

CITY OF MARCO ISLAND

RESOLUTION NO. 26-_____

A RESOLUTION OF THE CITY OF MARCO ISLAND PLANNING BOARD, APPROVING A SITE DEVELOPMENT PLAN AMENDMENT SUBMITTED BY THE CITY OF MARCO ISLAND, FOR THE PROPERTY LOCATED AT 415 LILY COURT, MARCO ISLAND, FLORIDA, CONSISTING OF MARCO BEACH UNIT 25, TRACT G, OR 792 PG 271, OR 1767 PG 931-935; MAKING FINDINGS; APPROVING THE SITE DEVELOPMENT PLAN AMENDMENT; PROVIDING CONDITIONS OF APPROVAL; PROVIDING FOR FAILURE TO COMPLY WITH APPROVAL; PROVIDING FOR FAILURE TO OBTAIN OTHER PERMITS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 30, Article IX, "Site Development Plan, Site Development Plan Amendment, Site Plans with Deviations, and Site Improvement Plan Standards" of the Marco Island Land Development Code provide standards and regulations for the review and approval of site development plan amendments; and

WHEREAS, the City of Marco Island submitted a Site Development Plan Amendment for the development of the property located at 415 Lily Court, Marco Island, Florida (the "Subject Property"); and

WHEREAS, the City of Marco Island staff has reviewed the Site Development Plan Amendment, and recommends approval of SDPA-25-000130 with conditions; and

WHEREAS, on January 9, 2026, the City's Planning Board reviewed and approved the Site Development Plan Amendment, subject to conditions.

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

SECTION 1. Recitals; Definitions.

(a) That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

(b) That as used herein, unless the context hereof, or City Code of Ordinances, requires to the contrary, the following terms will be defined as set forth below:

- (1) "City" means the City of Marco Island, a Florida Municipal Corporation.
- (2) "Development" is defined as set forth in Section 163.3164, Florida Statutes.
- (3) "Development Permit" is defined as set forth in Section 163.3164, Florida Statutes.
- (4) "Land Development Code" or "LDC" means the Land Development Code which consists of Chapter 30, Code of Ordinances of the City of Marco Island.

- (5) "Owner/Developer" means The City of Marco Island, and their respective successors and assigns, as owners or developers of the Subject Property.
- (6) "Site Development Plan Amendment" means the following:
- A. Eight (8) page Civil Plans, including cover sheet prepared by Martin Pinckney, P.E., of American Engineering Consultants of Marco Island, Inc, entitled City of Marco Island Public Works New Office and Storage, dated March 2025.
- (7) "Subject Property" means the following described parcels of land, lying, situate and being in the State of Florida, County of Collier, City of Marco Island, to-wit:

MARCO BCH UNIT 25, TRACT G, OR 792 PG 271, OR 1767 PG
931-935
Property ID# 58970320008

SECTION 2. Adoption. The Owner/Developer's Site Development Plan Amendment (SDPA-25-000131) for the Subject Property is hereby approved subject to the conditions set forth in Sections 3 and 4 of this Resolution.

SECTION 3. Conditions of Approval. The City of Marco Island Planning Board finds that the Site Development Plan Amendment (SDPA-25-000131) meets the requirements of the City of Marco Island Land Development Code and hereby approves the Site Development Plan Amendment for the Subject Property with the following conditions:

1. Landscape plant material must meet code requirements. Deciduous trees must have a minimum of 3-inch caliper.
2. Add one parking space for a total of 9. Only 8 are shown.
3. Approval of this petition, SDPA-25-000130, is contingent upon approval of VP-25-000165.
4. A separate R/W permit is required during construction. A Stormwater Pollution Prevention Plan (SWPPP) must be submitted before land disturbance and must comply with F.A.C. 62-621.300(4) and the NPDES Construction General Permit (CGP) if more than one acre of soil will be disturbed. An Erosion and Sediment Control Plan, prepared by a licensed professional engineer, must be included as part of the permit submittal. It shall demonstrate compliance with the Florida Department of Environmental Protection's BMP Manual (most current edition). The contractor is responsible for ensuring that BMPs are implemented, maintained, and adjusted in the field as needed to prevent pollutant discharge and protect adjacent properties and water bodies.
5. The City's approval does not constitute verification of ERP compliance. The engineer of record remains responsible for ensuring all design and construction activities conform to the terms and conditions of the ERP permit No. 11-109788-P.
6. Ensure there are no protected species in the area before construction. A pre-inspection is required.

SECTION 4. Failure to Obtain Other Permits. That issuance of this approval 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. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

SECTION 5. Failure to Adhere to Resolution. That failure to adhere to 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, including but not limited to the revocation of any of the approval(s) granted in this Resolution and any other approvals conditioned on this approval. The Owner/Developer understands and acknowledges that it must comply with all other applicable requirements of the City Code before it 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. That this Resolution shall take effect immediately upon adoption.

ADOPTED BY THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, this ____ day of _____, 2026.

CITY OF MARCO ISLAND, FLORIDA

By: _____
Jason Bailey, Chairman

ATTEST:

By: _____
Joan Taylor, City Clerk

Reviewed for legal sufficiency:

By: _____
David N. Tolces
Assistant City Attorney