

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:

29
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.

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

37
38 The land development regulations and other applicable regulations will require
39 that development and redevelopment projects provide adequate and
40 appropriate landscaping, open space, and buffering, and adhere to maximum
41 lot coverage requirements. Such development must also meet minimum
42 architectural and other site design standards to provide an attractive and
43 cohesive built environment that blends with the character of existing
44 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.
56

57 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF**
58 **MARCO ISLAND, FLORIDA:**
59

60 **SECTION 1. Recitals.** That the foregoing "WHEREAS" clauses are ratified and
61 confirmed as being true and correct and are made a specific part of this Resolution.
62

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.
66

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

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.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this ____ day of _____, 20__.

CITY OF MARCO ISLAND, FLORIDA

By: _____
Darrin Polumbo, Chair

ATTEST:

By: _____
Joan Taylor, City Clerk

Reviewed for legal sufficiency:

By: _____
Alan L Gabriel, City Attorney