

MARCO ISLAND CITY COUNCIL RESOLUTION NO. 08- 23

A RESOLUTION APPROVING PETITION NUMBER BD-07-13 FOR A 10-FOOT BOAT DOCK EXTENSION FROM THE MAXIMUM PERMITTED 20-FOOT PROTRUSION INTO THE WATERWAY TO ALLOW FOR A 30-FOOT BOAT DOCKING FACILITY FOR MARINERS PALM HARBOR, LLC; ON PROPERTY LOCATED AT 908 PANAMA COURT; LEGALLY DESCRIBED AS MARCO BEACH UNIT 10, LOT 16, BLOCK 337, COLLIER COUNTY, FLORIDA AND THE CITY OF MARCO ISLAND.

WHEREAS, Chapter 54, Article IV, Marco Island Code of Ordinances, regulates the requirements for boat docking facilities on Marco Island; and

WHEREAS, Section 54-115 provides that property owners may petition the City Council for additional length or protrusion for boat docking facilities beyond the distances set forth in Chapter 54, Article IV, Marco Island Code of Ordinances; and

WHEREAS, pursuant to Section 54-115(e) Marco Island Code of Ordinances, the Marco Island Planning Board is responsible for reviewing and recommending to the Marco Island City Council approval, approval with conditions, or denial for requests for boat dock extensions; and

WHEREAS, Petition BD-07-13 is a request for a 10-foot boat dock extension from the maximum permitted 20-foot protrusion into the waterway to allow for a 30-foot boat docking facility for Mariners Palm Harbor, LLC as defined in Section 54-115(e), Marco Island Code of Ordinances; and

WHEREAS, Petitioner Mariners Palm Harbor, LLC is the owner of the following property that is the subject of the petition: 908 Panama Court, Marco Beach Unit 10, Lot 16, Block 337, Collier County, Florida and the City of Marco Island; and

WHEREAS, the Petitioner's agent is Craig R. Woodward, Esquire; and

WHEREAS, the Marco Island Planning Board, following an advertised public hearing, considered public input, the recommendation of the staff, and the standards and guidelines of Section 54-115, "boat dock extensions" of the Marco Island Code of Ordinances, and voted 3 to

2 to recommend that the Marco Island City Council approve petition BD-07-13 with conditions;
and

WHEREAS, the Marco Island City Council acting as the Board of Zoning Appeals held an advertised public hearing and has considered the 1) Petition BD-07-13, which requests a 10-foot boat dock extension from the maximum permitted 20-foot protrusion into the waterway to allow for a 30-foot boat docking facility for the Mariners Palm Harbor, LLC; 2) Planning Board recommendation regarding BD-07-13 of approval with conditions; and 3) public input from all interested parties given the opportunity to be heard by the City Council in the advertised public hearing;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MARCO ISLAND CITY COUNCIL acting as the Board of Zoning Appeals of the City of Marco Island, Florida that:

1) The foregoing whereas clauses are hereby adopted and incorporated by reference. Petition BD-07-13 is hereby approved as allowing a 10-foot boat dock extension from the maximum permitted 20-foot protrusion into the waterway to allow for a 30-foot boat docking facility for the Mariners Palm Harbor, LLC, as shown on Exhibits "A" and "B" subject to the following conditions:

1. All docks, or mooring pilings, whichever produces the greatest protrusion into the water, regardless of length, shall have reflectors and house numbers four (4) inches in size (minimum) installed at the outermost end on both sides.
2. Any outside lighting on the boat docking facility must comply with Chapter 6, Article V, Marco Island Code of Ordinances, which regulates the requirements of outdoor lighting.
3. The site plan attached to this resolution, also referred to as Exhibits "A" and "B" shall be binding upon the property upon approval of the resolution. Any deviation from the approved site plan shall require further consideration by the Planning Board after a properly noticed public hearing.
4. Prior to the issuance of a building permit for the approved boat dock facility, the property owner shall provide the Building Official of Marco Island with a copy of the recorded resolution for approval.
5. Compliance with all applicable State and Federal regulations including but not limited to permitting, subject to legal sign-off.
6. The petitioner shall not anchor, moor, or store vessels on-site until the new condominium receives a certificate of occupancy permit.
7. Vessel mooring shall be prohibited within the side yard setbacks.

8. The total protrusion of the boat docking facility including vessel mooring shall not extend greater than 30 feet into the Panama Waterway from the face of the existing seawall.
9. Slips shall not be leased, and shall be for the enjoyment of fee simple unit owners or their tenants of record.

BE IT FURTHER RESOLVED that this Resolution relating to Petition Number BD-07-13 be recorded in the minutes of this Board and filed with the City Clerk's Office.

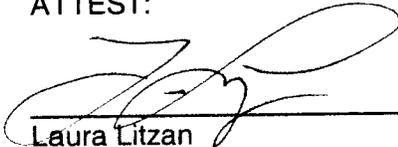
This resolution adopted after motion, second and majority vote.

Done this 19th day of May, 2008.

MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

By: 
William D. Trotter, Chairman

ATTEST:



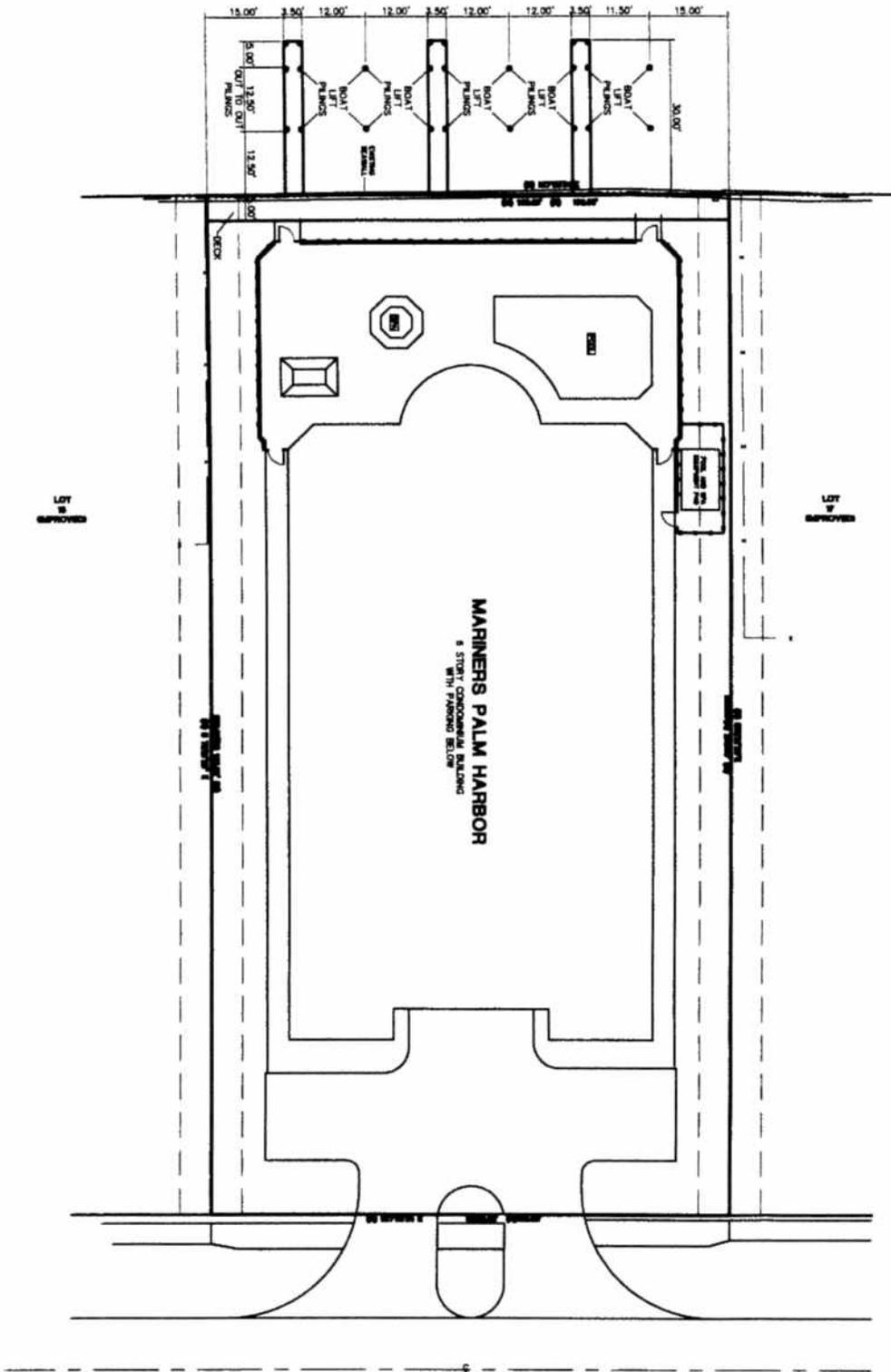
Laura Litzan
City Clerk

Approved as to form and legal sufficiency:



Alan L. Gabriel, Esq.
City Attorney

PANAMA WATERWAY



PANAMA COURT
(60' R/W)

MARINERS PALM HARBOR
8 STREET COMMERCIAL BUILDING
WITH PARKING BELOW

NOTE: THIS IS NOT A DOCK DESIGN OR CONSTRUCTION
DRAWING. FOR ZONING APPROVALS ONLY.

LEGAL

LOT	16
BLOCK	337
UNIT	10
908 PANAMA COURT	
MARCO BEACH	
COLLIER COUNTY, FL	

MARINERS PALM HARBOR
908 PANAMA COURT
MARCO ISLAND, FLORIDA 34146

AMERICAN ENGINEERING CONSULTANTS
OF MARCO ISLAND, INC.

DATE	1/4/08	BY	...
DATE	...	BY	...
DATE	...	BY	...

DOCK PLAN

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EXHIBIT "A"

