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**CITY OF MARCO ISLAND
PLANNING BOARD**

RESOLUTION 24-16

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A BOAT DOCK EXTENSION TO ALLOW FOR A TWO FOOT ENCROCHMENT INTO THE WEST SIDE OF THE 8.7 FOOT SIDE YARD/RIPARIAN SETBACK FOR A 41.8 FOOT VESSEL FOR THE PROPERTY LOCATED 831 PERRINE COURT, MARCO ISLAND; MAKING FINDINGS; 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 Marco Island Waterways and Beaches Code relates to encroachments into the riparian setback; and

WHEREAS, the James and Cynthia Timmerman (the "Owner/Developer") submitted a boat dock extension plan for the for a two foot (2') encroachment into the west side of the side yard setback/riparian for a 41.8 foot vessel for the property located at 831 Perrine Court, Marco Island, Florida (the "Property"); and

WHEREAS, the City of Marco Island staff has reviewed BD-22-000210; and

WHEREAS, the dock is legally non-conforming as the docking facility was approved by Collier County with an 8.7-foot side yard setback from the west property line. The rest of the dimensions are compliant with City of Marco Island's Land Development Code requirements, with the east setback at 14.7 feet (12 feet is required) and the protrusion is 20 feet; and

WHEREAS, the vessel to be located at the Property 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, the water depth at the Property is sufficient for the docking of the vessel at the Property; and

WHEREAS, based on the findings contained herein the proposed boat dock extension meets the City's Land Development Code requirements.

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

SECTION 1. Adoption. The Planning Board for the City of Marco Island hereby incorporates the above WHEREAS clauses and finds that the Owner/Developer's application 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 the City's Land Development Code requirements.

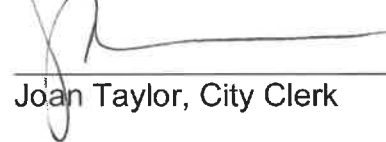
SECTION 2. Failure to Obtain Other Permits. That issuance of this approval by the City does not in any way create any right on the part of the Owner/Developer to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the approval if the 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.

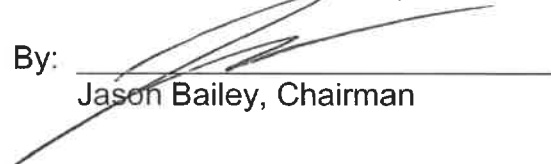
SECTION 4. Effective Date. That this Resolution shall take effect immediately upon adoption.

ADOPTED BY THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, this 5th day of April 2024.

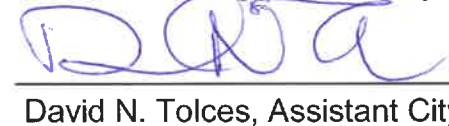
ATTEST:


Joan Taylor, City Clerk

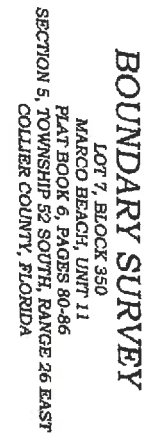
CITY OF MARCO ISLAND, FLORIDA

By: 
Jason Bailey, Chairman

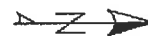
Reviewed for legal sufficiency:


David N. Tolces, Assistant City Attorney

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LINE TABLE		
LINE	BEARING	DISTANCE
L-1 (C)	S 89°22'28" E	80.00'
L-1 (P)	S 89°22'34" E	80.00'
L-2 (C)	S 00°33'32" W	110.00'
L-2 (P)	S 00°32'28" W	110.00'
L-3 (C)	N 89°26'28" W	80.00'
L-3 (P)	N 89°27'34" W	80.00'
L-4 (C)	N 00°33'32" E	110.00'
L-4 (P)	N 00°32'28" E	110.00'



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