

RESOLUTION 23-28

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING CONDITIONAL USE PERMIT CUP-23-000091 TO ALLOW FOR AN OUTDOOR DOG RUN (OUTDOOR KENNEL) 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 820 Bald Eagle Dr., Marco Island, Florida (the "Subject Property") pursuant to Section 30-244(1) of the LDC, for the approval of outdoor kenneling (the "Conditional Use"); and

WHEREAS, Ms. Rina D. Lazo of Sami Marco, LLC, the Owner(s), submitted an application for conditional use approval to permit an outdoor kenneling on the Subject Property; and

WHEREAS, there does not appear to be an adverse effect on the public interest based upon the information provided by the applicant that the dogs are not unsupervised when in the dog run, it is not used for outdoor kenneling and we have not received any comment from adjacent neighbors; and

WHEREAS, the granting of this conditional use will be consistent with the Future Land Use Element, Objective 1.2:

The City will manage growth to enhance the community both fiscally and physically, protect property values, and encourage, where appropriate, housing, goods and services, community amenities, and local employment opportunities.

WHEREAS, this is an existing structure built in 1991 and has proper ingress and egress from Bald Eagle and Herb Savage Way alley in the rear ; and

WHEREAS, the use of the dog run does not appear to be incompatible with surrounding commercial uses. It is separated from multi-family in the rear by the alley. The dog run does not appear incompatible with the multi-family as we are not aware of complaints and as stated by the applicant it is not used for outdoor kenneling; and

WHEREAS, this is an existing building constructed in 1991, is not a detractor from the streetscape and compatible with surrounding structures; and

WHEREAS, based on the foregoing, City staff has reviewed and recommends approval of CUP-23-000091; and

WHEREAS, based upon the foregoing, the City's Planning Board has reviewed and recommended approval of the Conditional Use 23-000091; and

WHEREAS, the City Council finds that the application for Conditional Use approval 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-23-000091 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-23-000091 for the Subject Property is granted subject to the following conditions of approval:

- a. Overnight kenneling in the fenced dog run shall not be permitted.
- b. A building permit is required for the existing fence.

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.

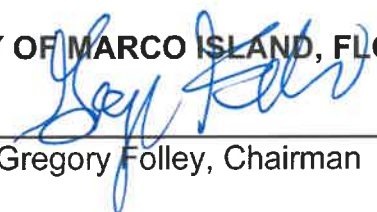
ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this 24th day of July 2023.

ATTEST:




Joan Taylor, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Gregory Folley, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney

