

RESOLUTION NO. 2010-04

A RESOLUTION APPROVING PETITION FV-09-01, A VARIANCE FROM THE FLOODPROOFING REQUIREMENTS ADOPTED PURSUANT TO SECTION 26-31 OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES, TO PERMIT THE CONSTRUCTION OF A WET-FLOODPROOFED RESTROOM AT TIGERTAIL BEACH PARK, WHICH PROPERTY IS DESCRIBED HEREIN; PROVIDING FOR FILING WITH THE CITY CLERK; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 26-31 of the City of Marco Island Code of Ordinances ("Code") adopts the Standard for Floodplain Management with certain amendments, which standards were originally adopted by Ordinance 98-18; and

**WHEREAS**, Petition FV-09-01 is a request for a variance from the floodproofing requirements as defined in Section 26-31; and

**WHEREAS**, the Collier County Coastal Zone Management Department has petitioned the City for a variance from the floodproofing requirements adopted pursuant to Section 26-31 Code and Ordinance 98-18 to allow for the construction of a wet-floodproofed restroom at Tigertail Beach Park; and

**WHEREAS**, Section 901.3 of the Standard for Floodplain Management adopted by Section 26-31 of the Code via Ordinance 98-18 states "all buildings and structures of all use groups except residential may be floodproofed with walls which are substantially impermeable to the passage of water below the base flood level and with structural components capable of resisting hydrostatic and hydrodynamic loads, and particularly, the effects of buoyancy," and

**WHEREAS**, the City of Marco Island has adopted Section 1001.4 of the Standard for Floodplain Management via Ordinance 98-18 which establishes requirements for variances from the floodproofing regulations; and

**WHEREAS**, the Marco Island Planning Board, following an advertised public hearing on December 11, 2009, considered public input, the recommendation of the staff, and the standards and guidelines of Section 1001.4, to consider the advisability of such a petition, and voted 6 in favor and one opposed to recommend that the Marco Island City Council approve the requested variance; and

**WHEREAS**, as part of its deliberation, the Planning Board found that the Petition is consistent with the City's Comprehensive Plan, and in particular, the Conservation and Coastal Management Element; and

**WHEREAS**, the requested improvements subject to this variance will benefit persons with disabilities, families and other park patrons, and are otherwise in the public interest; and

**WHEREAS**, the Marco Island City Council is acting as the Board of Zoning Appeals; and

**WHEREAS**, after considering the recommendation of the Planning Board and after providing the petitioner, staff, and the public an opportunity to present testimony and evidence, the City Council, as the Board of Zoning Appeals, finds as a matter of fact that satisfactory provision and arrangement have been made concerning all applicable matters required by City Ordinances, including Section 1001.4 of Chapter 10 of the Standard for Floodplain Management as adopted by Section 26-31 of the Code; and

**WHEREAS**, all interested parties have been given opportunity to be heard by this Board in a public meeting assembled, and the Board has considered all matters presented.

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

**Section 1. Recitals.** The above recitals are true and correct and incorporated into this Resolution by this reference.

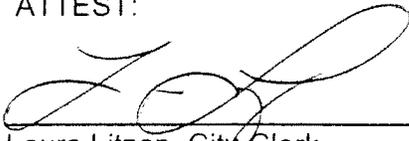
**Section 2. Approval.** Variance Petition FV-09-01, filed by the Collier County Coastal Zone Management Department, representing the Collier County Board of County Commissioners, with respect to the property legally described on Exhibit "A" attached hereto and made a part hereof, is hereby granted to allow for a variance from the floodproofing requirements adopted via Section 26-31 of the City of Marco Island Code of and Ordinance 98-18, to allow for the construction of a wet-floodproofed restroom shelter approximately 32 feet by 15 feet in size in the approximate location as depicted in Exhibit "B."

**Section 3. Recordation Required.** This Resolution relating to Petition Number FV-09-01 shall be recorded in the Minutes of this Board and filed with the Marco Island City Clerk's Office.

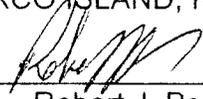
**Section 4. Effective Date.** This Resolution shall take effect immediately upon adoption.

**PASSED IN OPEN AND REGULAR SESSION** of the Marco Island City Council acting as the Board of Zoning Appeals on the 19<sup>th</sup> day of January 2010.

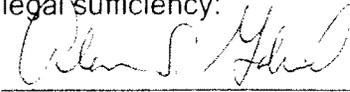
ATTEST:

  
\_\_\_\_\_  
Laura Litzan, City Clerk

MARCO ISLAND CITY COUNCIL  
MARCO ISLAND, FLORIDA

By:   
\_\_\_\_\_  
Robert J. Popoff, Chairman

Approved as to form and  
legal sufficiency:

  
\_\_\_\_\_  
Alan Gabriel, City Attorney

**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF SUBJECT PROPERTY**

Tract A, Marco Beach Unit 8, according to the plat thereof recorded in Plat Book 6, Page 63, of the Public Records of Collier County, Florida.

