



Legislation Details (With Text)

**File #:** ID 20-947      **Version:** 1      **Name:**

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

**File created:** 7/29/2020      **In control:** Planning Board

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

**Title:** RESOLUTION - A Boat Dock Extension request (BD-20-000154) to Chapter 54, Article IV, Division 2, to allow for an additional 67-feet for a total of 97-feet for a property located at 899 Caxambas Ct., Marco Island, FL 34145.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution 20-28, 2. Staff Report, 3. Application, 4. Drawings, 5. Property Information, 6. Property Deed, 7. Survey, 8. Neighboring Docking Facilities, 9. Minimization Measures, 10. Existing Dock Permit, 11. FDEP Permit, 12. Submerged Resource Survey, 13. Deltona Settlement

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

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

**Subject:**

RESOLUTION - A Boat Dock Extension request (BD-20-000154) to Chapter 54, Article IV, Division 2, to allow for an additional 67-feet for a total of 97-feet for a property located at 899 Caxambas Ct., Marco Island, FL 34145.

**BACKGROUND:**

The Petitioner is proposing a boat dock extension which will be a total of 97-feet past the platted property line into the waterway, which is 67-feet further than allowed in the Chapter 54, Article IV, Division 2. The applicant has stated that the low water depths in the area make operating and mooring a vessel safely, difficult.

The property in question is approximately a 0.74-acre residential lot located in zoning district RSF-3. The lot is currently 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, and to allow for a reasonable ingress and egress from the owner's property. There is an existing walkway and boat dock with two lifts constructed in 2001 (City permit# 003666), and there is no indication that the dock has caused conflict with the neighbors. The new dock will be in the same general footprint of the existing dock, in fact one foot less in length, with slight changes to the pathway around the proposed finger additions.

**FUNDING SOURCE / FISCAL IMPACT:**

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

## **RECOMMENDATION:**

Staff recommends Planning Board approval of BD-20-000154 with the below findings and conditions:

### Findings:

1. The proposed dock would meet all other City requirements, including side-yard riparian setbacks and the inclusion of required warning reflectors for boating safety.
2. According to the contractor's profile of the bay bottom, this area experiences the minimum mean-low water depth of 4-feet at approximately 80-feet into the waterway. The 4-foot depth is considered the minimum necessary to moor a vessel for safe ingress and egress from the dock.
3. The contractor claims that a normal vessel cannot reasonably be moored any closer than approximately 90-feet from the property line due to the low water depths and existing mangrove fringe, which necessitates this variance.
4. 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.
5. The proposed docking system and vessels collectively will not exceed 50% of the total length of the lot's water frontage.
6. The proposed dock will not protrude into any adjoining riparian setbacks and will not infringe upon the ingress or egress of neighbors' vessels.
7. The contractor has provided documentation that the proposed dock does not sit within a seagrass or regulated manatee zone.

### Conditions:

1. BD-20-000154 includes a 6 page document the 6-page document entitled Havemeier Dock, prepared by Turrell, Hall, & Associates, Inc., a Florida Corporation, of Naples, Florida, under Job Number 19059, dated May 17, 2020, including Sheets 1 (Location Sheet), 2 (Existing Aerial), and 5 (Section AA), inclusive (with no date of revision); and Sheets 3 (Proposed Aerial), 4 (Proposed Line), and 6 (Section BB), all with a last date of revision being April 30, 2020).

2. The maximum protrusion allowed for this dock extension is 97' into the waterway and must be inclusive of the dock, vessels and outboards. No temporary or permanent fixtures may be placed on the dock which would extend the docking system further than the 97' maximum protrusion.
3. 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.
4. 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."