

RESOLUTION 23-13

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A SPECIAL PERMIT FOR A BOAT DOCK EXTENSION THAT EXTENDS FIFTY-FOUR FEET (54') FROM THE PROPERTY LINE FOR THE PROPERTY LOCATED AT 1143 KERR COURT, MARCO ISLAND, FLORIDA; MAKING FINDINGS; PROVIDING DEFINITIONS; APPROVING THE BOAT DOCK EXTENSION; 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, the Delphia G. Elder Revocable Trust, the "Owner/Developer" of the property located at 1143 Kerr Court, Marco Island, Florida (the "Subject Property"), submitted a boat dock extension plan for the Development of a boat dock extension for the Subject Property; and

WHEREAS, the City of Marco Island staff has reviewed and recommended approval of BD-22-000271; and

WHEREAS, the proposed dock meets all other City requirements, including side-yard riparian setbacks and the inclusion of required warning reflectors for boating safety; 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, considering that the proposed location sits on an open body of water

WHEREAS, the total area of the dock over water is proposed to be 1,761 sq. ft. which will be the minimum area necessary to provide safe access for cleaning and maintenance; and

WHEREAS, the proposed dock will also provide for replacement of a boat house with boat canopies in the same location, which will not impact the views from the neighboring properties; and

WHEREAS, the proposed dock will not protrude into any adjoining riparian setbacks and will not infringe upon the ingress or egress of neighbors' vessels; and

WHEREAS, there are no seagrass beds in the immediate area of the dock; and

WHEREAS, this proposal is not subject to the manatee protection requirements since this is not a multi-slip dock with 10 or more slips nor is it a marina; and

WHEREAS, the dock and moored vessels (including motor) will not protrude beyond the proposed protrusion of fifty-four feet (54'); and

WHEREAS, the Planning Board finds that the application for a boat dock extension BD-22-000271 meets all of the requirements of Section 54-115(f), City of Marco Island Code of Ordinances; and

WHEREAS, the Planning Board has found that granting of the special permit for the Boat dock extension is in order, because given the size of the project and the adjacent docks of similar protrusion into the waterway, it is reasonable and will not create a special privilege, because the dock is being rebuilt within the existing general footprint; and

WHEREAS, the City's Planning Board has reviewed the staff report and the boat dock extension, taken public testimony, and hereby recommended approval of the boat dock extension submission package and subject to certain conditions set forth herein.

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

SECTION 1. Recitals.

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

SECTION 2. Adoption. The Owner/Developer's petition BD-22-000271 for the fifty-four foot (54') boat dock extension at 1143 Kerr Court, Marco Island, Florida is hereby approved subject to the following condition of approval:

1. Any boat canopies to be constructed at the Subject Property are not part of this approval, and will require a separate building permit.

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, FLORIDA, this 20th day of March 2023.

ATTEST:


Michael J. Sheffield, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 
Jared Grifoni, Vice-Chairman

Approved as to form and legal sufficiency:


Alan L. Gabriel, City Attorney

