

1 CITY OF MARCO ISLAND

2
3 RESOLUTION 26-__

4
5 A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA
6 APPROVING VARIANCES (VP-25-000096) FROM SECTION 30-
7 440(A)(4), "MINIMUM LANDSCAPE REQUIREMENTS," AND 30-
8 624(X)(4), "DESIGN REGULATIONS," AND SECTION 30-441(G),
9 "MINIMUM LANDSCAPE BUFFERING AND SCREENING
10 BETWEEN USES," AND SECTION 30-101(C)(2) AND 30-
11 1012(C)(3), "SOLID WASTE DISPOSAL & RECYCLING," OF
12 THE CITY OF MARCO ISLAND CODE OF ORDINANCES FOR
13 REAL PROPERTY LOCATED AT 951 BALD EAGLE DRIVE,
14 MARCO ISLAND, FLORIDA; PROVIDING FOR FINDINGS AND
15 CONDITIONS OF APPROVAL; AND PROVIDING AN
16 EFFECTIVE DATE.

17
18 **WHEREAS**, Section 30-65, of the City of Marco Island ("City") Land Development
19 Code provides standards and regulations for the review and approval of petitions for
20 variances from the City's Land Development Code; and

21
22 **WHEREAS**, Marco River Marina, Inc. (the "Owner and "Petitioner"), submitted
23 Variance Petition VP-25-000096 for the property located at 951 Bald Eagle, Marco Island,
24 Florida (the "Subject Property"); and

25
26 **WHEREAS**, the Subject Property is described as follows:

27
28 MARCO BCH UNIT 4 BEG NW COR TRACT A, E 607.49FT, SE 100FT, SW192.30FT,
29 SE 100FT S 69 DEG W 514.14FT, N 20 DEG W 122.98FT NLYALG CURVE 405.73FT
30 TO POB OR 252 PG 876 OR 2034 PG according to the Public Records of Collier
31 County, Florida

32
33 commonly referred to as 951 Bald Eagle, Marco Island, Florida 34145; and

34
35 **WHEREAS**, the Petitioner is requesting a variance from Section 30-440(a)(4) and
36 Section 30-441(g), of the City of Marco Island Land Development Code, which would
37 reduce the perimeter planting requirements, which require 100 square feet per 1,000
38 square feet of proposed building ground-level floor area. The variance request would
39 reduce the perimeter planting requirements by 2,283 square feet. Another requested
40 variance is to the requirements of Section 30-101(c)(2), of the City of Marco Island Land
41 Development Code, which requires a 20' wide Type C Buffer. The request is to allow for
42 a 10' Type C Buffer. Another variance is to Section 30-101(c)(2), of the Land
43 Development Code to allow for the placement of a trash dumpster within the landscape
44 buffer, and finally a variance to Section 30-1012(c)(3), of the Land Development Code to
45 allow the placement of a recycling enclosure further than 200' from the building it serves,
46 all for the subject Property; and

47
48 **WHEREAS**, the Subject Property is a unique parcel for which applying the
49 landscape and disposal/recycling requirements creates a hardship, and the Applicant
50 justifies this request; and

51
52 **WHEREAS**, the granting of this variance will not violate the City's growth
53 management plan; and

54
55 **WHEREAS**, Objective 1.2 of the Future Land Use Element states;

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57 The City will manage growth to enhance the community both fiscally and
58 physically, protect property values, and encourage, where appropriate,
59 housing, goods and services, community amenities, and local
60 employment opportunities; and

61
62 **WHEREAS**, Objective 5.1 of the Future Land Use Element states;

63
64 The City will maintain and enforce a comprehensive set of land
65 development regulations to guide development and redevelopment
66 during the rezoning and site development process to implement this
67 Plan.

68
69 **WHEREAS**, the City of Marco Island staff has reviewed the requested variances,
70 and recommends approval of Variance Petition VP-25-000096; and

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72 **WHEREAS**, the City's Planning Board reviewed and recommended approval of
73 Variance Petition VP-25-000096 on April 3, 2026; and

74
75 **WHEREAS**, City Council, pursuant to the requirements of Section 30-65 of the
76 City's Land Development Code, does hereby find that Variance Petition VP-25-000096
77 meets the criteria contained in Section 30-65(g) of the City's Land Development Code,
78 and grants the petition, subject to the conditions of approval as set forth in this Resolution.

79
80 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY**
81 **OF MARCO ISLAND, FLORIDA:**

82
83 **SECTION 1. Recitals.** The foregoing "Whereas" clauses are hereby ratified
84 and confirmed as being true, correct, and incorporated by this reference.

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86 **SECTION 2. Adoption and Approval.** Consistent with the requirements of
87 Section 30-65 of the City's Land Development Code, the City Council approves Variance
88 Petition VP-25-000096 with respect to the Property located at 951 Bald Eagle Dr., Marco
89 Island, Florida 34145, subject to the conditions of approval contained herein.

90
91 **SECTION 3. Conditions of Approval.** This Resolution relating to Variance
92 Petition VP-25-000096 is hereby approved subject to the following conditions of approval:

- 93
- 94 1. The requested variances approved pursuant to the descriptions as
- 95 contained in Attachment 1 to this Resolution;
- 96 2. SDPA 24-000139 is approved by the City of Marco Island Planning
- 97 Board;
- 98 3. The Applicant/Contractor shall obtain a building permit before
- 99 commencement of any construction; and
- 100 4. The Owner/Developer/ Petitioner is responsible for any private deed
- 101 restriction approvals with Marco Island Civic Association.
- 102 5.

103 **SECTION 4. Development Permit does not grant a vested right.** The issuance

104 of this approval and Development Permit as defined in Section 163.3164, Fla.Stat., by

105 the City does not in any way create any right on the part of the Owner/Developer to obtain

106 a permit from a state or federal agency and does not create any liability on the part of the

107 City for issuance of the approval if the Owner/Developer fails to obtain the requisite

108 approvals or fulfill the obligations imposed by a state or federal agency or undertakes

109 actions that result in the violation of state or federal law. All applicable state and federal

110 permits must be obtained before commencement of the Development as authorized

111 herein. This condition is included pursuant to Section 166.033, Florida Statutes, as

112 amended.

113

114 **SECTION 5. Failure to Comply With Resolution.** That failure to adhere to the

115 Conditional Use approval and the approval terms and conditions contained in this

116 Resolution shall be considered a violation of this Resolution and the City Code, and

117 persons found violating this Resolution shall be subject to the penalties prescribed by the

118 City Code. The Owner/Developer understands and acknowledges that it must comply

119 with all other applicable requirements of the City Code before they may commence

120 construction or operation, and that the foregoing approval in this Resolution may be

121 revoked by the City at any time upon a determination that the Owner/Developer is in non-

122 compliance with the City Code.

123

124 **SECTION 6. Effective Date.** This Resolution shall be effective immediately upon

125 adoption by the City Council.

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127 Passed in open and regular session of the City Council of the City of Marco Island,

128 Florida, this ____ day of _____, 2026.

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130

131 **ATTEST:**

132

CITY OF MARCO ISLAND, FLORIDA

133 _____

134 Joan Taylor, City Clerk

135

BY: _____

Darrin Palumbo, Chairman

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137 Approved as to form and legal sufficiency:

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Alan L. Gabriel, City Attorney

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