

## **RESOLUTION 21-26**

### **A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING A CONDITIONAL USE TO ALLOW CONSTRUCTION OF A RECREATIONAL VEHICLE GARAGE AT 1800 HONDURAS AVENUE, MARCO ISLAND, FLORIDA; MAKING FINDINGS; PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 30-64 of the City of Marco Island ("City") Land Development Code ("LDC"), the City's Growth Management staff has reviewed and recommended approval of a conditional use for 1800 Honduras Avenue, Marco Island, Florida (the "Subject Property") pursuant to Section 30-84(7) of the LDC, for the construction of a recreational vehicle garage (the "Conditional Use"); and

**WHEREAS**, Scott Doan and Duyen T Do, the Owner/Developer, submitted a building permit for the Development of the Subject Property; and

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

**WHEREAS**, the proposed Conditional Use is consistent with the Comprehensive Plan; and

**WHEREAS**, the proposed Conditional Use would not negatively impact the traffic flows into, and off the site considering that the design of the driveway serving the proposed recreational vehicle garage is straight and would require very little maneuvering to safely enter the home; and

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

**WHEREAS**, City staff has reviewed and recommend approval of CUP-21-000070; and

**WHEREAS**, the City's Planning Board has reviewed and recommended approval of the Conditional Use 21-000070; and

**WHEREAS**, the City Council finds that the Conditional Use petition meets the requirements of the City of Marco Island Code of Ordinances and should be approved, subject to the conditions of approval set forth in this Resolution.

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

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

**SECTION 2. Adoption and Approval.** The Conditional Use Permit CUP-21-000070 for the Subject Property is hereby approved, subject to the conditions in Section 3. of this Resolution.

**SECTION 3. Conditions of Approval.** Approval of the Conditional Use Permit CUP-21-000070 for the Subject Property is granted subject to the following conditions of approval:

- a. The Conditional Use approval is valid for two (2) years from the time of the effective date of this Resolution.
- b. Approval of the Conditional Use is based on the approval of building permit SF-20-07882
- c. The Owner/Developer is required to resubmit construction documents to the City of Marco Island Building Department for review and approval. Plans must address all staff review comments.
- d. As required in Sec. 30-84(7) the door height and width are to be established as a condition of approval. The proposed recreational vehicle garage door is 16 feet in height and 14 feet in width.
- e. As a condition of approval a revised landscape plan must be approved by Growth Management that meets, or exceeds the minimum number of code-compliant trees for the site, including canopy trees to break-up massing on the North Barfield frontage.

**SECTION 4. Development Permit does not grant a vested right.** The issuance of this approval and Development Permit as defined in Section 163.3164, Fla. Stat., 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 as authorized herein. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

**SECTION 5. Failure to Comply With Resolution.** That failure to adhere to the Conditional Use approval and 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. The Owner/Developer understands and acknowledges that it must comply with all other applicable 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 19<sup>th</sup> day of July 2021.

**ATTEST:**

**CITY OF MARCO ISLAND FLORIDA**

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Laura M. Litzan, City Clerk

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Jared Grifoni, Chairman

Reviewed for legal sufficiency:

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Alan L. Gabriel, City Attorney