

**RESOLUTION 21-54**

**A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A SPECIAL PERMIT FOR A BOAT DOCK EXTENSION FORTY FEET (40') FROM THE SEAWALL FOR 986 SUNDROP COURT, MARCO ISLAND; MAKING FINDINGS; PROVIDING FOR FAILURE TO OBTAIN OTHER DEVELOPMENT PERMITS; PROVIDING FOR FAILURE TO COMPLY WITH APPROVAL; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, 986 Sundrop, LLC, (the "Owner/Developer") submitted a boat dock application and extension plan for the Development of a boat dock extension for 986 Sundrop Court, Marco Island, Florida (the "Property"); and

**WHEREAS**, on September 3, 2021, pursuant to Planning Board Resolution 21-46, the City of Marco Island Planning Board denied the Owner's request for the Boat Dock Extension at the Property, and said Planning Board Resolution was filed with the City Clerk on September 10, 2021; and

**WHEREAS**, on September 23, 2021, pursuant to Section 54-115(h) of the City's Code of Ordinances, the Owner filed an appeal of the Planning Board's Resolution with the City Council; and

**WHEREAS**, at a public hearing held on December 6, 2021, the City Council considered evidence and testimony presented by City staff, the Owner, the following affected parties: Gary McBride, Lorraine McBride, Brett Glass, Nicole Glass, William Bowman, and Stephanie Bowman; and members of the public; and

**WHEREAS**, following a consideration of all testimony and evidence, including the file related to the application (BD-21-000177) and the appeal, the City Council finds that the Owner's application for the boat dock extension meets the requirements as contained in Section 54-115(f) of the City's Code of Ordinances.

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

**SECTION 1. Adoption.** The Owner/Developer's special permit for the forty foot (40') boat dock extension as set forth on the Boat Dock Extension Plans in the application for the Subject Property is hereby approved with the following condition: the stainless steel pipe on which the navigation light is installed shall be reduced to meet the U.S. Standard. The City Council finds that the application, testimony, and evidence presented at the

December 6, 2021 public hearing meet the requirements for such boat dock extension as provided in Section 54-115(f) of the City's Code of Ordinances.

**SECTION 2. Failure to Obtain Other Permits.** That issuance of this approval by the City does not in any way create any exemption on the part of the Owner/Developer from any requirements 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 on the Subject Property. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

**SECTION 3. Failure to Adhere to Resolution.** 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 4. Effective Date.** That this Resolution shall take effect immediately upon adoption.


ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this 6<sup>th</sup> day of December 2021.

**ATTEST:**

  
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Laura Litzan, City Clerk

**CITY OF MARCO ISLAND, FLORIDA**

By:   
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Erik Brechnitz, Chairman

Approved as to form and legal sufficiency:  
  
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Alan L. Gabriel, City Attorney