

1 CITY OF MARCO ISLAND
2 PLANNING BOARD

3
4 RESOLUTION NO. 24-_____

5
6 A RESOLUTION OF THE PLANNING BOARD OF THE CITY
7 OF MARCO ISLAND, FLORIDA, APPROVING A BOAT
8 DOCK EXTENSION TO ALLOW FOR A TWO FOOT
9 ENCROCHMENT INTO THE WEST SIDE OF THE 8.7 FOOT
10 SIDE YARD/RIPARIAN SETBACK FOR A 41.8 FOOT
11 VESSEL FOR THE PROPERTY LOCATED 831 PERRINE
12 COURT, MARCO ISLAND; MAKING FINDINGS;
13 APPROVING THE BOAT DOCK EXTENSION; PROVIDING
14 FOR FAILURE TO OBTAIN OTHER DEVELOPMENT
15 PERMITS; PROVIDING FOR FAILURE TO COMPLY WITH
16 APPROVAL; AND PROVIDING AN EFFECTIVE DATE.
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18 WHEREAS, Section 54-115 of the of the Marco Island Waterways and Beaches
19 Code relates to encroachments into the riparian setback; and
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21 WHEREAS, the James and Cynthia Timmerman (the "Owner/Developer")
22 submitted a boat dock extension plan for the for a two foot (2') encroachment into the
23 west side of the side yard setback/riparian for a 41.8 foot vessel for the property located
24 at 831 Perrine Court, Marco Island, Florida (the "Property"); and
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26 WHEREAS, the City of Marco Island staff has reviewed BD-22-000210; and
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28 WHEREAS, the dock is legally non-conforming as the docking facility was
29 approved by Collier County with an 8.7-foot side yard setback from the west property line.
30 The rest of the dimensions are compliant with City of Marco Island's Land Development
31 Code requirements, with the east setback at 14.7 feet (12 feet is required) and the
32 protrusion is 20 feet; and
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34 WHEREAS, the vessel to be located at the Property will not protrude more than
35 25% of the total width of the waterway and will leave more than 50% of the waterway
36 width open for safe navigation; and
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38 WHEREAS, the water depth at the Property is sufficient for the docking of the
39 vessel at the Property; and
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41 WHEREAS, based on the findings contained herein the proposed boat dock
42 extension meets the City's Land Development Code requirements.
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44 NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE
45 CITY OF MARCO ISLAND, FLORIDA:

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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 ____ day of _____, 2024.

CITY OF MARCO ISLAND, FLORIDA
By: _____
Jason Bailey, Chair

ATTEST:
By: _____
Joan Taylor, City Clerk

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91 Reviewed for legal sufficiency:

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94 By: _____

95 David N. Tolces, Assistant City Attorney