consideration of all matters, finds that this Ordinance and the amendments to the City's Comprehensive Plan, are consistent with the State Comprehensive Plan and the Southwest Florida Regional Planning Council's Strategic Regional Policy Plan, and

WHEREAS, the City Council finds that this Ordinance and the amendments to the City's Comprehensive Plan, are internally consistent with the City's Comprehensive Plan as required by Section 163.3177(2), Florida Statutes; and

WHEREAS, the City Council finds that the approval of the proposed amendments are in the best interest of the citizens and residents of the City of Marco Island, Florida and will promote the public health, safety, welfare, aesthetics, and interest; and

WHEREAS, on January 8, 2018, the Marco Island City Council held a public hearing on second reading of this Ordinance as required by Section 163.3184(11)(b)2., Florida Statutes, heard public comment, and voted by majority vote of all Councilors present in favor of adoption of this Ordinance.

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

Section 1: Recitals/Definitions:

(a) That the foregoing "**WHEREAS**" clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

(b) That as used herein, unless the context or City Code of Ordinances requires to the contrary, the following terms will be defined as set forth below:

(1) "City" is defined as the City of Marco Island, a Florida Municipal Corporation.

(2) "FLU" means Future Land Use and applies to the Future Land Use Element or Future Land Use Map in the City's Comprehensive Plan.

(3) "Owner/Developer" means City of Marco Island, a Florida Municipal Corporation, as owner of the Subject Property.

(4) "Subject Property" is real property situate and lying in the State of Florida, County of Collier, City of Marco Island, to-wit:

Lots 1, 2, 3, and 4, Block 796, Second Replat of a Portion of Marco Beach Unit 6, as recorded in Plat Book 12, Page 38, Public Records of Collier County, Florida, and Lots 1, 2, 3, 4, 5, 9, 10, and 11, Block 798, Replat of Tract "A" of Marco Beach Unit 6, as recorded in Plat Book 12, Pages 53-54, Public Records of Collier County, Florida, and a vacated alleyway as described in Official Records Book 2871, Page 2380, Public Records of Collier County, Florida, and a vacated portion of West Elkcam Circle as described in Official Records Book 4551, Page 3327, Public Records of Collier County, Florida.

The legal description has not been examined by the City of Marco Island or Weiss Serota Helfman Cole & Bierman, P.L.

Section 2: Approval of Comprehensive Plan Amendments:

(a) That the application to change the FLU Map land use designation on the FLU of the Future Land Use Element in the City's Comprehensive Plan is hereby approved changing the designation of the Subject Property from Planned Unit Development (PUD) to Community Facilities (CF).

(b) That to facilitate the FLU Map revision in Section 2.(a), FLU Map 2-A, attached hereto as Exhibit "A" and incorporated herein by this reference, and entitled "Future Land Use Map", is adopted as an amendment to the Comprehensive Plan as adopted by Section 38-1 of the City's Code of Ordinances.

(c) That FLU Element Objective 1.1 of the Comprehensive Plan as adopted by Section 38-1 of the Code of Ordinances, City of Marco Island, is hereby amended to read as follows:

Objective 1.1: New, revised, or redeveloped uses of land shall be consistent with the designations shown on the Future Land Use Map (FLUM) presented in Map 2A Exhibit 2.4. The Future Land Use Map series, including Map 1, Map 2, and Map 2A, and companion Future Land Use designations are hereby adopted as amended (2008) and revised (2017) and shall be binding on all development orders approved by the City of Marco Island. The Future Land Use Map series, including Maps 1, Map 2, and Map 2A, is a visual representation of land use designations that are planned to reasonably occur within the prescribed short and long-range planning periods, between 2008 and 2013, and between 2013 and 2018, respectively, and in the case of Map 2A, for the current and future periods.

(d) That FLU Element Policy 1.1.1 of the Comprehensive Plan as adopted by Section 38-1 of the Code of Ordinances, City of Marco Island, is hereby amended to read as follows:

Policy 1.1.1: The Marco Island Future Land Use Map (FLUM) series, including Maps 1, 2, and 2A, attached to this plan, incorporates the following Land Use designations, residential densities, and density incentive programs as allocated on Table 2.1. The current future land use designations are as designated on Map 2A.

(e) That FLU Element Table 2.1(a) of the Comprehensive Plan as adopted by Section 38-1 of the Code of Ordinances, City of Marco Island, is hereby amended to read as follows as set forth in Exhibit "B", a copy of which is attached hereto, and by this reference incorporated herein.

(f) That the Parks and Open Space Element of the Comprehensive Plan as adopted by Section 38-1 of the Code of Ordinances, City of Marco Island, is hereby amended by adding a new policy, to be numbered 1.2.5, which policy read as follows:

Policy 1.2.5: The City of Marco Island will seek to adequately maintain City neighborhood, community, and regional parks, as shown on the Marco Island City Parks Map 14, attached to this plan, and incorporated by this reference. In addition, Map 14 will also depict private parks.

(g) Veterans Community Park is hereby designated for purposes of the Comprehensive Plan on Map 14, Marco Island City Parks, attached hereto as Exhibit C” and incorporated herein by this reference, as a community park “14 Veterans Community Park.” The City Manager is instructed to add community park “14 Veterans Community Park” to the list of community parks and to show it on the location of the Subject Property.

(h) That FLU Element Policy 1.1.4.5 of the Comprehensive Plan as adopted by Section 38-1 of the Code of Ordinances, City of Marco Island, is hereby amended to read as follows:

Policy ~~Polley~~ 1.1.4.5: Repealed (Ord. No. 17- ; - -17).
~~The City shall not unduly restrict existing or future density transfer programs as long as the overall density of the Island is not increased.~~

(i) That FLU Element Policy 1.2.3 of the Comprehensive Plan as adopted by Section 38-1 of the Code of Ordinances, City of Marco Island, is hereby amended to read as follows:

Policy 1.2.3: All new development shall be required to comply with minimum base flood elevations as established on the applicable FEMA Flood Insurance Rate Map (FIRM) > or not less than 8.7 NAVD ~~10.0 NGVD~~ as mandated by the City of Marco Island to ensure projects approved and permitted will not be adversely impacted by flooding. Remodeling of existing structures may occur at existing structure elevations in which case minimum FEMA elevations shall apply.

Measurement: Projects shall be reviewed and approved consistent with the current/most recent Ordinance ~~98-19 as amended~~, the City of Marco Island Floodplain Management Ordinance, or per City mandated base flood elevation.

(j) That Appendix A of the Comprehensive Plan as adopted by Section 38-1 of the Code of Ordinances, City of Marco Island, is hereby amended to read as follows:

Appendix A

* * *

Level of Service (LOS): Means an indicator of the extent or degree of service provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

NAVD: Means the North American Vertical Datum of 1988. The North American Vertical Datum of 1988 (NAVD 88) is the vertical control datum of orthometric height established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988. NAVD 88 was established in 1991 by the minimum-constraint adjustment of geodetic leveling observations in Canada, the United States, and Mexico. It held fixed the height of the primary tidal bench mark, referenced to the International Great Lakes Datum of 1985 local mean sea level height value, at Rimouski, Quebec, Canada. Additional tidal bench mark elevations were not used due to the demonstrated variations in sea surface topography, i.e., that mean sea level is not the same equipotential surface at all tidal bench marks. The definition of NAVD 88 uses the Helmert orthometric height, which calculates the location of the geoid (which approximates sea level) from modeled local gravity. The NAVD 88 model is based on then-available measurements, and remains fixed despite later improved geoid models. NAVD 88 replaced the National Geodetic Vertical Datum of 1929 (NGVD 29), previously known as the Sea Level Datum of 1929. The elevation difference between points in a local area will show negligible change from one datum to the other, even though the elevation of both does change. NGVD 29 used a simple model of gravity based on latitude to calculate the geoid and did not take into account other variations. Thus, the elevation difference for points across the country does change between datums.

Non-City Entity: Refers to those service providers who serve the Marco Island public, but are not under direct control of the City. Non-City entities can be either public or private.

* * *

(k) That Section 38-1 of the Code of Ordinances, City of Marco Island, is hereby amended to read as follows:

Sec. 38-1. - Comprehensive plan adopted.

The Marco Island Comprehensive Plan, attached to Ordinance No. 01-02, is hereby adopted by reference. The adopted Marco Island Comprehensive Plan 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. The Marco Island Comprehensive Plan has been amended by Ordinance No. 03-04 (adopted April 7, 2003); Ordinance No. 03-07 (adopted April 7, 2003); Ordinance No. 03-09 (adopted June 16, 2003); Ordinance No. 04-04 (adopted March 15, 2004); Ordinance No. 08-03 (adopted March 3, 2008); Ordinance No. 08-16 (adopted December 1, 2008); Ordinance No. 08-17 (adopted December 1, 2008); Ordinance No. 09-06 (adopted July 20, 2009); Ordinance No. 09-16 (adopted December 7, 2009); Ordinance No. 10-17 (adopted December 6, 2010); Ordinance No. 14-02 (adopted March 17, 2014); and Ordinance No. 18-01 (adopted January 8, 2018).

Section 3: Transmittal: That the adopted amendments are approved for transmittal to the Florida Department of Economic Opportunity pursuant to Section 163.3184(3)(c)2., Florida Statutes.

Section 4: Severability: That if any clause, section or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and shall not affect the validity of the remaining portions or applications which shall remain in full force and effect.

Section 5: Interpretation. In interpreting the provisions of this Ordinance, the following rules and symbols shall apply:

- (1) Words underlined are additions to existing text;
- (2) Words ~~stricken through~~ are deletions from existing text;
- (3) Asterisks (* * *) indicate a deletion from the Ordinance of text existing in the Comprehensive Plan. It is intended that the text in the Comprehensive Plan denoted by the asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to the adoption of this Ordinance; and
- (4) In the recitals to this Ordinance and Section 2.(e) in Exhibit "B", (h), and (k) of this Ordinance, the City Clerk is directed to insert the Ordinance No. of this Ordinance and the date of adoption of this Ordinance in the blanks provided.

Section 6: Effective Date: That Sections 1., 3., 4., 5., and 6. of this Ordinance shall take effect immediately upon adoption. Section 2. of this Ordinance shall become effective as provided by General Law.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 8th day of January 2018.

ATTEST:



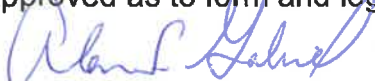
Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

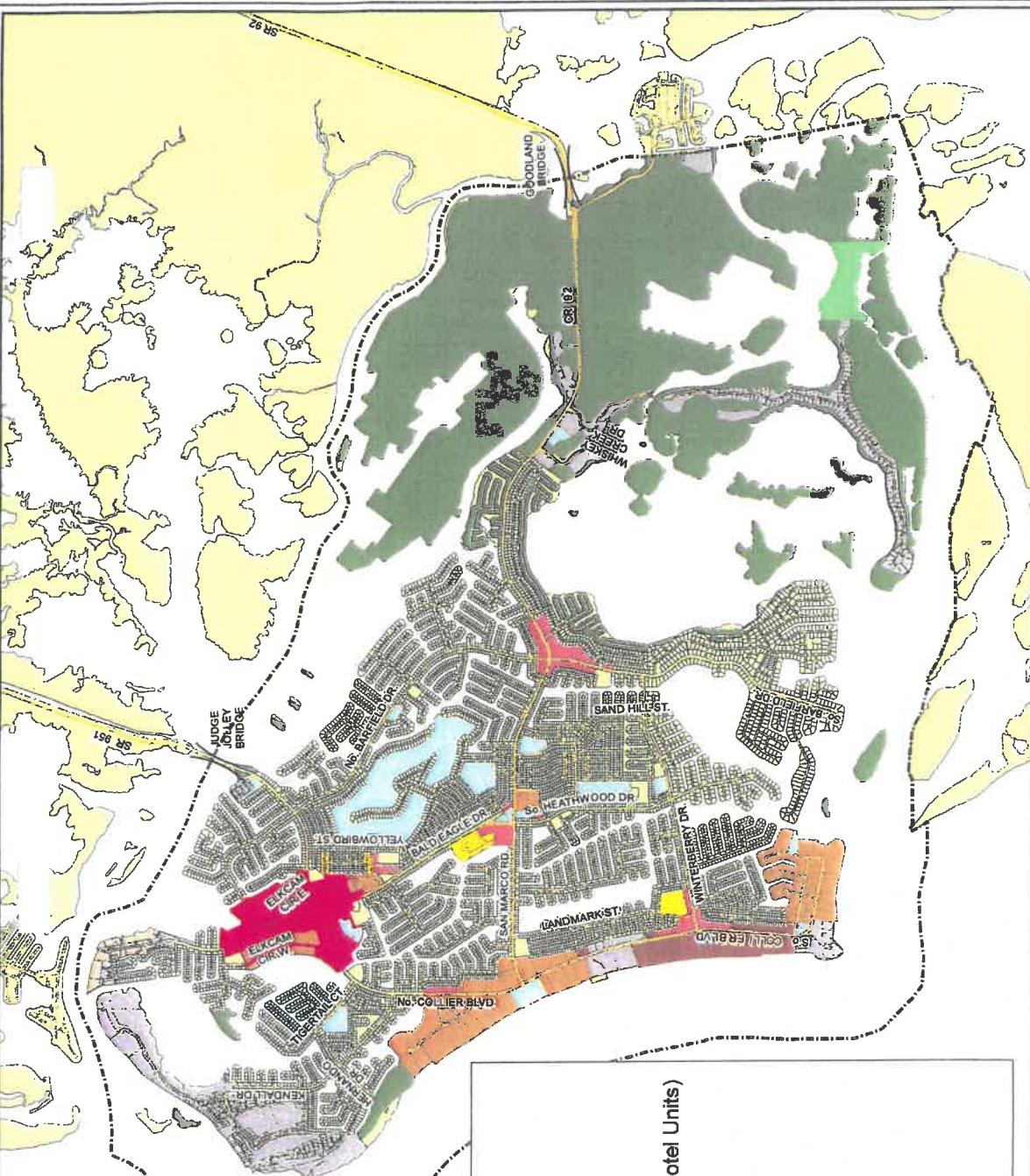
By: 

Jared Grifoni, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney



FUTURE LAND USE LEGEND

- Low Density Residential (0-4 Units Per Acre)
- Medium Density Residential (0-6 Units Per Acre)
- High Density Residential (0-16 Units Per Acre)
- Resort/Residential (0-16 Units Per Acre; 0-26 Hotel/Motel Units)
- Community Facility
- Planned Unit Development
- Village Commercial
- Community Commercial
- Town Center/Mixed Use
- Heavy Commercial
- Preservation/Conservation (Private)
- Preservation/Conservation (Public)

N
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1 inch = 3,500 feet

0 1,000 2,000 3,000 4,000 5,000

City of Marco Island
Community Development Department
GIS Section
Original Date: Marco Island
Map Created: 06/06/2020
Map Revised: 06/21/2017
Map File: F:\Community Development\GIS\landCompPlan\Fig17_12017_17_LandUseFutureCompPlan.mxd

CITY OF MARCO ISLAND - FUTURE LAND USE MAP

Ordinance 18-01; Exhibit B

Table 2.1 (a) - Future Land Use Designations

Residential Uses

Land Use Category	Typical Uses	Residential Density (Thru 12/31/08)	Acres	Total Density (Thru 12/31/08)	Residential Density (After 1/1/09)	Acres	Total Density (After 1/1/09)
Low Density	SF Dwellings, CHURCHES	Up to 4 units/acre	2,381	8,530	Up to 4 units/acre	2,381	8,530
Medium Density	SF, Duplex, MF Dwellings	Up to 6 units/acre	35	210	Up to 6 units/acre	35	210
High Density	MF Dwellings, Townhouses	Up to 16 units/acre (+50 AHDB units)	385	6,210	Up to 16 units/acre (+50 AHDB units)	385	6,210
Resort Residential	MF Dwellings Hotel/Motel/Timeshare	Up to 16 units/acre Up to 26 units/acre (+100 Incentive units)	60 37	960 1,062	Up to 16 units/acre Up to 26 units/acre (+100 Incentive units)	60 37	960 1,062

Commercial Uses

Land Use Category	Typical Uses	Residential Density (Thru 12/31/08)	Acres	Total Density (Thru 12/31/08)	Residential Density (After 1/1/09)	Acres	Total Density (After 1/1/09)
Village Commercial	Retail, Office, Mixed Use	Up to 8 units/acre (+15 AHDB units)	30	255	Up to 8 units/acre (+15 AHDB units)	30	255
Community Commercial	Hotel/Motel/Timeshare	Up to 26 units/acre	5	130	Up to 26 units/acre	5	130
	Retail, Office Mixed Use	Up to 12 units/acre (+25 AHDB units)	75	925	Up to 12 units/acre (+25 AHDB units) (-48 units City Hall)	75	877
	Hotel/Motel/Timeshare	Up to 26 units/acre	5	130	Up to 26 units/acre	5	130

Table 2.1 (a) - Future Land Use Designations

Commercial Uses - Con't

Land Use Category	Typical Uses	Residential Density (Thru 12/31/08)	Acres	Total Density (Thru 12/31/08)	Residential Density (After 1/1/09)	Acres	Total Density (After 1/1/09)
Heavy Commercial	Heavy Commercial, Public/Private Utilities	Not Applicable	N/A	N/A	12 units/acre	36	432
Town Center / Mixed Use	Retail, Office Mixed Use	Up to 12 units/acre (+50 AHDB units)	150	1,850	Up to 12 units/acre (+50 AHDB)	114	1,418
	Hotel/Motel/Timeshare	Up to 26 units/acre	6	156	Up to 26 units/acre	6	0

Planned Unit Development

Land Use Category	Typical Uses	Residential Density (Thru 12/31/08)	Acres	Total Density (Thru 12/31/08)	Residential Density (After 1/1/09)	Acres	Total Density (After 1/1/09)
Planned Unit Development	SF/MF Dwellings, Hotel/Motel, Marina, Commercial	Per Underlying Zoning (+120 Incentive units)	448	2,765	Per Underlying Zoning (+120 Incentive units)	448	2,765
Key Marco			142	124		142	124

Community Facilities - Preservation/Conservation

Land Use Category	Typical Uses	Residential Density (Thru 12/31/08)	Acres	Total Density (Thru 12/31/08)	Residential Density (After 1/1/09)	Acres	Total Density (After 1/1/09)
Community Facilities	Parks, Schools, Gov't Uses, Nursing Homes	1 unit/5 acres (net) (+29 AHDB units)	273	83	1 unit/5 acres (net) (+29 AHDB units)	273	83
Preservation/Conservation	Public Owned	1 unit/5 acres (net)	2,783	558	0 unit/acre	2,783	0
	Private Owned	1 unit/5 acres (net)	68	14	1 unit/5 acres (net)	68	14
	TOTAL		6,883	23,962		6,883	23,164
							23,200

