

1 CITY OF MARCO ISLAND

2
3 RESOLUTION NO. 21-____

4
5 A RESOLUTION OF THE CITY OF MARCO ISLAND,
6 FLORIDA APPROVING A CONDITIONAL USE TO ALLOW
7 CONSTRUCTION OF AN RECREATIONAL VEHICLE
8 GARAGE AT 839 INLET DRIVE, MARCO ISLAND,
9 FLORIDA; MAKING FINDINGS; PROVIDING FOR
10 CONDITIONS OF APPROVAL; AND PROVIDING AN
11 EFFECTIVE DATE.
12

13 WHEREAS, pursuant to Section 30-64 of the City of Marco Island
14 ("City") Land Development Code ("LDC"), the City's Growth Management staff
15 has reviewed and recommended approval of a conditional use for 389 Inlet Drive,
16 Marco Island, Florida (the "Subject Property") pursuant to Section 30-84(7) of the
17 LDC, for construction of a recreational vehicle garage; and
18

19 WHEREAS, the Craig and Edith Rose, the Owner/Developer, submitted a single-
20 family home building permit SF-20-07747 for the Development of the Subject Property;
21 and
22

23 WHEREAS, the proposed Conditional Use is compatible with adjacent properties
24 and not adversely affect the public interest; and
25

26 WHEREAS, the proposed Conditional Use is consistent with the Comprehensive
27 Plan; and
28

29 WHEREAS, the proposed Conditional Use would not negatively impact the
30 traffic flows into, and off the site considering that the design of the driveway serving
31 the proposed RV garage is straight and would require very little maneuvering to safely
32 and quickly enter the home; and
33

34 WHEREAS, the proposed Conditional Use will meet all single-family home
35 requirements and will not change the character of the neighborhood or community as
36 a whole and
37

38 WHEREAS, City staff has reviewed and recommend approval of CUP-21-000024;
39 and
40

41 WHEREAS, the City's Planning Board has reviewed and recommended approval
42 of the Conditional Use 21-000024; and
43

44 **WHEREAS**, the City Council finds that the Conditional Use petition meets the
45 requirements of the City of Marco Island Code of Ordinances and should be approved,
46 subject to the conditions of approval set forth in this Resolution.
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48 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY**
49 **OF MARCO ISLAND, FLORIDA:**
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51 **SECTION 1. Recitals.** That the foregoing “WHEREAS” clauses are ratified
52 and confirmed as being true and correct and are made a specific part of this Resolution.
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54 **SECTION 2. Adoption and Approval.** The Conditional Use Permit CUP-
55 21-000024 for the Subject Property is hereby approved, subject to the conditions in
56 Section 3. of this Resolution.
57

58 **SECTION 3. Conditions of Approval.** Approval of the Conditional Use Permit
59 CUP-21-000024 for the Subject Property is granted subject to the following conditions of
60 approval:
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- 62 a. The Conditional Use approval is valid for two (2) years from the time of the
63 effective date of this Resolution.
- 64 b. Approval of the conditional use is based on the approval of SF-20-07747.
- 65 c. The Owner/Developer is required to resubmit construction documents to the
66 City of Marco Island Building Department for review and approval. Plans must
67 address all staff review comments.
- 68 d. Pursuant to Section 30-84(7) of the LDC the approved garage door height of
69 fourteen (14) feet and a width of sixteen (16) feet is approved, any changes to
70 those dimensions have not been approved.
71

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

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

ATTEST:

By: _____
Laura M. Litzan, City Clerk

Reviewed for legal sufficiency:

By: Alan L Gabriel, City Attorney