



## Legislation Details (With Text)

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**Title:** LAND DEVELOPMENT CODE AMENDMENT - LDCA-18-005882 Proposed Land Development Code Amendment to Conditionally Allow for Cut-ins on certain lots.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Application, 3. Narrative, 4. Diagram

Date	Ver.	Action By	Action	Result
5/3/2019	1	Planning Board	Motion Withdrawn	

Agenda Item:	Prepared By: Daniel J. Smith, AICP, Director
Business: Land Development Code Amendment	Department: Growth Management

**Subject:**

LAND DEVELOPMENT CODE AMENDMENT - LDCA-18-005882 Proposed Land Development Code Amendment to Conditionally Allow for Cut-ins on certain lots.

### BACKGROUND:

Mr. Craig Woodward, on behalf of Mr. Judd and Ms. Cienkus, has submitted an application to change the Land Development Code to conditionally allow for cut-ins in seawalls for certain lots at the end of a canal. Below, we have copied a portion of the application (the entire application package is attached to this report) addressing the Comprehensive Plan and proposed language to be added.

**3) All Comprehensive Plan policies which may be affected:**

No Comprehensive Plan policies are affected. This change is similar in nature to Ordinance 17-02 which allowed for Nautical Garages, where the Planning Board found "...that the need and justification for this Ordinance is to permit improved boat docking opportunities for certain waterfront single-family residential dwellings." That Ordinance was found to be consistent with the Comprehensive Plan Objectives 1.7 & 1.8, and Policies 1.8.3.1, 1.8.3.2, 2.1.4, 2.2.1

**4) Proposed Language for LDC text changes:**

Section 30-10 Definitions

*Lot, Corner Waterfront* means a lot located on the water which is a corner lot located typically at the end of a canal, with one of its side lot lines partially abutting an adjacent lot and abutting a canal. A waterfront corner lot is distinguished from a shoulder lot in that it, unlike a shoulder lot, does not have a strip of land which is under water and which is used for the docking of a boat.

Section 30-84 Conditional Uses

(7) A seawall cut-in created in a waterfront corner lot meets the following requirements:

- a) The cut-in in the seawall does not extend into the side yard setbacks established for residential single-family waterfront homes pursuant to section 30-85(a) of this code.
- b) The cut-in extends no more than a twelve-foot (12') depth into the lot, which depth includes the construction of the cut-in's rear seawall.
- c) The cut-in complies with all federal and state requirements and permits, including, but not limited to the requirements and permits of the Florida Department of Environment Protection and the U.S. Army Corps of Engineers; provided that required federal and state permits need not be obtained prior to issuance of the conditional use but must be obtained before commencement of construction of the cut-in slip, as required by Florida law.
- d) The cut-in to comply with section 30-64 (3). Section 30-64(3) b. to also include navigable ingress and egress from adjacent waterway(s) and Section 30-64 (3) d. to include proximity to and location of the proposed cut-in to other docking facilities.

**FUNDING SOURCE / FISCAL IMPACT: N / A**

**RECOMMENDATION:**

Staff recommends the Planning Board deny LDCA 18-005882 based on the below findings:

1. The proposed amendment does not further the goals, objectives and policies of our Comprehensive Plan.
2. The proposed amendment does not support or further the goals of our existing codes, such as the Flood Plain, Land Development Code or protecting water quality.
3. There is no need or justification for the proposed amendment due to the lack of variances applied for seawall cut-ins.
4. There has been no comprehensive study on the potential impact to Marco Island as a whole, subject properties, adjacent properties to a seawall cut-in, flood plain designations, storm surge, wave actions, etc.
5. The proposed amendment is narrow in scope and will grant special privilege on just a few single-family lots not available to other single-family lots.
6. The proposed amendment will not benefit the whole of the community.

**POTENTIAL MOTION:** As deemed appropriate.