

RESOLUTION 26-07

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING VARIANCE PETITION VP 25-000165; PROVIDING FOR A VARIANCE FROM SECTION 30-624(H)(2) AND SECTION 30-435 (B), (C), AND (D) OF THE CITY OF MARCO ISLAND LAND DEVELOPMENT CODE, FOR THE PROPERTY LOCATED AT 415 LILY COURT, MARCO ISLAND, FLORIDA 34145, PURSUANT TO THE PROVISIONS OF SECTION 30-65 OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES IN ORDER TO PROVIDE FOR A REDUCTION IN THE LANDSCAPE BUFFER, AND TO PERMIT THE CONSTRUCTION OF A METAL BUILDING FOR THE CITY'S PUBLIC WORKS FACILITY; PROVIDING FOR FINDINGS AND CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 30-65, of the City of Marco Island Land Development Code ("LDC"), which is part of the City of Marco Island Code of Ordinances, provides standards and regulations for the review and approval of variance procedures; and

WHEREAS, the City of Marco Island (the "Owner"), submitted a Variance Petition (VP-25-000165) for the property located at 415 Lily Court, Marco Island, Florida 34145 (the "Subject Property"); and

WHEREAS, the Subject Property is legally described as follows:

MARCO BCH UNIT 25 TRACT G OR 792 PG 271 OR 1767 PG 931-935

and;

WHEREAS, the Subject Property is currently utilized as a water treatment plant and Public Works facility for the City of Marco Island which makes the use and facilities unique to this location and to the City of Marco Island; and

WHEREAS, this parcel has been an essential public service facility for over 40 years, which was started by the Deltona Corporation; and

WHEREAS, the literal interpretation of the provisions under consideration would create practical difficulty due to the nature of the operation and the minimal visibility of the operation ; and

WHEREAS, granting the variance will be the minimum variance to make possible the reasonable use of land, buildings, and structures; and

WHEREAS, granting the variances requested will not confer on the petitioner any special privilege that is denied by this LDC to other similar uses, lands, buildings, or structures in the same zoning district; and

WHEREAS, granting the variance will be in harmony with the intent and purpose of this zoning code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and

WHEREAS, granting of the variance will be consistent with the Comprehensive Plan, Capital Improvements Element, Policy 1.1.4: and

WHEREAS, the City of Marco Island ("City") staff has reviewed the application for the variance, and recommends approval; and

WHEREAS, the City's Planning Board reviewed and recommended approval of Variance Petition VP 25-000165 at the Planning Board's January 9, 2025, meeting; and

WHEREAS, based upon the testimony and evidence presented, the City Council does hereby find that the Variance Petition meets the requirements of Section 30-65 of the City of Marco Island Code of Ordinances, and hereby approves Variance Petition VP 25-000165, subject to the condition of approval as set forth in this Resolution.

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

SECTION 1. Recitals. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, correct and incorporated by this reference.

SECTION 2. Variance Approved. Based on the testimony and evidence presented to the City Council, the City Council finds that Variance Petition VP 25-000165 meets the requirements of Section 30-65(g)(3) of the City of Marco Island Code of Ordinances, and hereby approves the variances to Section 30-624 (h) (2), and Section 30-435 (b), (c), and (d) of the City of Marco Island Land Development Code, subject to the below condition:

1. Approval of this petition, VP-25-000165, is contingent upon approval of SDPA-25-000130.

SECTION 3. 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 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 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 on the Subject Property. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

SECTION 4. 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 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 is in non-compliance with the City Code.

SECTION 5. Effective Date. That this Resolution shall take effect immediately upon adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this 20th day of January, 2026.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA

Joan Taylor, City Clerk

By: _____
Darrin Palumbo, Chairman

Approved as to form and legal sufficiency:

David N. Tolces, Assistant City Attorney