

**RESOLUTION NO. 12-16**

**A RESOLUTION GRANTING A VARIANCE (V-12-02) APPROVAL IN CONFORMANCE WITH SECTIONS 30-65 AND 6-85 OF THE CITY'S CODE OF ORDINANCES IN ORDER TO REPLACE AN EXISTING 4.5-FOOT NGVD BY 1,157-FOOT LONG SEAWALL WITH A NEW 10-FOOT NGVD BY 1,157-FOOT LONG SEAWALL ADJACENT TO CEDAR WATERWAY, FOR PROPERTY DESCRIBED AS 807 E. ELKCAM CIRCLE (NORTH WATER TREATMENT PLANT), FURTHER DESCRIBED AS MARCO BEACH UNIT 4, TRACTS D & F OF COLLIER COUNTY AND THE CITY OF MARCO ISLAND, FLORIDA**

**WHEREAS**, the Legislature of the State of Florida established the Charter of the City of Marco Island in Chapter 97-367, Laws of Florida ("City Charter"); and

**WHEREAS**, the Marco Island Planning Board, being the duly appointed and constituted planning board for the area hereby affected, has held a public hearing on April 6, 2012 after notice, and voted (6-0) to recommend that the Marco Island City Council approve the requested Variance pursuant to Sections 30-65 and 6-85 of the City's Code of Ordinances, for property located within the "C-5" zoning district, to permit the construction of a 10-foot NGVD by 1,157-foot long seawall, and arrangements have been made concerning all applicable matters required by said regulations and in accordance with the Marco Island Code of Ordinances; and

**WHEREAS**, City Council, acting as the Board of Zoning Appeals, held a public hearing after proper notice on May 7, 2012 while considering the request for the construction of a 10-foot NGVD by 1,157-foot long seawall as an approved variance adjacent to the North Water Treatment Plant and Cedar Waterway for C-5 (Heavy Commercial) zoned property and has found that satisfactory provisions and arrangements have been made concerning all applicable matters required by the Marco Island Code of Ordinances; and

**WHEREAS**, all interested parties will be given opportunity to be heard by the Board of Zoning Appeals in a public hearing, and the Board having considered all matters presented:

**NOW, THEREFORE BE IT RESOLVED, BY THE MARCO ISLAND CITY COUNCIL, ACTING AS THE BOARD OF ZONING APPEALS, THAT:**

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

**SECTION 2.** The Petition V-12-02 filed by the City of Marco Island Utilities Department, with respect to property located at 807 E. Elkcaml Circle, City of Marco Island, is approved granting an additional 5.5-feet in height by means of variance approval for the construction of a 10-foot NGVD by 1,157-foot long seawall, for property further described as follows:

**MARCO BEACH UNIT 4, TRACTS D & F, COLLIER COUNTY AND THE CITY OF MARCO ISLAND, FLORIDA**

**Stipulations/Conditions:** Approval of V-12-02 is subject to the following stipulations/conditions:

- 1) *The petitioner shall submit Engineered Building, Structural and Construction Plans in conformance with Exhibit A of Ordinance 06-18 (City of Marco Island Seawall and Revetment Regulations – Technical Specifications), prior to the start of construction.*
- 2) *The petitioner's submitted plans shall be required to meet all Technical Specifications for seawalls and revetments as outlined in Section 6-85 of the Marco Island Code of Ordinances, with the exception of Section 6-85(g), which relates to the height requirements for seawalls.*
- 3) *The petitioner shall install an 8-foot tall black vinyl coated chain link fence adjacent to the new seawall and plant an opaque landscape buffer along the entire length maintained at a minimum of 16-feet tall.*
- 4) *The petitioner shall ensure that the selected contractor adhere to Manatee protection as outlined in Section 54-117 of the Marco Island Code of Ordinances.*

**SECTION 3. Effective Date.** This Resolution shall take effect immediately upon adoption. The foregoing Resolution was adopted this 7<sup>th</sup> day of May, 2012.

CITY OF MARCO ISLAND, FLORIDA

By:

  
Larry Magel, Chairman

ATTEST:

  
Laura Litzan, City Clerk

Approved as to Form and  
Legal Sufficiency:

  
Burt L. Saunders, City Attorney