

## RESOLUTION 16-30

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A DEVIATION FROM THE CITY OF MARCO ISLAND LAND DEVELOPMENT CODE SECTION 30-624(N), DESIGN GUIDELINES; TO ALLOW ALTERNATIVE COLORS FOR THE PLAY STRUCTURES AT THE PLAYGROUND LOCATED AT ST. MARKS EPISCOPAL CHURCH, 1101 NORTH COLLIER BOULEVARD, MARCO ISLAND, FLORIDA 34145; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 30-624(n), Design Regulations, of the City of Marco Island Land Development Code contains standards and regulations for outside play structures which are "limited to earth tone colors, with a maximum of three colors"; and

**WHEREAS**, St. Mark's Episcopal Church, is the Owner/Petitioner of the subject property, including a playground area, is located at 1101 North Collier Boulevard, Marco Island, Florida 34145. Owner/Petitioner is requesting a deviation from Section 30-624(n) of the City of Marco Island Land Development Code to permit and install playground equipment which will be primary colors, consisting of Red, Yellow, Green and Orange, in lieu of the required earth tone colors; and

**WHEREAS**, pursuant to Section 30-622, Applicability, of the City of Marco Island Development Code, "deviations from these regulations may be authorized when: (1) the community development director determines specific regulations or requirements are in conflict with the City's building code or life/safety code; (2) the planning board determines that costs associated with rigid compliance will create an economic hardship on the owner and render the project prohibitive. A creative and innovative solution shall be demonstrated to the planning board prior to allowing any departure from these regulations for hardship cases"; and

**WHEREAS**, the City of Marco Island staff have reviewed and recommend approval of the requested deviation and the proposed alternative color scheme; and

**WHEREAS**, on March 4, 2016, the City's Planning Board reviewed and recommended approval of the requested deviation and the proposed alternative color scheme; and

**WHEREAS**, City Council does hereby approve the requested deviation and the proposed alternative color scheme as set forth in this Resolution.

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

**SECTION 1. Recitals.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, correct and incorporated by this reference.

**SECTION 2. Adoption and Approval.** The requested deviation from Section 30-624(n) of the City of Marco Island Land Development Code to permit and install playground equipment with an alternative color scheme consisting of primary colors, limited to Red, Yellow, Green and Orange, in lieu of the required earth tone colors at the St. Mark's Episcopal Church located at 1101 North Collier Boulevard, Marco Island, Florida 34145 is hereby approved, subject to the below condition(s).

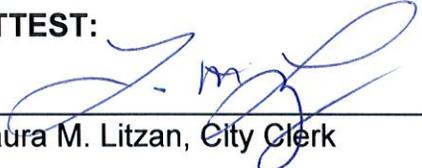
**SECTION 3. Conditions of Approval.** This Resolution is granted subject to the following conditions of approval.

1. This approval and the provisions hereof are specific to the new playground equipment being installed. Any future or further replacement equipment will be subject to the current City Code requirements at time of replacement.

**SECTION 4. Effective Date.** This Resolution shall be effective immediately upon adoption by the City Council.

Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 21<sup>st</sup> day of March 2016.

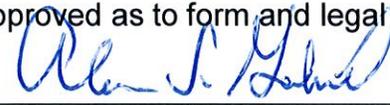
ATTEST:

  
\_\_\_\_\_  
Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By:   
\_\_\_\_\_  
Robert C. Brown, Chairman

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Alan L. Gabriel, City Attorney