

MARCO ISLAND PLANNING BOARD RESOLUTION NO. 98-18

RELATING TO PETITION NUMBER BD-98-6 FOR
AN EXTENSION OF A BOAT DOCK ON PROPERTY
HEREINAFTER DESCRIBED IN COLLIER
COUNTY, FLORIDA.

WHEREAS, the Legislature of the State of Florida established the Charter of the City of Marco Island in Chapter 97-367, Laws of Florida ("City Charter"); and

WHEREAS, the City Charter provides that there shall be a planning commission advisory to the City Council; and

WHEREAS, the City Council adopted Ordinance No. 98-1, establishing and creating the Marco Island Planning Board; and

WHEREAS, pursuant to Ordinance No. 98-1, the Marco Island Planning Board is responsible for reviewing and finally approving private boat dock extensions; and

WHEREAS, Petition BD-98-6 is a request for a private boat dock extension as defined in Ordinance No. 98- ; and

WHEREAS, the City Charter provides that the Collier County Land Development Code in effect on August 28, 1997 ("Regulations") shall remain in effect as the City of Marco Island's transitional land development regulations; and

WHEREAS, the City of Marco Island and Collier County have entered into an interlocal agreement by which Collier County staff is authorized to review and present Petition BD-98-6 to the Marco Island Planning Board; and

WHEREAS, the Marco Island Planning Board, being the duly constituted Planning Board for the area hereby affected, has held a public hearing after proper notice as provided in said Regulations was made, and has considered the advisability of a 20-foot wide after-the-fact boathouse facility in a RSF-3 MIZO zone for the 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 2.6.21. of the Collier County Land Development Code; and

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

NOW THEREFORE, BE IT RESOLVED BY the Marco Island Planning Board of the City of Marco Island, Florida, that:

The petition filed by Miles L. Scofield, representing E. Terry Skone, with respect to the property hereinafter described as:

Lot 16, Block 417, Marco Beach Unit 13, as recorded in Plat Book 6, Page 95, of the Public Records of Collier County, Florida.

be and the same is hereby approved for a 20-foot wide after-the-fact boathouse in the RSF-3 MIZO zoning district wherein said property is located, subject to the following conditions:

1. All docks, or mooring pilings, whichever protrudes the greater into the water, regardless of length shall have reflectors and house numbers four (4) inches minimum size installed at the outermost end on both sides.
2. In order to address the protection of manatees, one (1) "Manatee Alert" sign shall be permanently affixed to the pilings and shall be visible from the waterway.
3. Permits or letters of exemption from the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection shall be presented prior to issuance of a building permit.
4. The property owner shall obtain the proper building permits for the boathouse and shall obtain and pass the required inspections for the boathouse structure.
5. The boathouse structure shall comply with the required dimensional criteria and setback requirements for boathouse structures without the use of a variance.
6. The roofing material and color used on the boathouse shall be the same as the roofing materials and color used on the principal structure.

BE IT FURTHER RESOLVED that this Resolution relating to Petition Number BD-98-6 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 3rd day of April, 1998.

MARCO ISLAND PLANNING BOARD
MARCO ISLAND, FLORIDA

By: [Signature]
Richard Nelson, Chairman

[Signature]
Charles McCool
Interim City Manager

ATTEST:

[Signature]
Patricia L. Berry
Interim Assistant City Clerk

Approved as to Form and Legality:

[Signature]
Kenneth B. Cuyler
Interim City Attorney

BD-98-6 RESOLUTION

MEMORANDUM

TO: MARCO ISLAND PLANNING BOARD

FROM: COLLIER COUNTY COMMUNITY DEVELOPMENT SERVICES
DIVISION

DATE: MARCH 10, 1998

RE: BD-98-6, E. TERRY SKONE

AGENT/OWNER:

Agent: Miles L. Scofield
3584-B Exchange Avenue
Naples, FL 34104

Owner: E. Terry Skone
871 Eubanks Ct.
Marco Island, FL 34145

REQUESTED ACTION:

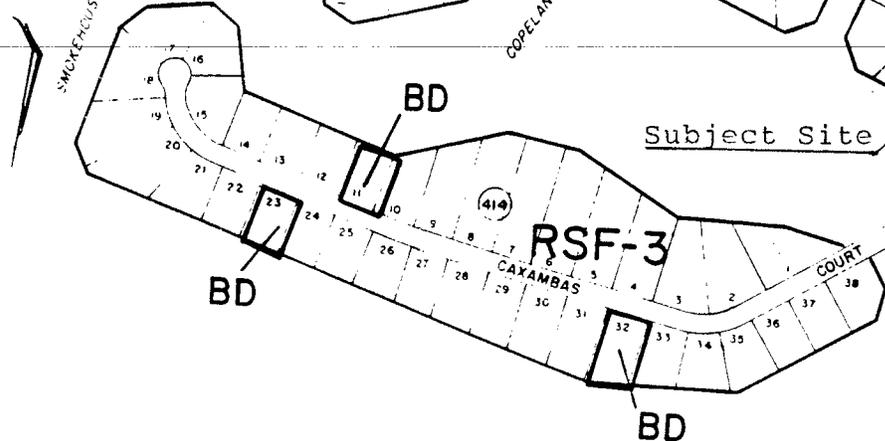
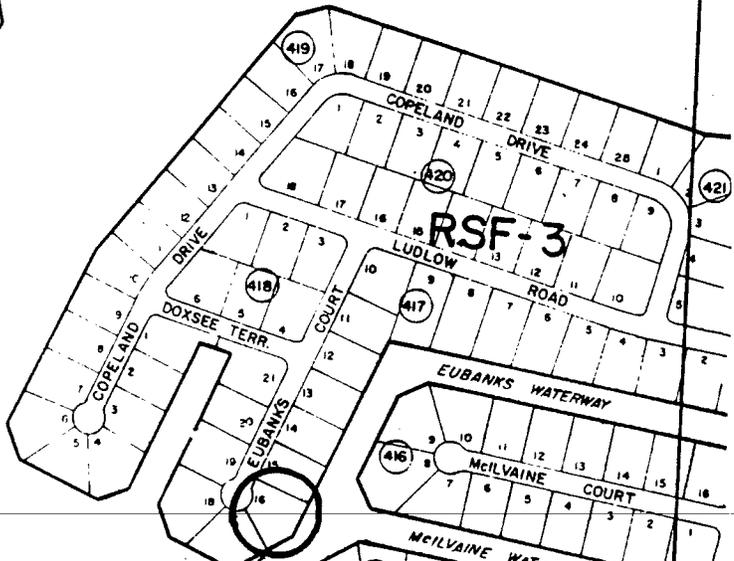
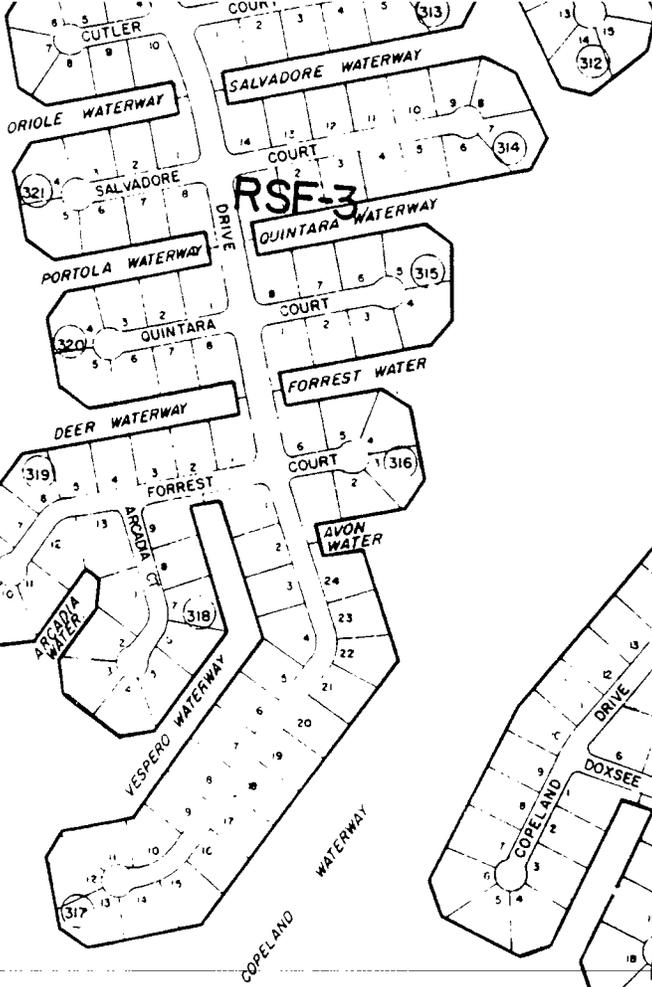
The petitioner wishes to obtain after-the-fact approval for a boathouse which was constructed over an existing dock and boat lift prior to the applicant obtaining the required approval for a boathouse/boatdock extension, and proper building permits. According to information supplied by the applicant, the boathouse and dock protrude 20 feet into a 100 foot wide canal. The total length of the structure is 53 feet. The site is located on the Eubanks Waterway within the City of Marco Island.

The Land Development Code (LDC) requires: Section 2.6.21.1. of the LDC requires approval by the Collier County Planning Commission prior to the establishment of a boathouse. No boathouse on canals or waterways 100 feet or greater in width shall protrude more than 20 feet into the waterway.

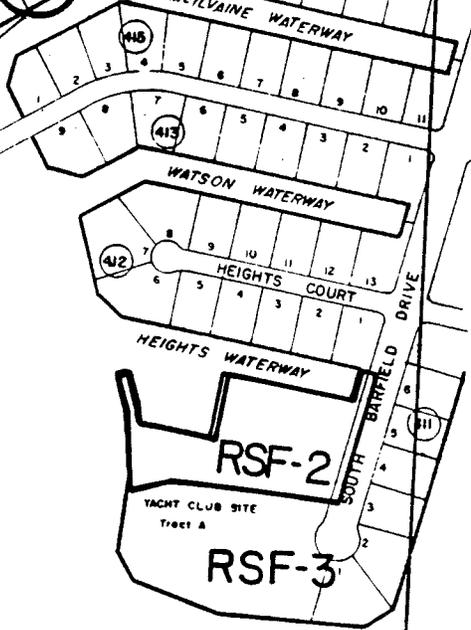
GEOGRAPHIC LOCATION:

The subject property is located at 871 Eubanks Ct. and is further described as Lot 16, Block 417, Marco Beach Unit 13, in Section 21, Township 52 South, Range 26 East (See location map following page).

ROBERTS BAY

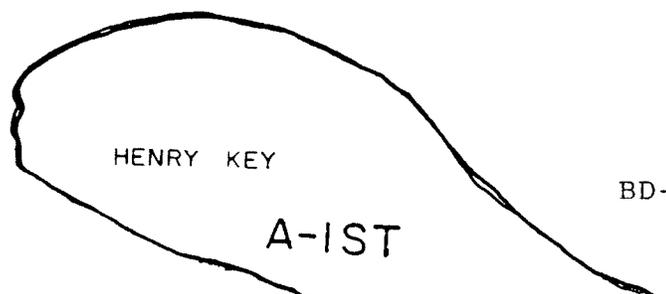


Subject Site



CAXAMBAS

PASS



BD-98-6

A-1ST

PURPOSE/DESCRIPTION OF PROJECT:

The subject site is a cul-de-sac lot and has approximately 76.0 feet of waterfrontage on the southern rear property line and approximately 118.0 feet of waterfrontage on the eastern rear property line, for a total of 194.0 feet of waterfrontage. The property owner constructed a roof structure over an existing permitted dock and lift late in 1997, prior to obtaining approval through the boatdock/boathouse petition process and without obtaining the proper building permits. The applicant is seeking an after-the-fact boatdock extension approval in order to permit the boathouse to remain as constructed.

SURROUNDING LAND USE AND ZONING:

North - Vacant lot; RSF-3-MIZO zoning district
South - Eubanks Waterway
East - Eubanks Waterway
West - Single family dwelling unit; RSF-3-MIZO zoning district

EVALUATION FOR ENVIRONMENTAL, TRANSPORTATION AND INFRASTRUCTURE:

The environmental staff of Planning Services has reviewed this petition and has no objection to the granting of the requested boathouse, subject to the stipulations incorporated in the attached resolution.

Staff Comments:

Staff has reviewed this petition in accordance with Section 2.6.21 of the Collier County Land Development Code and finds the following:

Whether or not the dock design and moored vessel protrude greater than 25 percent of the width of the navigable canal or greater than 20 feet for boathouses, and whether or not a minimum of 50 percent of the platted canal width between dock structures/moored vessel(s) on the opposite side of the canal be maintained in order to ensure reasonable waterway width for navigability.

The width of the waterway is 100 feet. According to information supplied by the applicant, the boathouse protrudes 20 feet into the waterway. This distance equates to 20 percent of the width of the navigable waterway. There is an existing boathouse on the opposite side of the canal, which also protrudes 20 feet into the waterway. Therefore, the portion of the canal located between these two boathouses is limited to 60 feet of navigable waterway. Nevertheless, at least 50 percent of the platted waterway width between dock structures/moored vessel(s) on the opposite side of the waterway is being maintained, ensuring reasonable waterway width for navigability.

Whether or not there are special conditions related to the subject property or waterway which justify the proposed dimension and location of the subject dock.

The dock and boathouse already exist. Although the petitioner failed to obtain the proper approval and building permits for the boathouse structure, the structures appear to be constructed consistent with the dimensional requirements of the Land Development Code for boat docks on canals which are 100 feet or greater in width. The applicant did not provide information with regard to special conditions related to the subject property or waterway which justify the proposed dimensions and location of the subject boathouse. Staff assumes the boathouse is necessitated by a need the property owner has to protect his boat from adverse weather conditions.

Whether or not the proposed dock is of minimal dimensions necessary in order to adequately secure the moored vessel while providing reasonable access to the boat for routine maintenance, without the use of excessive deck area.

The dock structure presently exists. According to County records, the applicant obtained the proper building permits to extend the length of the dock and add pilings to the dock, which was already in existence when he purchased the property. According to the survey submitted by the applicant, the dock, lift and boathouse appear to be constructed consistent with the dimensional requirements of the Land Development Code for boat docks on canals which are 100 feet or greater in width.

Whether or not the proposed structure is of minimal dimensions to minimize the impact of the view of the waterway by surrounding property owners.

Boat mooring structures (docks, davits, boathouses, etc.) are common in neighborhoods that are located on the water in this neighborhood. The property most likely to be affected by this request is Lot 415, Block 2. This property is south of the subject site, across the canal. The views from this property are directed northeast, towards the subject property. However, there is an existing 20 foot wide by 44 foot long boathouse structure constructed on this site, almost directly across from the subject structure. The existing boathouse on this property essentially impacts the view of that portion of the waterway from this property. The property to the west (Block 417, Lot 17), will not be affected by this request. Although this property has frontage on the canal and the open waterway, the views from the property and the structure on this property are oriented towards the southwest across Copeland Waterway/Roberts Bay. The property adjacent to the subject site to the east (Block 417, Lot 15) is presently undeveloped. Views from this property, if it was developed, would more than likely be oriented towards the southeast, down the McIlvaine Waterway.

Whether or not the moored vessel is in excess of fifty (50) percent of the length of the waterfrontage such that the addition of a dock structure will increase the impact on or negatively impact the view of the waterway by surrounding property owners.

The subject site is a cul-de-sac lot and has 194 feet of waterfrontage. Information supplied by the applicant, indicates the boathouse consists of a roofed structure placed on pilings, over a boatlift, approximately 53 feet in length, or approximately 27 percent of the length of the waterfrontage. It is open on all four (4) sides. Although the property owner did not state the length of the vessel to be moored, assuming the vessel is not longer than the boatlift which supports it, the moored vessel and boathouse structure are less than fifty (50) percent of the length of the waterfrontage.

Whether or not the proposed location and design of the dock/vessel combination is such that it may infringe upon the use of neighboring properties, including any existing dock structures.

The location and design of the boathouse will not infringe upon the use of the neighboring property to the west. This property has frontage on both the canal and the waterway. Access by boat to this property is provided via a lift structure which is adjacent to the Roberts Bay/Copeland Waterway to the west, and not from the canal to the south. The recent boathouse addition should not impede the navigability of the waterway to any greater extent due to the waterway's width. Under the current Code, the boatdock and lift are permitted by right to extend a maximum of twenty (20) feet into a 100 foot wide canal. The addition of the boathouse structure will not increase the protrusion of the dock structure beyond what is already legally allowed by right.

Regarding existing benthic organisms in the vicinity of the proposed extension:

(a) Whether or not seagrasses are located within 200 feet of the proposed dock.

Seagrass beds are not located within 200 feet of the proposed dock.

(b) Whether or not the proposed dock is subject to the manatee protection requirements of this code (Sec. 2.6.22).

The dock is not subject to the manatee protection requirements of the Code as described in Section 2.6.22, however, the applicant will be required to post at least one (1) "Manatee Area" sign during construction.

Add Requirements re Boathouse Dimensional Criteria

In addition to the above, the following criteria shall apply to Boathouses. Please indicate whether or not the following listed criteria have been met:

<u>Criteria</u>	<u>Standard</u>	<u>Yes/No</u>
Minimum side setback requirement	15 feet	Yes
Maximum protrusion into waterway	25 percent of canal width or 20 feet, whichever is less.	Yes
Maximum height	15 feet as measured from top of seawall or bank, whichever is more restrictive.	Yes

<u>Criteria</u>	<u>Standard</u>	<u>Yes/No</u>
Max. number of boathouses per site	One (1)	Yes
All boathouse structures shall be completely open on all four (4) sides		Yes

Roofing material and roof color shall be the same as materials and colors used on the principal structure or may be of palm frond “chickee” style

No -

Note: At the time of staff’s site visit, the structure was roofed, however, the roofing material at that time consisted of roofing paper.

Staff Recommendation:

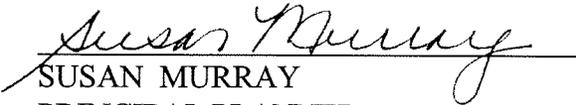
Based on the aforementioned findings, staff recommends the Marco Island Planning Board approve Petition BD-98-6, subject to the following stipulations which can also be found in the attached resolution of adoption.

1. The applicant shall obtain the proper building permits for the boathouse and shall obtain and pass the required inspections for the boathouse structure.
2. The boathouse structure shall comply with the required dimensional criteria and setback requirements for boathouse structures, without the use of a variance.

3. The roofing material and color used on the boathouse shall be the same as the roofing materials and color used on the principal structure.

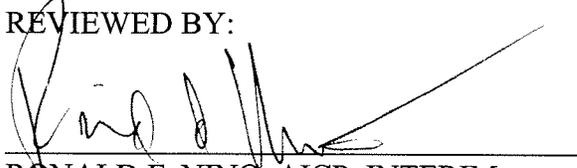
Note: Because the applicant failed to obtain the proper building permits, he will be required to pay additional fees for building permits obtained after-the-fact.

PREPARED BY:


SUSAN MURRAY
PRINCIPAL PLANNER

3-11-98
DATE

REVIEWED BY:


RONALD F. NINO, AICP, INTERIM
MANAGER CURRENT PLANNING SECTION

3-12-98
DATE


ROBERT J. MULHERE, AICP, DIRECTOR
PLANNING SERVICES DEPARTMENT

3-12-98
DATE


VINCENT A. CAURO, AICP, ADMINISTRATOR
COMMUNITY DEVELOPMENT & ENVIRONMENTAL SERVICES

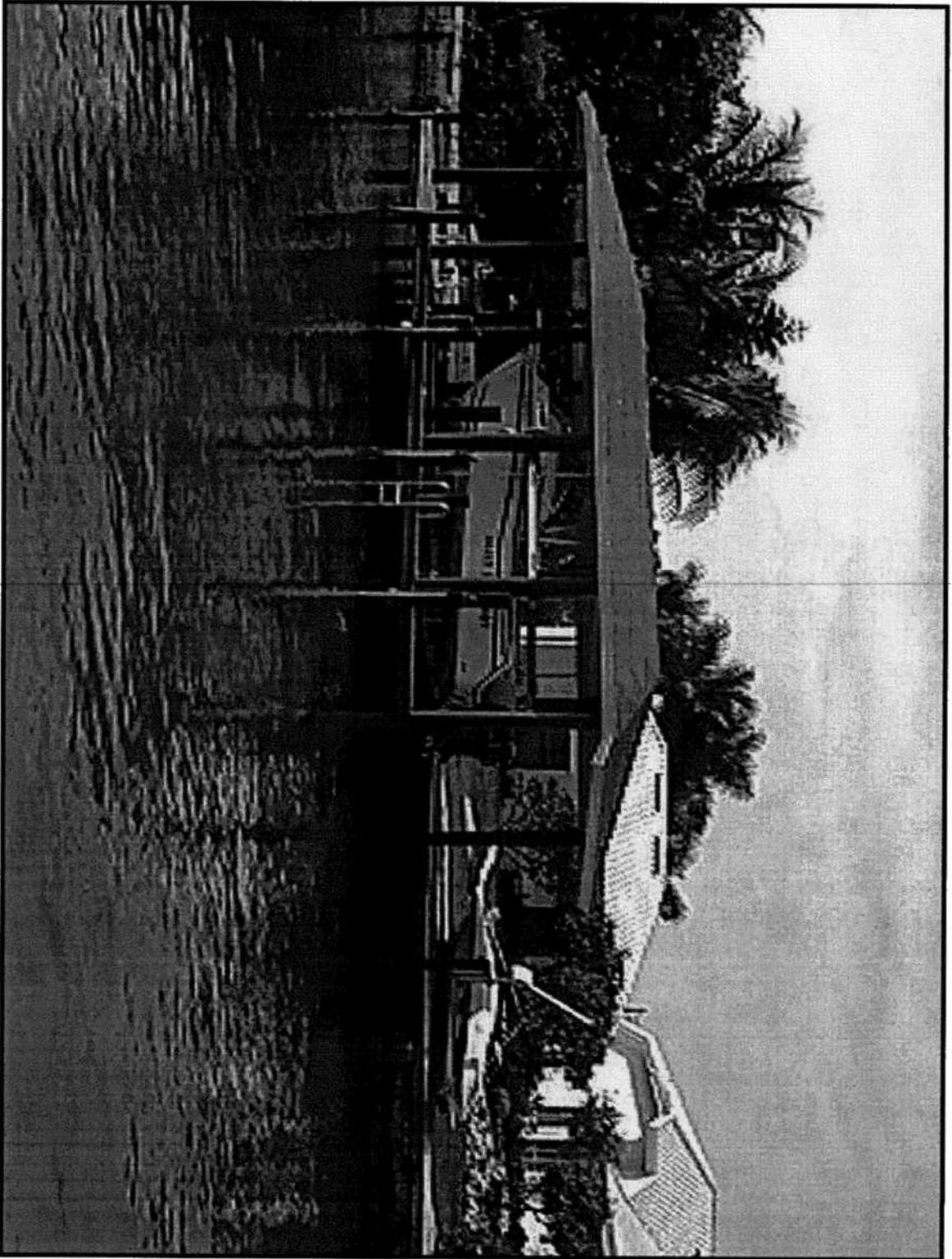
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NOTE:

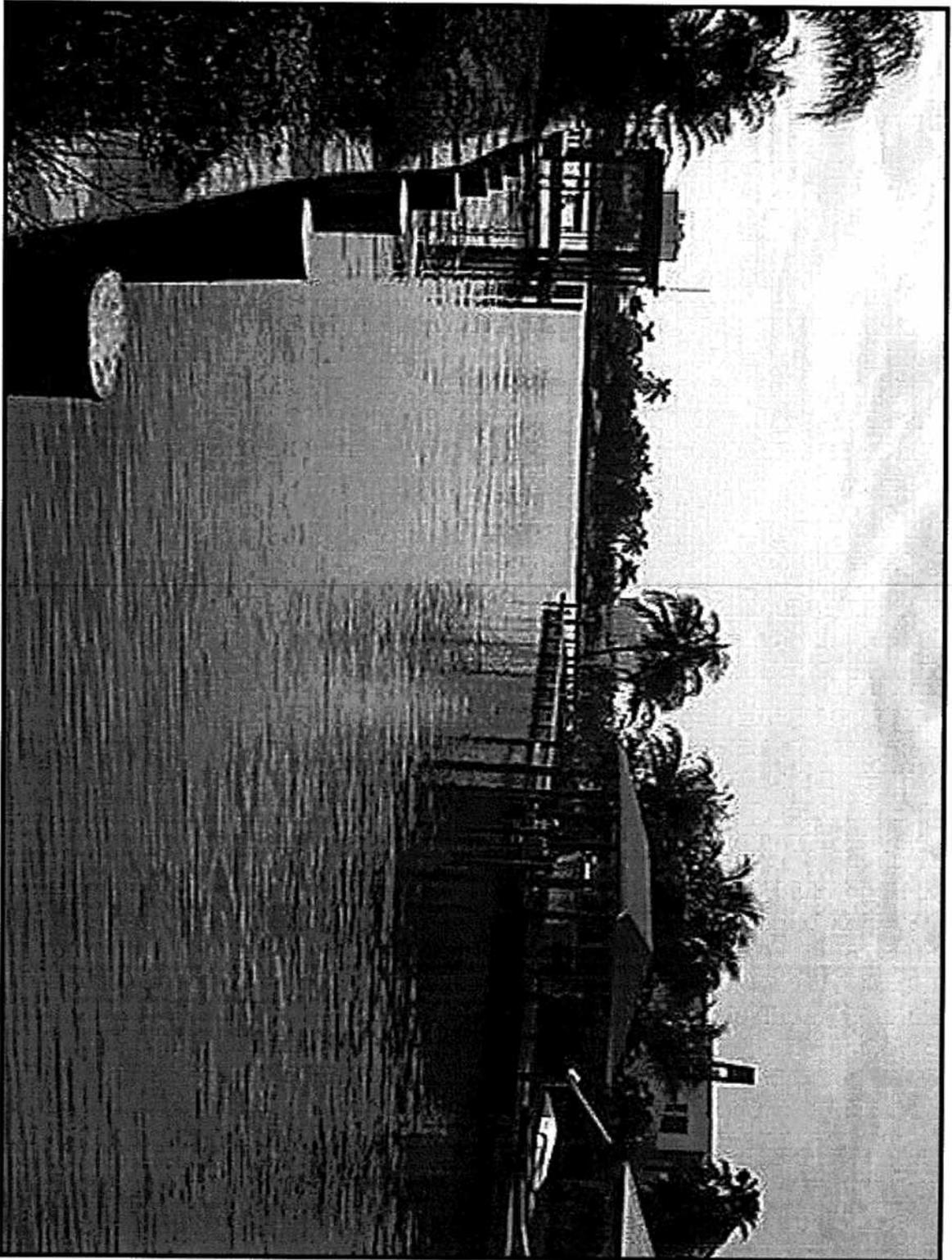
Tentatively Scheduled for the January 9, 1998 Marco Island Planning Board
MARCO ISLAND PLANNING BOARD


RICHARD NELSON, CHAIRPERSON

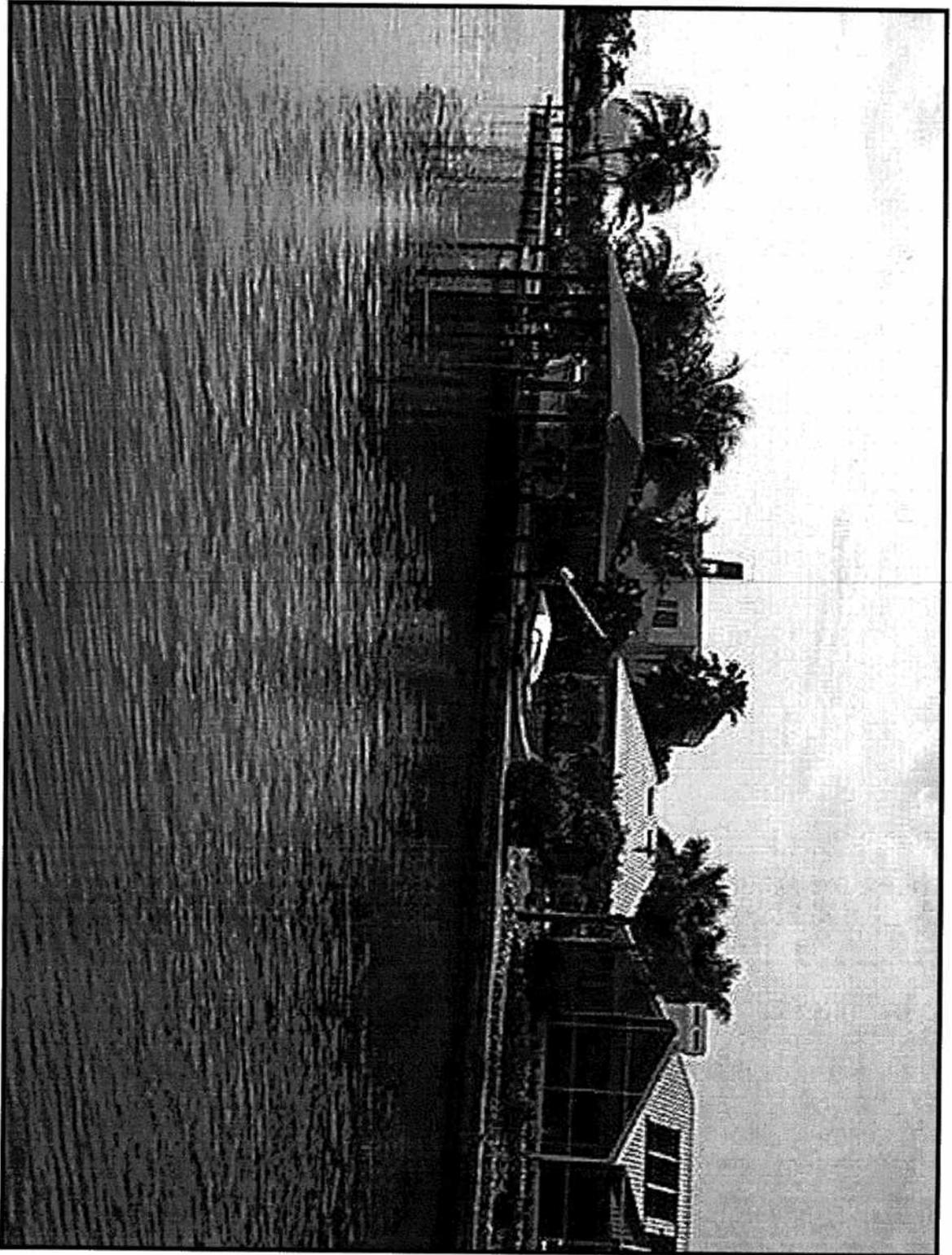
April 3, 1998



View looking towards the North from across the Canal



View looking down canal to the West.



View looking towards the Northwest