

RESOLUTION 19-09

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING A BOAT DOCK EXTENSION AT LOT 3, BLOCK 25, MARCO BEACH UNIT ONE, PLAT BOOK 6, PAGES 9 THROUGH 16, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, LOCATED AT 1389 N COLLIER BOULEVARD AS PROVIDED FOR IN SECTION 54-115 OF THE MARCO ISLAND LAND DEVELOPMENT CODE, CITY OF MARCO ISLAND, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 54-115, Code of Ordinances of the City of Marco Island, Florida provides regulations for the approval of Boat Dock Extensions to provide for additional length or protrusion beyond the permitted distances; and

WHEREAS, the City of Marco Island staff have reviewed and recommend approval of BD-18-002986, an application for a Boat Dock Extension; and

WHEREAS, the Planning Board has reviewed the Owner/Developer's application and finds that the proposed boat docking facility meets the standards set forth in Article IV. Chapter 54, Code of Ordinances of Marco Island, Florida; and

WHEREAS, the Planning Board finds that the water depth where the proposed vessel(s) is to be located is -4.0-feet at approximately 27.0-foot protrusion into the waterway, satisfying minimum depth requirements of Section 115(f)(2) of the Code of Ordinances of the City of Marco Island (as a general guide, four feet mean low water is deemed to be sufficient) to allow for safe mooring of the vessel, thereby necessitating the extension requested; and

WHEREAS, the Planning Board finds that the proposed boat docking facility and moored vessel(s) protrude less than 25 percent (25%) of the width of the navigable waterway, and that the Marco River channel adjacent to the Subject Property is approximately 1,500 feet in width; and

WHEREAS, the Planning Board finds that the proposed boat docking facility is of the minimum dimensions necessary in order to adequately secure the moored vessel while providing reasonable access to the boat for routine maintenance without the use of excessive deck area; and

WHEREAS, the Planning Board finds that the proposed boat docking facility is of minimal dimensions and located to minimize the impact of view to the channel by surrounding property owners; and

WHEREAS, the Planning Board finds that the proposed docking system and vessel(s) are not in excess of 50 percent (50%) of the length of the water

frontage of the Subject Property such that the extension of the boat docking facility should not adversely impact the view to the channel by surrounding property owners; and

WHEREAS, the Planning Board finds that the proposed location and design of the boat docking facility and moored vessel(s) in combination is such that it will not infringe upon the use of neighboring properties, including any existing boat docking facilities; and

WHEREAS, the Planning Board finds that there are no seagrasses located within 200 feet of the proposed boat docking facility; and

WHEREAS, the Planning Board finds that the proposed dock is not located within a manatee protection zone as provided in Section 54-117, Code of Ordinances of the City of Marco Island; and

WHEREAS, the City's Planning Board reviewed and recommended approval of Boat Dock Extension BD-18-002986 on February 1, 2019; and

WHEREAS, Planning Board does hereby approve Boat Dock Extension (BD 18-002986), subject to the conditions of approval as set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, FLORIDA, SITTING AS THE BOARD OF ZONING APPEALS:

SECTION 1. Recitals; Definitions.

(a) The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, correct and incorporated by this reference into this Resolution.

(b) As used herein, the following terms are defined as set forth below, unless the context of usage in this Resolution affirmatively demonstrates to the contrary:

(1) "City" means the City of Marco Island, a Florida Municipal Corporation.

(2) "Development" shall be defined as set forth in Section 163.3164 of the Florida Statutes.

(3) "Owner/Developer" means B & B Model Investments, LLC, a Florida Limited Liability Company.

(4) "Site Plan" means the one (1) page document on file in the office of the City of Marco Island Growth Management Department entitled "Map of Specific Purpose Survey of Lot 3 Block 25 of Marco Beach Unit 1, prepared by Mel

Hatton Land Surveyors, Inc., under drawing number 2-1017, dated October 2018, and the one (1) page hand drawing of the proposed dock on file in the office of the City of Marco Island Growth Management Department.

(5) "Subject Property" means the following described parcel of land, lying, situate and being in the State of Florida, County of Collier, City of Marco Island, to-wit: Lot 3, Block 25, Marco Beach Unit One, according to the plat thereof, as recorded in Plat Book 6, Pages 9 through 16 inclusive, Public Records of Collier County, Florida (bearing Collier County Property Appraiser's Parcel NO. 56671840009). (The foregoing legal description has neither been examined nor approved by Alan Gabriel, Esq., Paul Gougelman, Esq., Weiss Serota Helfman Cole & Bierman, P.L., or the City of Marco Island, Florida. The legal description is extracted from the warranty deed by which the Owner/Developer took title to the property recorded on September 28, 2016, in Official Records Book 5318, Page 255, Public Records of Collier County, Florida.)

SECTION 2. Adoption and Approval. Based on the Site Plan, Boat Dock Extension (BD-18-002986) with respect to the Subject Property, located at 1389 N Collier Boulevard, Marco Island, Florida, 34145 is hereby approved, subject to the below conditions.

SECTION 3. Conditions of Approval. This Resolution relating to the Boat Dock Extension (BD-18-002986) on the Subject Property is granted subject to the following conditions of approval:

(a) The Owner/Developer is required to re-submit construction documents to the City's Building Department for review and approval prior to the commencement of Development; and

(b) The Owner/Developer is responsible for any private deed restriction approvals with Marco Island Civic Association; and

(c) The Owner/Developer shall install lighting on the outermost edges of the boat dock. Light colors shall not be confused with those of channel markers; and.

(d) That issuance of this approval 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. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

SECTION 4. Approval does not Create a Vested Right. That failure to adhere to 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, including but not limited to the revocation of any of the approval(s) granted in this Resolution and any other approvals conditioned on this approval. The Owner/Developer understands and acknowledges that it must comply with all other applicable requirements of the City Code before it 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 5. Effective Date. This Resolution shall be effective immediately upon adoption by the Planning Board.


ADOPTED BY THE PLANNING BOARD OF THE CITY OF MARCO ISLAND this 1st day of February 2019.

ATTEST:

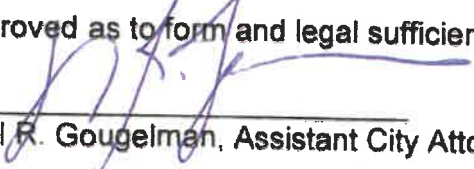
CITY OF MARCO ISLAND, FLORIDA



Laura M. Litzan, City Clerk

By: 

Ron Goldstein, Vice-Chairman

Approved as to form and legal sufficiency:


Paul R. Gougelman, Assistant City Attorney