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**CITY OF MARCO ISLAND  
PLANNING BOARD**

**RESOLUTION 22-15**

**A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A SPECIAL PERMIT FOR A DOCK ENCROACHMENT OF 2-1/2 FEET INTO THE NORTH RIPARIAN SETBACK AT 179 COPPERFIELD 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.**

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

**WHEREAS**, the Owner/Developer submitted a boat dock plan for the Development of a boat dock encroaching into the north riparian setback at 179 Copperfield Court, Marco Island, Florida; and

**WHEREAS**, the City of Marco Island staff has reviewed and recommended approval of BD-22-000087; and

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

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

**WHEREAS**, this is the only lot in the area with a cut-in and has only 50 feet of frontage. The area is squeezed just due to the platting of the lots; and

**WHEREAS**, the proposed dock and moored vessel will not infringe upon the use of neighboring properties. Due to the location of this lot and proposed dock, other docking facilities would infringe upon this lot and not the other way around; and

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

**WHEREAS**, the location of the lot and placement of the proposed dock will have no impact on the view of the channel by surrounding property owners; and

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

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

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

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

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58           **SECTION 2. Condition.** This approval is contingent upon approval of the riparian  
59 encroachment for 911 Ruby Court.

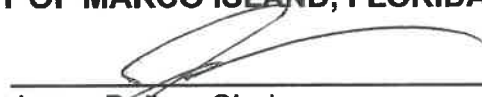
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61           **SECTION 3. Failure to Obtain Other Permits.** That issuance of this approval by the City  
62 does not in any way create any right on the part of the Owner/Developer to obtain a permit from  
63 a state or federal agency and does not create any liability on the part of the City for issuance of  
64 the approval if the Owner/Developer fails to obtain the requisite approvals or fulfill the obligations  
65 imposed by a state or federal agency or undertakes actions that result in the violation of state or  
66 federal law. All applicable state and federal permits must be obtained before commencement  
67 of the Development on the Subject Property. This condition is included pursuant to Section  
68 166.033, Florida Statutes, as amended.


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

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80           **SECTION 4. Effective Date.** That this Resolution shall take effect immediately upon  
81 adoption.

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83 ADOPTED BY THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, this 1<sup>st</sup> day of  
84 April 2022.

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86 **ATTEST:**  
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88 \_\_\_\_\_  
89 Laura Litzan, City Clerk

**CITY OF MARCO ISLAND, FLORIDA**  
By:   
\_\_\_\_\_ Jason Bailey, Chair

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91 Approved as to form and legal sufficiency:  
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93 \_\_\_\_\_  
94 David N. Tolces, Assistant City Attorney