

## **RESOLUTION 24-44**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A BOAT DOCK EXTENSION REQUEST SUBMITTED BY VANTAGE POINT CONDOMINIUM ASSOCIATION, INC., FOR A DOCKING FACILITY THAT EXTENDS THIRTY-ONE FEET, SIX INCHES FROM THE SUBJECT PROPERTY LINE FOR THE PROPERTY LOCATED AT 860 PANAMA COURT, MARCO ISLAND; MAKING FINDINGS; PROVIDING CONDITIONS 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**, Jeff Rogers, of Turrell, Hall & Associates, Inc. (the applicant) has submitted an application for a boat dock extension on behalf of Vantage Point Condominium Association, Inc. (the "Owner") for the re-construction of a boat dock for the property located at 860 Panama Court, Marco Island, Florida (the "Subject Property"); and

**WHEREAS**, the proposed dock meets all requirements of the City's Land Development Code; and

**WHEREAS**, the proposed boat dock protrusion meets the requirements of the City's Land Development Code; 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; and

**WHEREAS**, the fact that the existing docking facility was approved by the City of Marco Island in 2001 in the current location, is a special condition related to the Subject Property; and

**WHEREAS**, the proposed docking facility is being reduced by 2,148 square feet from the current docking facility, and this size is the minimum dimension necessary to adequately secure the moored vessels while providing reasonable access to the vessels for routine maintenance; and

**WHEREAS**, the total water frontage at Vantage Point is approximately 1,019 feet. The length of the vessels proposed to be moored at the proposed location will not exceed 50% of the seawall frontage. The proposed dock will not adversely affect the view to the channel by surrounding property owners; 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 since the current location of the proposed dock has been in the approximate location since 2001; and

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

**WHEREAS**, the proposal is subject to the Manatee protection requirements. The applicant indicated since the slip numbers are not changing, a review by Collier County is not necessary. Staff is requesting a letter from Collier County indicating a review is not necessary; and

**WHEREAS**, based on the findings contained herein, the proposed docking facility meets the City's Land Development Code requirements; and

**WHEREAS**, the City of Marco Island Planning Board recommended approval of the boat dock extension request as submitted, subject to conditions; and

**WHEREAS**, the City of Marco Island staff has reviewed and recommended approval of BD-24-000054, subject to conditions.

**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 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 Land Development Code and hereby approves the application as presented, subject to the following conditions:

1. The approval is subject to the Manatee protection requirements. Should the proposal qualify for an exemption to these requirements, Staff is requesting a letter from Collier County indicating a review is not necessary. The letter shall be submitted as part of the building permit application.
2. Any future construction to the docking facility, including any reconstruction, repair, and or modification of the docking facility, and/or any individual components of the docking facility shall require

the consent and approval of the Vantage Point Condominium Association, Inc., its successors and assigns.

3. Any City of Marco Island permit applications for any construction, repair, or modification of the docking facility and/or any individual components of the docking facility shall require that the Vantage Point Condominium Association, Inc., its successors and assigns, execute any permit applications.

**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 19<sup>th</sup> day of August 2024.

**ATTEST:**

**CITY OF MARCO ISLAND, FLORIDA**

\_\_\_\_\_  
Joan Taylor, City Clerk

By: \_\_\_\_\_  
Jared Grifoni, Chairman

Approved as to form and legal sufficiency:

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Alan L. Gabriel, City Attorney