

1 CITY OF MARCO ISLAND
2 CITY COUNCIL
3

4 RESOLUTION NO. 26-_____
5

6 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
7 MARCO ISLAND, FLORIDA, APPROVING A BOAT DOCK
8 EXTENSION REQUEST SUBMITTED BY THE BOARD OF
9 TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST
10 FUND OF THE STATE OF FLORIDA ("TIITF"), FOR A
11 BOAT DOCKING FACILITY THAT EXTENDS ONE
12 HUNDRED-SIXTY-SIX (166') FEET FROM THE SUBJECT
13 PROPERTY LINE FOR THE PROPERTY LOCATED AT
14 2561 SAN MARCO ROAD, MARCO ISLAND; MAKING
15 FINDINGS OF APPROVAL; PROVIDING FOR FAILURE TO
16 OBTAIN OTHER DEVELOPMENT PERMITS; PROVIDING
17 FOR FAILURE TO COMPLY WITH APPROVAL; AND
18 PROVIDING AN EFFECTIVE DATE.
19

20 **WHEREAS**, Section 54-115 of the of the City of Marco Island Code of Ordinances,
21 entitled "Boat dock extensions, protrusion or encroachment into the riparian setback,"
22 relates to special permits to address issues related to the maximum protrusion lengths of
23 a docking system and encroachments into the riparian setback; and
24

25 **WHEREAS**, Weiler Engineering Corporation (the "Applicant") has submitted an
26 application for a boat dock extension on behalf of The Board of Trustees of the Internal
27 Improvement Trust Fund of the State of Florida ("TIITF" and "Owner") for the construction
28 of two floating finger docks for use by Rookery Bay Research Reserved located at 2561
29 San Marco Road, Marco Island, Florida (the "Subject Property"); and
30

31 **WHEREAS**, the proposed docking facility will meet the other requirements and
32 boat facility standards in the Land Development Code as provided herein; and
33

34 **WHEREAS**, there is sufficient water depth at the proposed location; and
35

36 **WHEREAS**, the special condition of the property is that it is owned by the State of
37 Florida, Rookery Bay Research Reserve, and on Goodland Bay, providing a large
38 expanse of water; and
39

40 **WHEREAS**, the dock and moored vessels do not protrude greater than 25 percent
41 of the width of the platted navigable waterway and more than 50 percent of the waterway
42 width is maintained ; and
43

44 **WHEREAS**, the proposed docking facility is of the minimum dimensions necessary
45 to adequately secure the moored vessel while providing reasonable access to the boat
46 for routine maintenance; and
47

48 **WHEREAS**, the layout, dimensions, and location will have no impact of the view
49 to the channel ; and
50

51 **WHEREAS**, the location of the existing and proposed dock facility does not appear
52 to infringe upon the use of neighboring properties, nor any existing boat docking facilities;
53 and
54

55 **WHEREAS**, the vessel is not more than 50 percent of the length of the water
56 frontage of the property; however, this is not a riparian setback variance, therefore, this
57 criterion is not applicable; and
58

59 **WHEREAS**, the Applicant indicates no seagrasses are located within the vicinity;
60 and
61

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

64 **WHEREAS**, the City of Marco Island Planning Board recommended approval of
65 the boat dock extension request, 25-000215 as submitted, subject to findings, as
66 contained herein.
67

68 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY**
69 **OF MARCO ISLAND, FLORIDA:**
70

71 **SECTION 1. Adoption.** The City Council for the City of Marco Island, as stated in
72 the foregoing WHEREAS clauses, finds that the Owner/Developer's application for a
73 special permit for the boat dock extension as set forth on the Boat Dock Extension Plans,
74 which are attached hereto as Exhibit "A," for the Subject Property is consistent with
75 Section 54-115 of the City's Waterways and Beaches Code, and hereby approves the
76 application as presented.
77

78 **SECTION 2. Failure to Obtain Other Permits.** That issuance of this approval by
79 the City does not in any way create any right on the part of the Owner/Developer to obtain
80 a permit from a state or federal agency and does not create any liability on the part of the
81 City for issuance of the approval if the Owner/Developer fails to obtain the requisite
82 approvals or fulfill the obligations imposed by a state or federal agency or undertakes
83 actions that result in the violation of state or federal law. All applicable state and federal
84 permits must be obtained before commencement of the Development on the Subject
85 Property. This condition is included pursuant to Section 166.033, Florida Statutes, as
86 amended.
87

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 ____ day of _____, 2026.

CITY OF MARCO ISLAND, FLORIDA

By: _____
Darrin Palumbo, Chair

ATTEST:

By: _____
Joan Taylor, City Clerk

Reviewed for legal sufficiency:

By: _____
Alan L. Gabriel, City Attorney