MARCO ISLAND CITY COUNCIL RESOLUTION NO. 07-27

A RESOLUTION APPROVING PETITION NUMBER BD-07-01 FOR A 15-FOOT EXTENSION FROM THE MAXIMUM PERMITTED 20 FOOT PROTRUSION INTO THE WATERWAY TO ALLOW FOR A 35-FOOT BOAT DOCKING FACILITY ON PROPERTY LEGALLY DESCRIBED AS MARCO BEACH UNIT 10, BLOCK 336, LOT 25 & BLOCK 337, LOT 1, 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 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 and Section 38-40, Marco Island Code of Ordinances, the Marco Island Planning Board is responsible for reviewing and granting approval for private boat dock extensions in single-family districts; and

WHEREAS, Petition BD-07-01 is a request for a multi-family boat dock extension as defined in Section 54-115(e), Marco Island Code of Ordinances; and

WHEREAS, Petitioner Breezy Point Condominium Association is the owner of the following property that is the subject of the petition: Marco Beach Unit 10, Block 336, Lot 25 and Block 337, Lot 1, Collier County, Florida and the City of Marco Island; and

WHEREAS, the Petitioner's agent is Craig R. Woodward, Esq., Woodward, Pires & Lombardo, P.A.; 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 5-2 to recommend that the Marco Island City Council approve the petition BD-07-01; and

WHEREAS, the Marco Island City Council is acting as the Board of Zoning Appeals; and

WHEREAS, the Marco Island City Council, has held an advertised public hearing and has considered the petition for a 15-foot extension from the maximum permitted 20 foot protrusion into the waterway which would allow 32 individual boat slips a 35-foot protrusion for a boat dock facility on property hereinafter described, and has found as a matter of fact that satisfactory provision and arrangement have been made concerning all applicable matters required by said regulations and in accordance with Section 54-115 of the Marco Island Code of Ordinances.

WHEREAS, all interested parties have been given the opportunity to be heard by the City Council in this public meeting assembled, and the Council having considered all matters presented;

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

Petition BD-07-01 filed by Craig R. Woodward, Esq., Woodward, Pires & Lombardo, P.A., as agent for Petitioner Breezy Point Condominium Association, property owner, with respect to the following real property:

> Marco Beach Unit 10, Block 336, Lot 25 and Block 337, Lot 1, Folio Number: 57863960000 & 57863920008, Collier County, and the City of Marco Island, Florida.

Be and the same is hereby approved for a 15-foot extension from the maximum permitted 20-foot protrusion into the waterway to allow for a 35-foot boat dock facility (as shown Exhibit "A") in the RMF-16 zoning district where in said property is located, 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. The petitioner is reminded that 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 Exhibit "A," 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. The existing boat docking structures are to be preserved as "Status Quo". Any alteration to the facility with the exception of decking replacement, or the addition

of dock lifts in existing slips, will require the submittal of a new boat dock extension petition application.

5. Prior to the issuance of a building permit for the approved boat dock facility, the property owner shall provide the City of Marco Island with a copy of the recorded resolution for approval.

BE IT FURTHER RESOLVED that this Resolution relating to Petition Number BD-07-01 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 23rd day of April, 2007.

MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

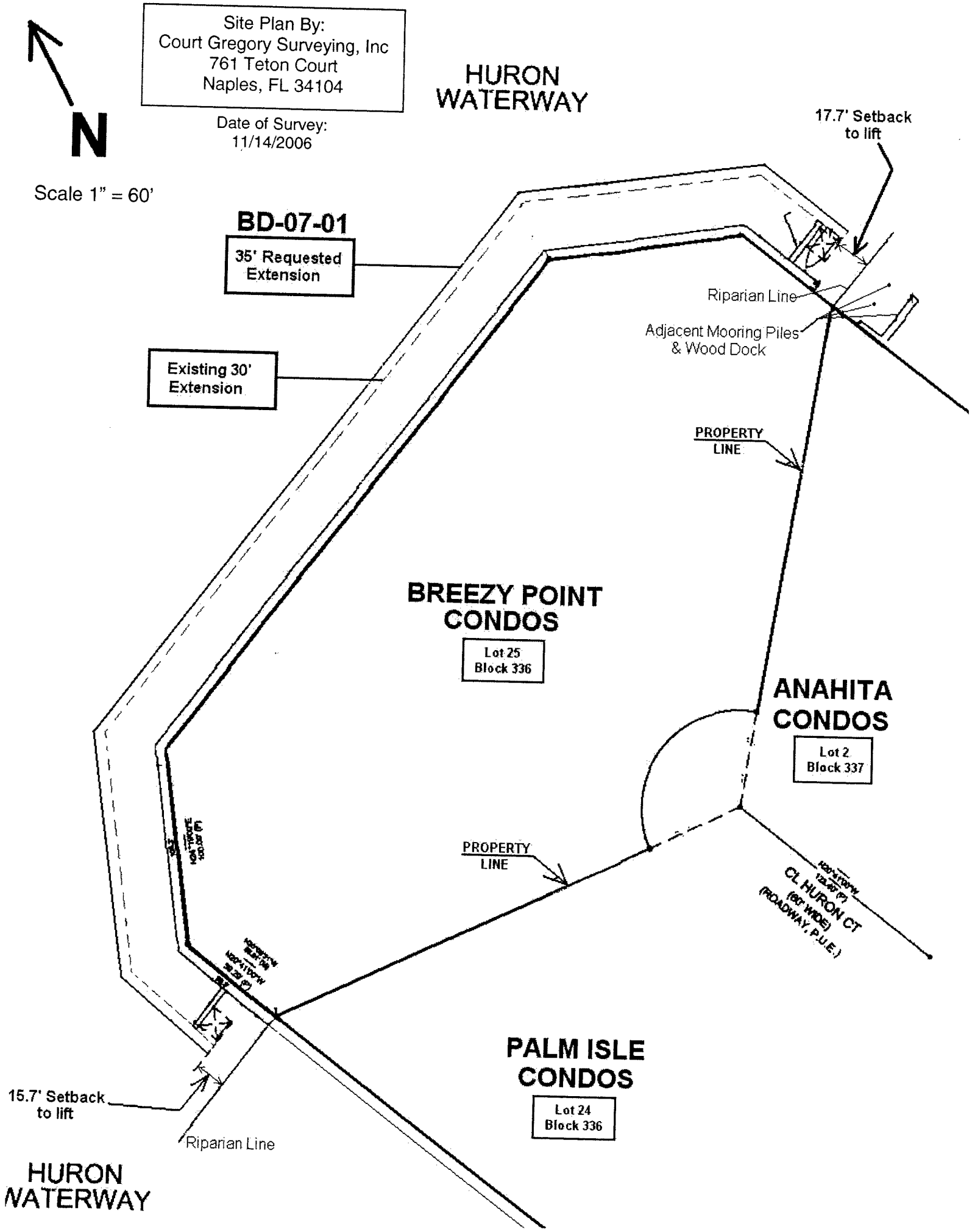
By:_____
Michael F. Minozzi, Jr., Chairman

ATTEST:

_____
Laura Litzan
City Clerk

Approved as to form and legality:

_____
Richard D. Yovanovich
City Attorney


Site Plan By:
Court Gregory Surveying, Inc
761 Teton Court
Naples, FL 34104
Date of Survey:
11/14/2006
N
Scale 1" = 60'
HURON WATERWAY
17.7' Setback to lift
BD-07-01
35' Requested Extension
Existing 30' Extension
Riparian Line
Adjacent Mooring Piles & Wood Dock
PROPERTY LINE
BREEZY POINT CONDOS
Lot 25
Block 336
ANAHITA CONDOS
Lot 2
Block 337
PROPERTY LINE
CL HURON CT
(60' WIDE)
(ROADWAY, P.U.E.)
PALM ISLE CONDOS
Lot 24
Block 336
15.7' Setback to lift
Riparian Line
HURON WATERWAY