

RESOLUTION 23-56

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING CONDITIONAL USE PERMIT #23-000069 FOR THE CONSTRUCTION OF A RECREATIONAL VEHICLE GARAGE AT 984 BIRCH COURT, 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 984 Birch Court, Marco Island, Florida (the "Subject Property") pursuant to Section 30-84(7) of the LDC, for the construction of a recreational vehicle garage at the Subject Property (the "Conditional Use"); and

WHEREAS, Charles and Caroline McBane, the Owner, submitted a Conditional Use Permit Application for an RV Garage at 984 Birch Court, Marco Island, Florida, (the "Subject Property"); and

WHEREAS, the proposed addition will meet the requirements of the City's Land Development Code (LDC), will not adversely affect the public interest and the property owners have submitted the required documentation to proceed with their application; and

WHEREAS, the Goals section of the Comprehensive Plan's *Future Land Use Element* calls for "Enhance[ment]..." of Marco Island's "...tropical small town and resort character..." which can be considered to be served by providing the homeowner the ability to store a large vehicle, outside of the view of the neighbors, while retaining the existing aesthetics of the area. The Comprehensive Plan and LDC seeks to reduce visual clutter from having large vehicles parked in the driveway, or within view of the wider community and the City Council has allowed for a process to request these larger doors to accommodate citizens' RVs; and

WHEREAS, the design provides for a straight driveway into the proposed RV garage; and

WHEREAS, the RV garage addition has been designed to integrate with the existing structure and other homes in the neighborhood; and

WHEREAS, the proposed RV garage is designed and oriented appropriately for the single-family district; and

WHEREAS, City staff has reviewed and recommends approval of Conditional Use Permit CUP-23-000069; and

WHEREAS, the City’s Planning Board has reviewed and on October 6, 2023, recommended approval of Conditional Use Permit CUP-23-000069; 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. That the Conditional Use Permit CUP-23-000069 for the Subject Property is hereby approved, subject to the conditions in Section 3 of this Resolution.

SECTION 3. Conditions of Approval. That the approval of the Conditional Use Permit CUP-23-00069 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. The first 10' of easement from backside of the adjacent sidewalk by 10' must remain in place. This will allow for maintenance of meters or addition of meters for future building/changes.
- c. The proposed addition must comply with the all dimensional standards for RSF-4 district.
- d. 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.
- e. 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 fourteen feet-two inches (14’ 2”) in height and fourteen feet-two inches (14’ 2”) in width.

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

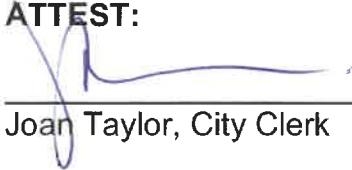
herein. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

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 6th DAY OF NOVEMBER 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

