



46           **SECTION 1. Recitals.** That the foregoing “WHEREAS” clauses are ratified  
47 and confirmed as being true and correct and are made a specific part of this Resolution.  
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49           **SECTION 2. Adoption and Approval.** The Conditional Use Permit CUP-23-  
50 000435 for the Subject Property is hereby approved, subject to the conditions in Section  
51 3. of this Resolution.  
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53           **SECTION 3. Conditions of Approval.** Approval of the Conditional Use Permit  
54 CUP-23-000435 for the Subject Property is granted subject to the following conditions of  
55 approval:  
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- 57           a.       The Conditional Use approval shall expire 365 days from the  
58                   effective date of this Resolution if construction/use has not  
59                   commenced.
- 60           b.       The Lessee(s) are required to submit a Commercial Land-Use  
61                   Certificate application before occupying the building for  
62                   commercial purposes and/or allowing students on-site.  
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64           **SECTION 4. Development Permit does not grant a vested right.** The issuance  
65 of this approval and Development Permit as defined in Section 163.3164, Florida  
66 Statutes, by the City, does not in any way create any right on the part of the  
67 Owner/Developer to obtain a permit from a state or federal agency and does not create  
68 any liability on the part of the City for issuance of the approval if the Owner/Developer  
69 fails to obtain the requisite approvals or fulfill the obligations imposed by a state or federal  
70 agency or undertakes actions that result in the violation of state or federal law. All  
71 applicable state and federal permits must be obtained before commencement of the  
72 Development as authorized herein. This condition is included pursuant to Section  
73 166.033, Florida Statutes, as amended.  
74

75           **SECTION 5. Failure to Comply With Resolution.** That failure to adhere to the  
76 Conditional Use approval and the approval terms and conditions contained in this  
77 Resolution shall be considered a violation of this Resolution and the City Code, and  
78 persons found violating this Resolution shall be subject to the penalties prescribed by the  
79 City Code. The Owner/Developer understands and acknowledges that it must comply  
80 with all other applicable requirements of the City Code before they may commence  
81 construction or operation, and that the foregoing approval in this Resolution may be  
82 revoked by the City at any time upon a determination that the Owner/Developer is in non-  
83 compliance with the City Code.  
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85           **SECTION 6. Effective Date.** This Resolution shall be effective immediately upon  
86 adoption.  
87

88 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this 4<sup>th</sup> day of  
89 March 2024.  
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91

92 **ATTEST:**

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95 Joan Taylor, City Clerk

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98 Approved as to form and legal sufficiency:

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101 Alan L. Gabriel, City Attorney

**CITY OF MARCO ISLAND, FLORIDA**

By: \_\_\_\_\_

Jared Grifoni, Chairman