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**CITY OF MARCO ISLAND**

**RESOLUTION 26-\_\_**

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

**WHEREAS**, Section 30-65, of the City of Marco Island (“City”) Land Development Code provides standards and regulations for the review and approval of petitions for variances from the City’s Land Development Code; and

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

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

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

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

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

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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

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

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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

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

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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

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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.

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

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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.

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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:

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

**SECTION 4. Development Permit does not grant a vested right.** The issuance of this approval and Development Permit as defined in Section 163.3164, Fla.Stat., by the City does not in any way create any right on the part of the Owner/Developer to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the approval if the Owner/Developer fails to obtain the requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in the violation of state or federal law. All applicable state and federal permits must be obtained before commencement of the Development as authorized herein. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

**SECTION 5. Failure to Comply With Resolution.** That failure to adhere to the Conditional Use approval and the approval terms and conditions contained in this Resolution shall be considered a violation of this Resolution and the City Code, and persons found violating this Resolution shall be subject to the penalties prescribed by the City Code. The Owner/Developer understands and acknowledges that it must comply with all other applicable requirements of the City Code before they may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the City at any time upon a determination that the Owner/Developer is in non-compliance with the City Code.

**SECTION 6. Effective Date.** This Resolution shall be effective immediately upon adoption by the City Council.

Passed in open and regular session of the City Council of the City of Marco Island, Florida, this \_\_\_ day of \_\_\_\_\_, 2026.

**ATTEST:**

**CITY OF MARCO ISLAND, FLORIDA**

\_\_\_\_\_  
Joan Taylor, City Clerk

BY: \_\_\_\_\_  
Darrin Palumbo, Chairman

Approved as to form and legal sufficiency:

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Alan L. Gabriel, City Attorney