

RESOLUTION 22-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING AN ELEVEN FOOT (11') PROTRUSION OF A VESSEL INTO THE ADJACENT WATERWAY FOR A MOORED VESSEL TO BE LOCATED AT 845 COLLIER COURT, SLIP #12, MARCO ISLAND; MAKING FINDINGS; APPROVING THE BOAT PROTRUSION; 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 City of Marco Island Waterways and Beaches Code relates to special permits to address issues related to protrusions into the adjacent waterway; and

WHEREAS, Alan and Nancy McMullen, the Owner/Developer of the dock located at 845 Collier Court, Slip #12, Marco Island, Florida (the "Property"), submitted a boat dock plan for the development of a boat dock which will encroach into the adjacent south riparian setback for the Property; and

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

WHEREAS, the proposed dimensions appear to accommodate the vessel that is proposed to be docked at the Property, and is the minimum dimensions necessary.

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

WHEREAS, the location of the Property, and placement of the proposed dock and vessel will have minimal 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

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

WHEREAS, the City of Marco Island staff has reviewed and recommended approval of BD-22-000083.

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

SECTION 1. Adoption. The Owner's boat protrusion application, as set forth on the plans for the Property is hereby approved.

SECTION 2. Condition.

1. Consistent with Sec. 54-112 e. of the City of Marco Island Code of Ordinances, the vessel to be moored at the dock located at the Property shall have reflectors or lighting installed on the boat, extending beyond the dock, facing the water. Red and green reflectors or lights are prohibited.
2. A boat lift will not be used with the moored vessel.

SECTION 3. Failure to Obtain Other Permits. 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 on the Subject Property. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

SECTION 4. 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 5. Effective Date. That this Resolution shall take effect immediately upon adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this 18th day of July 2022.

ATTEST:


Michael J. Sheffield, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 
Erik Brechnitz, Chairman

Approved as to form and legal sufficiency:


Alan L. Gabriel, City Attorney