

1 CITY OF MARCO ISLAND
2 PLANNING BOARD

3
4 RESOLUTION NO. 21-_____

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6 A RESOLUTION OF THE PLANNING BOARD OF THE CITY
7 OF MARCO ISLAND, FLORIDA, APPROVING A SPECIAL
8 PERMIT FOR A BOAT DOCK EXTENSION 40-FEET FROM
9 THE PROPERTY LINE FOR 986 SUNDROP COURT,
10 MARCO ISLAND; MAKING FINDINGS; APPROVING THE
11 BOAT DOCK EXTENSION; PROVIDING FOR FAILURE TO
12 OBTAIN OTHER DEVELOPMENT PERMITS; PROVIDING
13 FOR FAILURE TO COMPLY WITH APPROVAL; AND
14 PROVIDING AN EFFECTIVE DATE.
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16 WHEREAS, Section 54-115 of the of the Marco Island Waterways and Beaches
17 Code relates to special permits to address issues related to the maximum protrusion
18 lengths of a docking system; and
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20 WHEREAS, the Owner/Developer submitted a boat dock extension plan for the
21 Development of a boat dock extension for 986 Sundrop Court, Marco Island, Florida; and
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23 WHEREAS, the City of Marco Island staff has reviewed and recommended
24 approval of BD-21-000177; and
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26 WHEREAS, the proposed dock meets all other City requirements, including side-
27 yard riparian setbacks; and
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29 WHEREAS, the dock and associated vessels will not protrude more than 25% of
30 the total width of the waterway and will leave more than 50% of the waterway width open
31 for safe navigation, considering that the proposed location sits on an open body of water
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33 WHEREAS, the lot is at the end of a cul-de-sac abutting the open water of the
34 Marco River. The subject lot is not a traditionally shape lot with four lot lines. The lot
35 contains six separate lot lines, with the rear lot line having 3 separate lot lines: an angled
36 27-foot length, a straight 139 foot length, and another angled 27 feet length. In addition,
37 the location of the lot is more conducive to the protrusion into the adjacent open water
38 than other lots on Marco Island.; and
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40 WHEREAS, the proposed location, design and extra 10 feet does not appear to
41 infringe upon the use of neighboring properties. The neighboring properties are currently
42 single family. One neighboring property has a dock, and the other neighboring property
43 has room for a dock should they so choose to construct one; and
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45 **WHEREAS**, views of the Marco River will be maintained; however, certain views
46 important to the neighbors could be partially obstructed; and

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48 **WHEREAS**, the applicant has indicated that dimensions are the minimum
49 necessary to adequately moor the vessel; and

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

53
54 **WHEREAS**, this dock does not fall under regulations on Manatee protection zones
55 since it is a single-family zoned lot; and

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57 **WHEREAS**, the dock and moored vessels (including motor) will not protrude into
58 the adjacent open water beyond the permitted protrusion of forty feet (40) feet; and

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

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65 **SECTION 1. Adoption.** The Owner/Developer's special permit for the boat dock
66 extension as set forth on the Boat Dock Extension Plans on the Subject Property is hereby
67 approved.

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69 **SECTION 2. Failure to Obtain Other Permits.** That issuance of this approval by
70 the City does not in any way create any right on the part of the Owner/Developer to obtain
71 a permit from a state or federal agency and does not create any liability on the part of the
72 City for issuance of the approval if the Owner/Developer fails to obtain the requisite
73 approvals or fulfill the obligations imposed by a state or federal agency or undertakes
74 actions that result in the violation of state or federal law. All applicable state and federal
75 permits must be obtained before commencement of the Development on the Subject
76 Property. This condition is included pursuant to Section 166.033, Florida Statutes, as
77 amended.

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79 **SECTION 3. Failure to Adhere to Resolution.** That failure to adhere to the
80 approval terms and conditions contained in this Resolution shall be considered a violation
81 of this Resolution and the City Code, and persons found violating this Resolution shall be
82 subject to the penalties prescribed by the City Code, including but not limited to the
83 revocation of any of the approval(s) granted in this Resolution and any other approvals
84 conditioned on this approval. The Owner/Developer understands and acknowledges that
85 it must comply with all other applicable requirements of the City Code before it may
86 commence construction or operation, and that the foregoing approval in this Resolution
87 may be revoked by the City at any time upon a determination that the Owner/Developer
88 is in non-compliance with the City Code.

