

RESOLUTION NO. 26-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A BOAT DOCK EXTENSION REQUEST SUBMITTED BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA (“TIITF”), FOR A BOAT DOCKING FACILITY THAT EXTENDS ONE HUNDRED-SIXTY-SIX (166’) FEET FROM THE SUBJECT PROPERTY LINE FOR THE PROPERTY LOCATED AT 2561 SAN MARCO ROAD, MARCO ISLAND; MAKING FINDINGS OF APPROVAL; 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, entitled “Boat dock extensions, protrusion or encroachment into the riparian setback,” relates to special permits to address issues related to the maximum protrusion lengths of a docking system and encroachments into the riparian setback; and

WHEREAS, Weiler Engineering Corporation (the “Applicant”) has submitted an application for a boat dock extension on behalf of The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (“TIITF” and “Owner”) for the construction of two floating finger docks for use by Rookery Bay Research Reserved located at 2561 San Marco Road, Marco Island, Florida (the “Subject Property”); and

WHEREAS, the proposed docking facility will meet the other requirements and boat facility standards in the Land Development Code as provided herein; and

WHEREAS, there is sufficient water depth at the proposed location; and

WHEREAS, the special condition of the property is that it is owned by the State of Florida, Rookery Bay Research Reserve, and on Goodland Bay, providing a large expanse of water; and

WHEREAS, the dock and moored vessels do not protrude greater than 25 percent of the width of the platted navigable waterway and more than 50 percent of the waterway width is maintained ; and

WHEREAS, the proposed docking facility is of the minimum dimensions necessary to adequately secure the moored vessel while providing reasonable access to the boat for routine maintenance; and

WHEREAS, the layout, dimensions, and location will have no impact of the view to the channel ; and

WHEREAS, the location of the existing and proposed dock facility does not appear to infringe upon the use of neighboring properties, nor any existing boat docking facilities; and

WHEREAS, the vessel is not more than 50 percent of the length of the water frontage of the property; however, this is not a riparian setback variance, therefore, this criterion is not applicable; and

WHEREAS, the Applicant indicates no seagrasses are located within the vicinity; and

WHEREAS, the proposal is not subject to the Manatee protection requirements but will comply with the signage requirements; and

WHEREAS, the City of Marco Island Planning Board recommended approval of the boat dock extension request, 25-000215 as submitted, subject to findings, as contained herein.

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

SECTION 1. Adoption. The City Council for the City of Marco Island, as stated in the foregoing WHEREAS clauses, finds that the Owner/Developer's application for a special permit for the boat dock extension as set forth on the Boat Dock Extension Plans, which are attached hereto as Exhibit "A," for the Subject Property is consistent with Section 54-115 of the City's Waterways and Beaches Code, and hereby approves the application as presented.

SECTION 2. 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 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 2nd day of March, 2026.

CITY OF MARCO ISLAND, FLORIDA

By: _____
Darrin Palumbo, Chairman

ATTEST:

By: _____
Joan Taylor, City Clerk

Reviewed for legal sufficiency:

By: _____
Alan L. Gabriel, City Attorney