

RESOLUTION 20-54

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A SPECIAL PERMIT FOR ADDITIONAL PROTRUSION OF A SERIES OF DOCKS THREE HUNDRED THIRTY TWO FEET (332') FOR A TOTAL PROTRUSION OF THREE HUNDRED SIXTY TWO (362') FEET PAST THE SEAWALL LOCATED AT 1400 NORTH COLLIER BLVD, MARCO ISLAND; MAKING FINDINGS; PROVIDING DEFINITIONS; APPROVING THE BOAT DOCK EXTENSION; PROVIDING FOR FAILURE TO OBTAIN OTHER DEVELOPMENT PERMITS; PROVIDING FOR FAILURE TO COMPLY WITH APPROVAL; PROVIDING THAT THIS DEVELOPMENT ORDER DOES NOT CREATE ANY VESTED RIGHTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 54-115 of the of the Marco Island Waterways and Beaches Code relates to special permits to maximum protrusion lengths of a docking system; and

WHEREAS, on October 16, 2020, the Owner/Developer submitted a Boat Docking Facility Extension Petition and plan for the Development of a boat dock extension for the docks located at 1400 North Collier Blvd, Marco Island, Florida; and

WHEREAS, the City of Marco Island staff has reviewed and recommended approval of the Boat Docking Facility Extension Petition (BD-20-000273), subject to conditions; and

WHEREAS, the City's Planning Board reviewed and recommended approval of the Boat Dock Extension Application on December 4, 2020, subject to conditions, and;

WHEREAS, the City's Planning Board has reviewed the application for a Boat Dock Extension, and found the Boat Dock Extension Application to be in compliance with the applicable provisions of the Section 54-115(f)1-10 of the City's Code of Ordinances; and

WHEREAS, the City's Planning Board does hereby adopt the findings of the Planning Board and approves the special permit and the boat dock extension for BD-20-000273.

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

SECTION 1. Recitals; Definitions.

(a) That the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

(b) That as used herein, unless the context hereof, or City Code of Ordinances requires to the contrary, the following terms will be defined as set forth below:

- (1) “City” means the City of Marco Island, a Florida Municipal Corporation.
- (2) “Development” is defined as set forth in Section 163.3164, Florida Statutes.
- (3) “Development Permit” is defined as set forth in Section 163.3164, Florida Statutes.
- (4) “Owner/Developer” means the Marco Island Yacht Club, Inc., and its successors and assigns, as owners or developers of the Subject Property.
- (5) “Boat Dock Facility Extension Application” means: the documents submitted by the Owner/Developer: including:
 - (a) The seven (7) page Boat Docking Facility Extension Petition dated October 16, 2020; and
 - (b) The one page document entitled Location Page prepared by Turrell, Hall & Associates, Inc. of Naples, FL, Project or Job No. 8934.02, dated August 6, 2020; and
 - (c) The one page document entitled Existing Master Site Plan prepared by Turrell, Hall & Associates, Inc. of Naples, FL, Project or Job No. 8934.02, dated August 6, 2020; and
 - (d) The one page document entitled MIYC Marina Site Plan prepared by Turrell, Hall & Associates, Inc. of Naples, FL, Project or Job No. 8934.02, dated August 6, 2020; and
 - (e) The one page document entitled MIYC Marina Dredge Plan prepared by Turrell, Hall & Associates, Inc. of Naples, FL, Project or Job No. 8934.02, dated August 6, 2020; and
 - (f) The one page document entitled MIMI Site Plan prepared by Turrell, Hall & Associates, Inc. of Naples, FL, Project or Job No. 8934.02, dated August 6, 2020.
- (7) “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:

YACHT CLUB OF MARCO ISLAND REPLAT TRACT B AND ALL
PROPERTY SUBMERGED OR OTHER- WISE DESC IN OR 2882
PG 2082

(Said legal description has neither been reviewed nor examined by the City, Weiss Serota Helfman Cole & Bierman, P.L., Alan Gabriel,

Esq., Paul Gogleman, Esq. or David N. Tolces, Esq., but is extracted from the most recent deed of conveyance in Official Records Book 2882, Page 2082, Public Records of Collier County, Florida.)

SECTION 2. Adoption. The Owner/Developer's special permit for the boat dock extension (BD-20-000273) as set forth in the Boat Docking Facility Extension Petition for the Subject Property is hereby approved with the following condition(s).

1. The Marco Island Yacht Club will guarantee free of charge public use of a pump-out station on-site as previously approved in City Resolution 08-11.
2. The Yacht Club shall be responsible for maintenance dredging along the entire length of the dock system (362') from the mouth of the Chestnut Waterway into the Marco River at a minimum width of one hundred fifty one feet (151').
3. Space shall continue to be provided for the Marco Island Youth Sailing program.
4. Slips shall be leased only and shall not be sold fee-simple.
5. Prior to building permit approval, wind load specifications shall be provided to the City Engineer for review and approval.
6. Petitioner shall submit and maintain a hurricane preparedness plan prior to building permit approval and shall submit that to the City.

SECTION 3. Failure to Adhere to Resolution. That failure to adhere to the denial 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. 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.

SECTION 4. Development Order does not grant a vested right. That issuance of this Development Order 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 5. Effective Date. That this Resolution shall take effect immediately upon adoption.

ADOPTED BY THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, this 4th day of December 2020.

ATTEST:



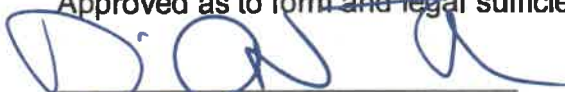
Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Jason Bailey, Vice-Chairman

Approved as to form and legal sufficiency:



David N. Tolces, City Attorney