

1 CITY OF MARCO ISLAND

2
3 RESOLUTION NO. 21-____

4
5 A RESOLUTION OF THE CITY OF MARCO ISLAND,
6 FLORIDA APPROVING A COASTAL CONSTRUCTION
7 CONTROL LINE (CCCL) SETBACK VARIANCE; MAKING
8 FINDINGS; APPROVING A VARIANCE FOR THE
9 SUBJECT PROPERTY, LOCATED AT 594 SPINNAKER
10 DRIVE, MARCO ISLAND, FLORIDA (LOT 2, BLOCK 389,
11 MARCO BEACH UNIT 12, ACCORDING TO THE PLAT
12 THEREOF, AS RECORDED IN PLAT BOOK 6, PAGES
13 87091, PUBLIC RECORDS OF COLLIER COUNTY,
14 FLORIDA); APPROVING SAID VARIANCE; PROVIDING
15 THAT THE APPROVAL OF THE VARIANCE DOES NOT
16 CREATE A VESTED RIGHT TO ANOTHER
17 DEVELOPMENT PERMIT; PROVIDING FOR FAILURE TO
18 COMPLY WITH THIS DEVELOPMENT PERMIT; AND
19 PROVIDING AN EFFECTIVE DATE.
20

21 **WHEREAS**, Section 30-753, of the City of Marco Island Land Development Code
22 (“LDC”), provides the location of a coastal construction control line (“CCCL”), and
23 Sections 30-754 and 30-755 of the LDC provides that no Development shall occur
24 seaward of the CCCL without the grant of a variance; and
25

26 **WHEREAS**, Section 30-755(1), of the Land Development Code, provides that a
27 variance may be granted
28

29 if in the immediate contiguous or adjacent area a ‘number of existing
30 structures’ have established a reasonably continuous and uniform
31 construction line closer to the line of mean high water than the
32 [CCCL] line . . . , and if said existing structures have not been unduly
33 affected by erosion, a proposed structure may be permitted along
34 such line
35

36 ; and
37

38 **WHEREAS**, the Izzo Florida Trust (the “Owner/Developer”) submitted Variance
39 Petition (CCCL Variance-21-000194) seeking a CCCL variance for the property located
40 at 594 Spinnaker Drive, Marco Island, Florida 34145 (the “Subject Property”); and
41

42 **WHEREAS**, the City of Marco Island staff has reviewed and recommend approval
43 of CCCL Variance-21-000194 and the Variance Petition; and
44

45 **WHEREAS**, pursuant to on Section 30-755(1) of the LDC, the Planning Board finds
46 that in the immediate contiguous or adjacent area a number of existing structures on

47 Spinnaker Drive have established a reasonably continuous and uniform construction line
48 closer to the line of mean high water than the CCCL line, and that said existing structures
49 have not been unduly affected by erosion; and
50

51 **WHEREAS**, the requested CCCL Variance is consistent with Policy 2.1.4. of the
52 Comprehensive Plan Conservation & Coastal Management Element states:
53

54 Policy 2.1.4: Proposed development and re-development
55 projects seaward of the Coastal Construction Control Line
56 may be permitted provided it complies with this
57 Comprehensive Plan and all state and local permitting
58 requirements.
59

60 **WHEREAS**, the City's Planning Board hereby recommends approval of the CCCL
61 Variance-21-0001947; and
62

63 **WHEREAS**, the City Council finds that the Variance Petition meets the
64 requirements of the City of Marco Island Code of Ordinances and should be approved,
65 subject to the conditions of approval set forth in this Resolution.
66

67 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY**
68 **OF MARCO ISLAND, FLORIDA:**
69

70 **SECTION 1. Adoption and Approval.** The CCCL Variance-21-000194 granting
71 a Coastal Construction Control Line Variance for the Subject Property is hereby approved
72 seaward of both the 1974 CCCL and the 1989 Coastal Construction Control Line as
73 recorded in Coastal Setback Line Book 1, Pages 26 through 36, inclusive, Public Records
74 of Collier County, Florida. The Variance shall not exceed the distances as identified in
75 the plans created by Outside Productions international, Job No. 054-21, page LS0.1. This
76 approval is specific to the Subject Property and the Development Plan. The approval of
77 the CCCL variance does not constitute approval of any other potential deviations or a
78 building permit.
79

80 **SECTION 2. Development Permit Does Not Create a Vested right For Other**
81 **Development Permits.** That issuance of this approval by the City does not in any way
82 create any right on the part of the Owner/Developer to obtain a permit from a state or
83 federal agency and does not create any liability on the part of the City for issuance of the
84 approval if the Owner/Developer fails to obtain the requisite approvals or fulfill the
85 obligations imposed by a state or federal agency or undertakes actions that result in the
86 violation of state or federal law. All applicable state and federal permits must be obtained
87 before commencement of the Development. This condition is included pursuant to
88 Section 166.033, Florida Statutes, as amended.
89

90 **SECTION 3. Failure to Comply With Resolution.** That failure to adhere to the
91 Variance approval and the approval terms and conditions contained in this Resolution
92 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 4. Effective Date. This Resolution shall be effective immediately upon adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this ____ day of _____, 2021.

CITY OF MARCO ISLAND, FLORIDA

By: _____
Jared Grifoni, Chair

ATTEST:

By: _____
Laura M. Litzan, City Clerk

Reviewed for legal sufficiency:

By: _____
Alan L Gabriel, City Attorney