

1 CITY OF MARCO ISLAND

2  
3 RESOLUTION NO. 26-\_\_\_\_

4  
5 A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA  
6 APPROVING A CONDITIONAL USE PERMIT (CUP-25-000097)  
7 SUBMITTED PURSUANT TO SECTION 30-264(9), "CONDITIONAL  
8 USES," OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES TO  
9 ALLOW FOR OPEN RACK BOAT STORAGE AT THE REAL PROPERTY  
10 LOCATED AT 951 BALD EAGLE DRIVE, MARCO ISLAND; PROVIDING  
11 FOR FINDINGS AND CONDITIONS OF APPROVAL; AND PROVIDING  
12 AN EFFECTIVE DATE.

13  
14 WHEREAS, pursuant to Section 30-64 of the City of Marco Island ("City") Land  
15 Development Code ("LDC"), the City's Growth Management staff has reviewed and  
16 recommended approval of a conditional use for 951 Bald Eagle, Marco Island, Florida (the  
17 "Subject Property") pursuant to Section 30-224(14) of the LDC, for the approval of (20) open  
18 rack storage rack/slips; and

19  
20 WHEREAS, Marco River Marina, Inc., the Owner(s) of the Subject Property, applied for  
21 conditional use approval to permit the development of (20) open rack storage rack/slips on the  
22 Subject Property; and

23  
24 WHEREAS, the proposed conditional use will not adversely affect the public interest, and  
25 this request meets the City's LDC requirements governing the individual use; and

26  
27 WHEREAS, the Conditional Use is consistent with Objective 1.1, Policy 1.1.4 of the  
28 Housing Element of the City's Comprehensive Plan, which states:

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30 The City will protect residential neighborhoods from encroachment and  
31 detrimental impacts of development by enforcing existing regulations that  
32 require buffering and compatibility measures between single-family areas and  
33 more intensive uses, such as multi-family buildings and non-residential  
34 development.

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36 WHEREAS, the Conditional use is consistent with Objective 5.1, Policy 5.1.4 of the  
37 Future Land Use Element, which states:

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39 The land development regulations and other applicable regulations will require  
40 that development and redevelopment projects provide adequate and  
41 appropriate landscaping, open space, and buffering, and adhere to maximum  
42 lot coverage requirements. Such development must also meet minimum  
43 architectural and other site design standards to provide an attractive and  
44 cohesive built environment that blends with the character of existing  
45 surrounding land uses.

46           **WHEREAS**, based on the foregoing, City staff has reviewed the application, and based  
47 upon the LDC requirements recommends approval of CUP-25-000097; and  
48

49           **WHEREAS**, based upon the foregoing, the City’s Planning Board has reviewed the  
50 application, and based upon the LDC requirements, recommends approval of the Conditional  
51 Use CUP-25-000097, subject to conditions of approval; and  
52

53           **WHEREAS**, the City Council finds that the application for Conditional Use approval meets  
54 the requirements of the City of Marco Island Code of Ordinances and should be approved,  
55 subject to the conditions of approval set forth in this Resolution.  
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57           **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF**  
58 **MARCO ISLAND, FLORIDA:**

59           **SECTION 1. Recitals.** That the foregoing “WHEREAS” clauses are ratified and  
60 confirmed as being true and correct and are made a specific part of this Resolution.  
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63           **SECTION 2. Adoption and Approval.** The Conditional Use Permit CUP-25-000097 for  
64 the Subject Property is hereby approved, subject to the conditions in Section 3 and 4. of this  
65 Resolution.  
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67           **SECTION 3. Conditions of Approval.** That the approval of the Conditional Use Permit  
68 CUP-24-000202 for the Subject Property is granted subject to the following conditions of  
69 approval:  
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- 71           1. CUP-25-000097 is conditioned on approval of SDP 24-000200. If the SDP is  
72           not approved, this application is null and void.
- 73           2. Provide a 16’ high screening fence or similar for the outdoor storage proposed.
- 74           3. Outdoor open rack/slips will be a maximum of 20.  
75

76           **SECTION 4. Development Permit does not grant a vested right.** The issuance of this  
77 approval and Development Permit as defined in Section 163.3164, Fla.Stat., by the City does  
78 not in any way create any right on the part of the Owner/Developer to obtain a permit from a  
79 state or federal agency and does not create any liability on the part of the City for issuance of  
80 the approval if the Owner/Developer fails to obtain the requisite approvals or fulfill the obligations  
81 imposed by a state or federal agency or undertakes actions that result in the violation of state or  
82 federal law. All applicable state and federal permits must be obtained before commencement  
83 of the Development as authorized herein. This condition is included pursuant to Section  
84 166.033, Florida Statutes, as amended.  
85

86           **SECTION 5. Failure to Comply With Resolution.** That failure to adhere to the  
87 Conditional Use approval and the approval terms and conditions contained in this Resolution  
88 shall be considered a violation of this Resolution and the City Code, and persons found violating  
89 this Resolution shall be subject to the penalties prescribed by the City Code. The  
90 Owner/Developer understands and acknowledges that it must comply with all other applicable  
91 requirements of the City Code before they may commence construction or operation, and that

92 the foregoing approval in this Resolution may be revoked by the City at any time upon a  
93 determination that the Owner/Developer is in non-compliance with the City Code.

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95 **SECTION 6. Effective Date.** This Resolution shall be effective immediately upon  
96 adoption.

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98 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this \_\_\_\_day of  
99 \_\_\_\_\_, 20\_\_.

CITY OF MARCO ISLAND, FLORIDA

By: \_\_\_\_\_  
Darrin Polumbo, Chair

105 ATTEST:

107 By: \_\_\_\_\_  
108 Joan Taylor, City Clerk

110 Reviewed for legal sufficiency:

113 By: \_\_\_\_\_  
114 Alan L Gabriel, City Attorney