

RESOLUTION NO. 11-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, AS THE BOARD OF ZONING APPEALS, APPROVING PETITION NUMBER BD 10-04 FOR A 6 FOOT DOCK EXTENSION FROM THE MAXIMUM PERMITTED 30 FOOT PROTRUSION INTO THE WATERWAY TO ALLOW FOR A 36 FOOT BOAT DOCKING FACILITY ON THE PROPERTY LOCATED AT 845 COLLIER COURT, FURTHER DESCRIBED AS MARCO BEACH UNIT 10, BLOCK 338, LOTS 29-30, COLLIER COUNTY, FLORIDA AND THE CITY OF MARCO ISLAND; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Section 54-115 of the Marco Island Code of Ordinances 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 review and recommending to the Marco island City Council approval, approval with conditions, or denial of requests for boat dock extensions to multi-slip boat docking facilities; and

WHEREAS, Petition BD 10-04 is a request for an extension of a boat dock facility as defined in Section 54-115(e), Marco island Code of Ordinances; and

WHEREAS, Petitioner, the Tropical Isle Condominium, Inc., is the owner of the waterfront residential property that is subject of the petition; located at 845 Collier Court, Marco Beach 10, Block 338, Lots 29-30, City of Marco Island; and

WHEREAS, the Petitioner's agent is Rocky Scofield of Turrell, Hall & Associates Inc.; and

WHEREAS, the Marco Island Planning Board during 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 unanimously to recommend that the Marco Island City Council approve the Petition BD 10-04 with conditions; and

WHEREAS, the Marco Island City Council, acting as the Board of Zoning Appeals, held an advertised public hearing and considered 1) Petition BD 10-04, which requests a 6 foot boat dock extension from the maximum permitted 30 foot protrusion into the waterway to allow for a 36 foot boat docking facility on the property; 2) The Marco Island Planning Board's recommendation regarding BD 10-04 of approval with

conditions; and 3) Public input from all interested parties recognized and given the opportunity to be heard by the City Council during the advertised public hearing.

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

Section 1. The foregoing "Whereas" clauses are hereby adopted and incorporated by reference.

Section 2. Petition BD 10-04 is hereby approved to allow a 6 foot extension from the maximum permitted 30 foot protrusion into the waterway to allow for a 36 foot boat docking facility for the Tropical Isle Condominium, Inc., as shown in Exhibits A-E subject to the following conditions.

- (1) All docks, or mooring pilings, whichever produces the greater protrusion into the water, regardless of length, shall have reflectors and unit 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 plans and property included in the design plans attached to this resolution, also referred to as Exhibits A-E shall be binding upon the property upon approval of the resolution. Any deviation from the approved site plans 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.
- (6) The Fire Department requires fire fighting equipment along the waterfront consisting of a dry standpipe system that is charged from the fire hydrants and fire extinguishers installed every 150 feet.
- (7) Pedestrian level lighting shall be provided along the entire length of the proposed boardwalk.
- (8) The slips shall only be leased to residents and/or tenants of Tropical Isle unit owners, and shall not be leased to commercial vessels or commercial vessels for hire, including but not limited to charter boat captains, and the like.
- (9) Only one vessel shall be permitted per slip, and tandem parking shall not be permitted.
- (10) Development shall be subject to all conditions and regulations provided from the Florida Fish and Wildlife Conservation Commission dated March 13, 2007.

- (11) Development shall be subject to all conditions and regulations provided by the Department of the Army (Corps of Engineers) stamped July 20, 2007.
- (12) Personal watercraft mooring (jet skis are called "Personal Watercraft" under code) are prohibited on site.

Section 3. BE IT FURTHER RESOLVED that this Resolution relating to Petition Number BD 10-04 shall be recorded in the minutes of this Board and filed with the City Clerk's office.

Section 4. Effective Date. That this Resolution shall be effective upon the date of adoption of this Resolution by the City Council.

Done this 4th day of April, 2011.



Laura Litzan, City Clerk



Gerard M. Gibson, Chairman

Approved as to form and legality:



Alan L. Gabriel, Esquire
City Attorney

