

MARCO ISLAND CITY COUNCIL RESOLUTION NO. 00-09

RELATING TO PETITION NUMBER BD-99018 FOR AN
EXTENSION OF A BOAT DOCK ON PROPERTY HEREINAFTER
DESCRIBED IN 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 City Charter provides that the City Council shall serve as the Board of Zoning Appeals; and

WHEREAS, the City Council is responsible for reviewing and finally approving boat dock extensions on commercial properties; and

WHEREAS, Petition BD-99015 is a request for a boat dock extension on a commercial property as defined in Ordinance 98-1; and

WHEREAS, the City Charter provides that the Collier County Land Development Code in effect on August 28, 1997 ("Regulations") shall remain in effect as the City of Marco Island's transitional land development regulations; and

WHEREAS, the Marco Island City Council, being the duly constituted Board of Zoning Appeals for the area hereby affected, has held a public hearing after proper notice as provided in said Regulations was made, and has considered the advisability of an extension of a boat dock from the permitted 20 feet to allow for the repair of the existing boat dock facility in a C-5 zone for the property hereinafter described, and has found as a matter of fact that satisfactory provision and arrangement have been made concerning all applicable matters required by said regulations and in accordance with Section 2.6.21 of the Collier County Land Development Code; and

WHEREAS, all interested parties have been given the opportunity to be heard by this Commission in public meeting assembled, and the Commission having considered all matters presented;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MARCO ISLAND CITY COUNCIL of the City of Marco Island, Florida that:

The petition filed by Scott K. Huegel, representing Adventure Construction & Canvas, Inc., property owner, with respect to the property hereinafter described as:

1135 Bald Eagle Drive, further described as Collier City Block 17, Lot 3, and Block 18, Lots 1 and 2, Collier County, Florida and the City of Marco Island.

Be and the same is hereby approved for the extension of a boat dock from the permitted 20 feet to allow for the repair of the existing boat docking facility in the C-5 zoning district where in said property is located, subject to the following conditions:

1. The protrusion of the combination of the boat docking facility and any moored vessel shall not exceed the existing footprint, verified by an as-built survey.
2. An as-built survey of the existing boat docking facility shall be provided to the Community Development Director prior to the issuance of a building permit for the repair of the existing boat docking facility.
3. The protrusion of the combination of the boat docking facility and any moored vessel shall not exceed the protrusion authorized in the Submerged Land Lease currently issued to the property owner.
4. All encroachments into the 7.5' required side yard setback, including but not limited to the dock immediately adjacent to the seawall and the floating dock, shall be corrected and made to comply with the side yard setback requirement.
5. The boathouse may not be utilized as living space or for storage of flammable materials.
6. The roof on the boathouse must be retrofitted according to SBCCI 1997 to meet wind loads.
7. No personal watercraft, boat or other vessel may be stored within the required side yard setback.
8. Code violations, including health and safety violations, must be satisfied prior to the issuance of a Certificate of Completion.
9. Permits or letters of exemption from the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection shall be presented prior to the issuance of a building permit. Construction of this facility shall be consistent with Florida Department of Environmental Protection, ERP No. 110147735-001.
10. In order to address the protection of manatees, one (1) "Manatee Alert" sign shall be permanently affixed to a piling at this facility and shall be visible from the waterway.
11. Any outside lighting on the boat docking facility will comply with Ordinance 99-7

BE IT FURTHER RESOLVED that this Resolution relating to Petition Number BD-99018 be recorded in the minutes of this Board and filed with the City Clerk's Office.

This resolution adopted after motion, second and majority vote.

Done this 22nd day of February 2000.

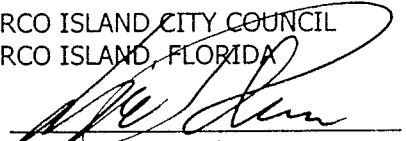
Attest:



A. William Moss
City Manager/City Clerk

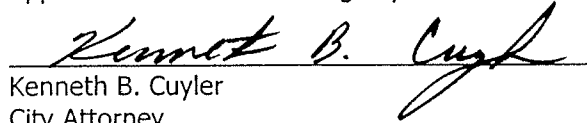
MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

By:



Kjell Pettersen, Chairman

Approved as to Form and legality:



Kenneth B. Cuyler
City Attorney