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**CITY OF MARCO ISLAND
PLANNING BOARD**

RESOLUTION NO. 24-_____

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A BOAT DOCK EXTENSION TO ALLOW FOR A TWO-FOOT, SIX-INCH ENCROCHMENT INTO THE REAR RIPARIAN SETBACK FOR A BOAT CANOPY LOCATED AT 904 JUNIPER 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 protrusions into the waterway; and

WHEREAS, Steven Kozinski (the “Owner/Developer”) submitted a boat dock extension plan for the for an additional two-foot (2’) six inch (6”) encroachment into the rear riparian setback for a boat canopy at the property located at 904 Juniper Court, Marco Island, Florida (the “Property”); and

WHEREAS, the City of Marco Island staff has reviewed BD-24-000014; and

WHEREAS, the boat canopy is placed onto a lawfully-existing conforming boat dock authorized by Planning Board resolution No. 05-25 (for 36-foot protrusion), and the canopy overhangs the existing dock by 2.6 feet (38.6-foot overall protrusion). The remaining canopy dimensions are compliant with City of Marco Island’s Land Development Code requirements, with the northwest setback at 8.9 feet (7.5 feet is required), the southeast setback at 14.4 feet (7.5 feet is required); 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:

46 **SECTION 1. Adoption.** The Planning Board for the City of Marco Island hereby
47 incorporates the above WHEREAS clauses and finds that the Owner/Developer's
48 application for the boat dock extension as set forth on the boat canopy as-built survey,
49 showing a total 38.6-foot canopy protrusion from the wet face of the seawall, which is
50 attached hereto as Exhibit "A," for the Subject Property is consistent with the City's Land
51 Development Code requirements. Specifically, the Planning Board makes the following
52 findings:

- 53
- 54 1. The canopy will meet the side/riparian setbacks.
- 55 2. There is sufficient water depth at this location.
- 56 3. The current dock has been in this general location for almost 20
57 years. Surrounding docks are similarly situated at the waterway
58 terminus.
- 59 4. The proposed canopy placement does protrude greater than 25
60 percent of the canal width but does not appear to pose a navigational
61 hazard.
- 62 5. The proposed canopy is of the minimum dimensions necessary to
63 secure and access the boat for maintenance.
- 64 6. The proposed canopy is on an existing boat dock and lift, and the
65 neighbors' views will not be impacted much greater than a vessel on
66 a raised lift.
- 67 7. The canopy placement and moored vessel will not infringe upon the
68 use of neighboring properties.
- 69 8. There are no seagrass beds within 200 feet.
- 70 9. This proposal is not subject to the manatee protection requirements
71 since this is not a multi-slip dock with 10 or more slips nor is it a
72 marina.
- 73

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

83

84 **SECTION 3. Failure to Adhere to Resolution.** That failure to adhere to the
85 approval terms and conditions contained in this Resolution shall be considered a violation
86 of this Resolution and the City Code, and persons found violating this Resolution shall be
87 subject to the penalties prescribed by the City Code, including but not limited to the
88 revocation of any of the approval(s) granted in this Resolution and any other approvals
89 conditioned on this approval. The Owner/Developer understands and acknowledges that
90 it must comply with all other applicable requirements of the City Code before it may

91 commence construction or operation, and that the foregoing approval in this Resolution
92 may be revoked by the City at any time upon a determination that the Owner/Developer
93 is in non-compliance with the City Code.

94
95 **SECTION 4. Effective Date.** That this Resolution shall take effect immediately
96 upon adoption.

97
98 ADOPTED BY THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, this ____
99 day of _____, 2024.

100
101 CITY OF MARCO ISLAND, FLORIDA

102
103 By: _____
104 Jason Bailey, Chair

105
106 ATTEST:

107
108 By: _____
109 Joan Taylor, City Clerk

110
111 Reviewed for legal sufficiency:

112
113
114 By: _____
115 David N. Tolces, Assistant City Attorney