



Legislation Details (With Text)

File #: ID 20-956 **Version:** 1 **Name:**

Type: New Business **Status:** Agenda Ready

File created: 8/1/2020 **In control:** Planning Board

On agenda: 8/7/2020 **Final action:**

Title: RESOLUTION - A Boat Dock Extension request (BD-20-000013) to allow for an additional 16-feet for a total of 46-feet for property located at 1272 Orange Ct., Marco Island, FL 34145.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution 20-29, 2. Staff Report, 3. Application, 4. CCPA Data, 5. Survey, 6. Proposed Dock, 7. Water Depth Data, 8. Adjacent Letters of No Objection

Date	Ver.	Action By	Action	Result
8/7/2020	1	Planning Board	Approved	Pass

Agenda Item: 10(b)	Prepared By: Daniel J. Smith, AICP, Director
Business: Resolution	Department: Growth Management

Subject:

RESOLUTION - A Boat Dock Extension request (BD-20-000013) to allow for an additional 16-feet for a total of 46-feet for property located at 1272 Orange Ct., Marco Island, FL 34145.

BACKGROUND:

The Petitioner is proposing a boat dock extension which will be a total of 46-feet past the platted property line into the waterway, which is 16-feet further than allowed in the Boat Dock Facilities code. The applicant has stated that the additional length is necessary to accommodate the homeowners' vessels at times of low water adjacent to the property's seawall.

The property in question is approximately a 0.34-acre residential lot located in zoning district RSF-3. The lot is currently being developed with a primary structure. The contractor states that the additional protrusion into the waterway is necessary to accommodate the mooring of vessels with sufficient mean-low water depths during extreme low-water events, and to allow for the owner to accommodate larger vessels than what would be possible with a dock only allowed to protrude the 30' maximum provided for in Chapter 54 "Boat Docking Facilities."

FUNDING SOURCE / FISCAL IMPACT:

Applicant has paid \$1,500.00 in applicable fees.

RECOMMENDATION:

Staff recommends Planning Board approve of BD-20-000013 with the below findings:

1. 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, considering that the proposed location sits on an open body of water.
2. The total are of the dock over water is proposed to be 921 sq. ft. Staff believes that this proposed dock will be the minimum area necessary to accommodate larger vessels as typically seen in our area and to provide safe access for cleaning and maintenance.
3. Based on aerial photos, the proposed dock will have a minimal impact on views down the shoreline, particularly for neighbors to the South of the subject property considering that the adjacent neighbor at 1264 Orange Court currently have a dock which protrudes a similar distance into the waterway (approximately 45') and both adjacent neighbors have provided letters stating that the proposed dock is of no concern to them.
4. The proposed docking system drawing (dated 7/6/20) and vessels collectively will not exceed 50% of the total length of the lot's water frontage.
5. The proposed dock will not protrude into any adjoining riparian setbacks and will not infringe upon the ingress or egress of neighbors' vessels.
6. The contractor states that there are no seagrass beds in the immediate area of the dock, although the submission package does not include documentation to that effect and no draft boat dock application which will be provided to the State was included.
7. This dock does not fall under regulations on Manatee protection zones since it is a single-family zoned lot.
8. The dock and moored vessels (including motor) will not protrude beyond the proposed protrusion of forty-six (46) feet.

Conditions:

1. BD-20-000013 includes a 6 page document, including:
 - (a) The 5-page set of drawings prepared by Marco Surveying & Mapping of Naples, Florida, under Work Order Number 19-759, dated October, 2019 without revision, including

Sheets 1 (Location Sheet), and 2 through 5 (Cross Section Exhibit; and
(b) A one-page hand written revised dock drawing.

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. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.
3. Failure to Adhere to Resolution of Resolution of Approval. 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.

POTENTIAL MOTION:

“I move to approve Resolution 20-XX with the listed findings and conditions.”