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**CITY OF MARCO ISLAND
PLANNING BOARD**

RESOLUTION 22-14

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A SPECIAL PERMIT FOR A DOCK ENCROACHMENT OF 6 FEET INTO THE SOUTHERN RIPARIAN SETBACK AT 911 RUBY COURT, MARCO ISLAND; MAKING FINDINGS; APPROVING THE RIPARIAN ENCROACHMENT; PROVIDING FOR FAILURE TO OBTAIN OTHER DEVELOPMENT PERMITS; PROVIDING FOR FAILURE TO COMPLY WITH APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

16 **WHEREAS**, Section 54-115 of the of the Marco Island Waterways and Beaches Code
17 relates to special permits to address issues related to the encroachments into the riparian
18 setback; and

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20 **WHEREAS**, the Owner/Developer submitted a boat dock plan for the Development of a
21 boat dock encroaching into the south riparian setback at 911 Ruby Court, Marco Island, Florida;
22 and

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25 **WHEREAS**, the City of Marco Island staff has reviewed and recommended approval of
26 BD-22-000086; and

27 **WHEREAS**, the proposed dock meets all other City requirements, including protrusion;
28 and

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30 **WHEREAS**, the dock and associated vessels will not protrude more than 25% of the total
31 width of the waterway and will leave more than 50% of the waterway width open for safe
32 navigation; and

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34 **WHEREAS**, The canal frontage is 70 feet and the property line is not typically at the
35 corner as with other lots with this configuration; and

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37 **WHEREAS**, the proposed dimensions appear to accommodate a typical sized boat and
38 is of the minimum dimensions necessary; and

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40 **WHEREAS**, the location of the lot and placement of the proposed dock will have minimal
41 impact on the view of the channel by surrounding property owners; and

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43 **WHEREAS**, the contractor states that there are no seagrass beds in the immediate area
44 of the dock; and

46 WHEREAS, this dock does not fall under regulations on Manatee protection zones since
47 it is a single-family zoned lot.

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

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52 SECTION 1. Adoption. The Owner/Developer's special permit for the riparian
53 encroachment as set forth on the Boat Dock Plans on the Subject Property is hereby approved.

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55 SECTION 2. Condition. This approval is contingent upon approval of the riparian
56 encroachment for 179 Copperfield.

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58 SECTION 3. Failure to Obtain Other Permits. That issuance of this approval by the City
59 does not in any way create any right on the part of the Owner/Developer to obtain a permit from
60 a state or federal agency and does not create any liability on the part of the City for issuance of
61 the approval if the Owner/Developer fails to obtain the requisite approvals or fulfill the obligations
62 imposed by a state or federal agency or undertakes actions that result in the violation of state or
63 federal law. All applicable state and federal permits must be obtained before commencement
64 of the Development on the Subject Property. This condition is included pursuant to Section
65 166.033, Florida Statutes, as amended.


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67 SECTION 4. Failure to Adhere to Resolution. That failure to adhere to the approval
68 terms and conditions contained in this Resolution shall be considered a violation of this
69 Resolution and the City Code, and persons found violating this Resolution shall be subject to the
70 penalties prescribed by the City Code, including but not limited to the revocation of any of the
71 approval(s) granted in this Resolution and any other approvals conditioned on this approval.
72 The Owner/Developer understands and acknowledges that it must comply with all other
73 applicable requirements of the City Code before it may commence construction or operation,
74 and that the foregoing approval in this Resolution may be revoked by the City at any time upon
75 a determination that the Owner/Developer is in non-compliance with the City Code.

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77 SECTION 5. Effective Date. That this Resolution shall take effect immediately upon
78 adoption.

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80 ADOPTED BY THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, this 1st day of
81 April 2022.

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83 ATTEST:
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85 
86 _____
87 Laura Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA
By: 

88 Approved as to form and legal sufficiency:
89 
90 _____
91 David N. Tolces, Assistant City Attorney