



PLANNING BOARD AGENDA REGULAR MEETING

TUESDAY

April 23, 2024 – 10:00 AM

COUNCIL CHAMBERS

4300 S. ATLANTIC AVE., PONCE INLET, FL

SUNSHINE LAW NOTICE FOR BOARD MEMBERS – Notice is hereby provided that one or more members of the Town Council or other Town Boards may attend and speak at this meeting.

A complete copy of the materials for this agenda is available at Town Hall.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE.
2. ROLL CALL AND DETERMINATION OF QUORUM.
3. ADOPTION OF AGENDA.
4. APPROVAL OF MEETING MINUTES:
 - A. March 26, 2024
5. REPORT OF STAFF:
 - A. Planning Division Reports
 - B. Other Updates and/or Reports – Mr. Lear, Planning & Development Director
6. CORRESPONDENCE & DISCLOSURE OF EX-PARTE COMMUNICATION – None.
7. HEARING OF CASES (Public hearings & Quasi-Judicial matters): A Quasi-Judicial decision entails the application of already-established criteria and general public rule or policy to a limited number of specific individuals, interests, properties, or activities. Certain standards of basic fairness must be adhered to in order to afford due process. The parties must receive notice of all hearings and be able to present evidence, cross-examine witnesses, and be informed of all the facts upon which a Quasi-Judicial board acts. It shall be the responsibility of the APPLICANT to ensure that the proposal meets all the criteria and standards established in the Land Use and Development Code for the development sought. Procedure for Public Hearings:
 1. Reading of the Item for the Record;
 2. Staff Testimony, including noticing information;
 3. Board Discussion;
 4. Public Discussion, including statement of Applicant(s);
 5. Boardmembers individually complete Quasi-Judicial worksheets (if applicable);
 6. Motion and Second by the Board; followed by Board discussion, and
 7. Roll-call Vote.
8. BUSINESS ITEMS.
 - A. Ordinance 2024-XX (proposed), Dock , Boathouses, Boat Slips, and Piers.
9. PUBLIC PARTICIPATION.
10. BOARD DISCUSSION.

11. ADJOURNMENT.

*If a person decides to appeal any decision made by the Planning Board with respect to any matter considered at a meeting or hearing, he/she will need a record of the proceedings and that for such purpose, may need to ensure that a verbatim record of the proceedings is made (at their own expense), which includes testimony and evidence upon which the appeal is to be based. Persons who require an accommodation to attend this meeting should contact the Ponce Inlet Town Hall at 236-2150 **at least 48 hours prior to the meeting**, in order to request such assistance.*



Meeting Date: April 23, 2024

Agenda Item: 4

Report to Planning Board

Topic: Approval of Meeting Minutes

Summary:

Staff has prepared the attached set of Planning Board meeting minutes and submits for the Board's review and approval.

March 26, 2024

Requested by:

Ms. Stewart, Assistant Deputy Clerk

Reviewed by:

Mr. Lear, Planning & Development Director

Approved by:

Mr. Disher, Town Manager



Town of Ponce Inlet

Planning Board

Regular Meeting Minutes

March 26, 2024

1 **1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE:** Pursuant to proper notice,
2 Vice Chair Carney called the meeting to order at 5:30 p.m. in the Council Chambers, 4300 S.
3 Atlantic Avenue, Ponce Inlet, FL, and led attendees in the Pledge of Allegiance.

4
5 Vice Chair Carney noted that Chair Kaszuba is absent, and Mr. Revak will be the voting member.
6 He explained that Chair Kaszuba made a motion to delay this meeting until next month; he asked
7 for a second to the motion. *The motion died for lack of a second.*

8
9 **2. ROLL CALL AND DETERMINATION OF QUORUM:**

10
11 Board members present:

12 Mr. Oebbecke, Seat #1
13 Mr. Kaszuba, Seat #2; Chair - Absent
14 Mr. Burge, Seat #3
15 Mr. Cannon, Seat #4
16 Mr. Carney, Seat #5; Vice Chair
17 Mr. Revak, Alternate #1
18 Mr. Young, Alternate #2

19
20 Staff present:

21 Mr. Disher, Town Manager
22 Ms. Hugler, Fire Department Office Manager/PIO
23 Attorney Knight, Town Attorney
24 Mr. Lear, Planning & Development Director
25 Ms. Rippey, Principal Planner
26 Chief Scales, Public Safety Director
27 Ms. Stewart, Assistant Deputy Clerk

28
29 **3. ADOPTION OF AGENDA:** - Mr. Cannon moved to adopt the agenda as presented;
30 seconded by Mr. Burge. The motion PASSED by consensus, 5-0.

31
32 **4. APPROVAL OF MINUTES:**

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34 **A. February 27, 2024** - Mr. Cannon moved to approve the February 27, 2024,
35 meeting minutes as presented; seconded by Mr. Oebbecke. The motion PASSED by consensus, 5-
36 0.

37
38 **5. REPORT OF STAFF:**

39 **A. Planning Division Reports** – Mr. Lear announced a nomination for a Historic Tree
40 designation in Ponce Preserve will be presented to the Cultural Services Board on April 1, 2024,
41 for review and a recommendation of approval.

42 **B. Other Reports & Updates** – There were no other updates.

43
44 **6. CORRESPONDENCE/DISCLOSURE OF EX-PARTE COMMUNICATION:** None.

45
46 **7. HEARING OF CASES:**

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48 **A.** Application/Type: #FDP 39-2023; Sailfish Marina (*Continued from the February*
49 *27, 2024, meeting*)
50 Address: 4912 Sailfish Drive
51 Review of Final Site Plan – Ms. Rippey
52

53 Ms. Rippey provided a [PowerPoint presentation](#), and explained that the Planning Board
54 had requested additional information regarding this project to ensure that the applicant and staff
55 considered every alternative for reducing traffic impacts to Sailfish Drive and surrounding roads;
56 she provided a synopsis of the project and the Final Development Plan process. Mr. Mark Karet
57 from Zev Cohen & Associates and representative of Blue Water Realty Advisors, property owners,
58 was in attendance. Ms. Rippey reviewed four alternatives for the developer to consider: a security
59 gate at the entrance to the proposed marina parking lot at Sailfish Drive; a driveway from Front
60 Street to the planned parking lot; extend Front Street south from its present terminus through the
61 MF-2 property up to and/or into the B-2 property; and/or accommodate a portion of the required
62 marina parking on the existing parking lots on Front Street. She provided an overview of the site
63 plan layout depicting Alternative 1, the security gate and other alternatives mentioned. Comments
64 were received at last month’s meeting regarding traffic calming; staff reviewed the suggestions
65 provided and found that “*Parking for Residents Only*” signs are not permitted as these roads are
66 publicly dedicated rights-of-way. However, Staff is researching residential parking permit
67 programs used by other cities. A parking lot serving the marina on the MF-2 property is not
68 permitted by zoning; and traffic calming devices are not allowed on public streets by code. Ms.
69 Rippey provided an overview of the B-2 Riverfront Commercial Zoning and Future Land Use, and
70 the Riverfront Overlay District (ROD). She reviewed the permitted uses and structures, noting that
71 development in the ROD requires a Riverfront Development Permit (RDP) that complies with the
72 ROD criteria, which she also reviewed. She gave an overview of the Final Development Plan
73 review criteria that also must be complied with. Staff recommends approval of the proposed
74 Sailfish Marina FDP, subject to five (5) conditions; the first three conditions were provided at last
75 month’s meeting. Conditions four and five were added after the February 27, 2024, Planning Board
76 meeting and include the developer to provide a security gate at the entrance to the proposed marina
77 at Sailfish Drive that only boat owners will have access to; and that any additional future uses
78 outside the parameters of this FDP application shall be reviewed through the same development
79 review process pursuant to the LUDC. Vice-Chair Carney commented that Mr. Karet had stated
80 the applicant wanted access through Front Street but that was not an option; he asked why it is
81 now an option. Mr. Lear explained the alternatives were discussed with the applicant; however, at
82 this time, they only agreed to install a gate at the southern end of the property. Discussion ensued
83 regarding the potential for increased traffic along Sailfish Drive and/or Ocean Way Drive; it was
84 asked if Sailfish Drive could be made a one-way road from Beach Street to Peninsula Drive. Ms.
85 Rippey explained that would have to be researched and may require a traffic study. Vice-Chair
86 Carney asked if a sixth condition could be added that restricts fishing to recreational use only. Mr.
87 Lear explained there would be concern with that condition about infringing on property rights. Mr.
88 Revak asked if the access road for equipment during construction will be Ocean Way Drive. Ms.
89 Rippey explained yes, and with a construction trackpad over Sailfish Drive.

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Mr. Karet stated he is present tonight with Mr. Alex Grimaldi, who is representing the ownership of the property, and Ms. Katy Deering, with Lassiter Transportation Group. He reminded the Board that this plan is consistent with the Town’s comprehensive plan, it meets all the Riverfront Overlay District criteria and the final development plan criteria, and they are requesting the Board’s approval. Mr. Oebbecke asked if they would be willing to post a right-turn only sign out of the marina parking lot. Mr. Karet replied no, as it is not a requirement of the code. Mr. Burge asked what is preventing them from extending Front Street. Mr. Karet explained the shell mound is in the way which would add a significant additional expense, significant permitting activity, and would likely require a Phase III excavation of at least a portion of the mound. What they originally proposed and wanted to do was to place this parking lot on the northern (MF-2) parcel of the properties owned by the developer; however, after much discussion with staff and the town’s attorney, it was determined the parking lot was not allowed to be placed there as it was not properly zoned. He added that this project has been discussed extensively with staff and they have state agency permits in hand with less than a year left on them because of the local process. They would prefer to be under construction prior to requesting an extension of those state agency permits. Mr. Revak asked how long the construction will take once the ground is broken. Mr. Karet replied approximately 18 months.

Vice-Chair Carney opened public comment. Mr. Ryan Splail, 4915 Sailfish Drive, stated the design of Sailfish Drive cannot handle the traffic, as it is a one-way road. The logical thing to do would be route traffic down Beach Drive. He noted there is already a pedestrian walkway there that is unused. Mr. Craig Sandman, 37 Ocean Way Drive, stated he understands the perspective of the property owners; however, they should also understand the perspective of the residents on Ocean Way Drive. He referred to Lighthouse Point Park and noted that the Volusia County Council will be voting soon on whether to re-open the South Peninsula Drive gate which will add more traffic. He stated there were over 400 vehicles last Sunday from South Atlantic Avenue through 1:30 pm. The traffic builds up, and they all turn right onto Ocean Way Drive. He commented he spoke with the police chief recently and was told over 1.6 million vehicles came into Ponce Inlet last year, which is approximately 4,380 vehicles per day, not counting Bike Week, which brought in over 80,000 vehicles during a seven-day period. He noted that the Town’s parking ordinance does allow for the Town to stop people parking on the street and that today “No Parking” signs were being installed along Ocean Way Drive. Mr. Sandman asked where people would park to access the pedestrian walkway. Ms. Stacy Perkins, 4915 Sailfish Drive, noted there is already a surplus parking lot with 57 dirt spaces and an existing driveway from Front Street, and asked why that could not be used. Mr. Lear explained staff cannot make the owners install parking there as it is a separate parcel. Mr. Mark Ehmann, 101 Ocean Way Drive, stated that last month, it was not possible to come in through Front Street and now it is; the residents would prefer that, and it would show good will towards their neighbors. He feels like they are saying “no” to everything the residents have suggested and asked that the alternative of Front Street be respectfully considered. Mr. Gary Comfort, Jr., 85 Ocean Way Drive, commented he emailed questions and comments to Ms. Rippey that he received responses to earlier today; he disagrees with staff in that the zoning requirements have been met because part of the ROD has restrictions to limit impacts to Sailfish Drive and includes a 15-foot buffer. He said this district was created specifically for these properties to limit access; there is no direct access in the comprehensive plan. He referred to the traffic study conducted and noted the property is not zoned only for a marina, but a variety of other things. He also noted the traffic study does not address anything else and the traffic has not been accounted for. He added that as well as possible accidents, this project will destroy part of that

138 historic road. Ms. Tamara Tobian, 108 Ocean Way Drive, commented that not one person that
139 lives along Sailfish or Ocean Way Drives thinks this is a good idea; it ruins the beauty of the area.
140 She noted it is the Board's job to support the citizens of Ponce Inlet.

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142 Mr. Karet noted that residents are upset; he reiterated that the initial application to the town
143 placed the parking lot at the northern end of the property (MF-2 parcel) which, as explained, the
144 LUDC does not allow for. They have done everything staff directed them to do, met the
145 requirements of the code, and believe this should be approved. A buffer along Sailfish Drive will
146 be provided as well as landscaping; they are trying to avoid impacting the historic shell mound
147 and/or trees. The character and nature of this site dictates the nature of the improvements. He
148 explained that the code works off regulations for traffic impact studies established in this region
149 by the TPO. He noted the traffic study conducted was done at the request and insistence of staff;
150 the numbers are far below any threshold that would ordinarily require a traffic study. This is for a
151 site development plan which is administrative; if it meets the requirements of the land development
152 code, then the Board must approve it. Mr. Cannon commented that the traffic study suggested 94%
153 of traffic will come down Sailfish Drive and most drivers will only want to do that once; he asked
154 to hear from the traffic engineer, as he believes the danger to Sailfish Drive is less than what is
155 perceived. Ms. Deering explained they looked at different routes and concluded that the capacity
156 does not matter so much here because there are different routes, and the trip volume is low. For
157 this purpose, they looked at the worst-case scenario. Discussion continued regarding the site plan,
158 traffic, parking, etc. Vice-Chair Carney asked if there was a way to get traffic to flow down Front
159 Street. Mr. Karet explained a connection was once shown between the restaurant and Front Street
160 down to the boardwalk area and marina; that had to come out of the plans because the pedestrians
161 would not be allowed to traverse the MF-2 property. He explained the parking which is there now
162 is a legal non-conforming use; it can continue but cannot be expanded.

163
164 Mr. Cannon moved #FDP 39-2023, Sailfish Marina at 4912 Sailfish Drive be forwarded to the
165 Town Council with a recommendation of APPROVAL, including the five conditions presented by
166 staff; seconded by Mr. Oebbecke. The motion PASSED 3-2 with the following vote: Mr. Cannon –
167 yes; Mr. Oebbecke – yes; Mr. Burge – no; Mr. Carney – yes; Mr. Revak - no.

- 168
169 **8. BUSINESS ITEMS/PUBLIC HEARINGS:** *None.*
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171 **9. PUBLIC PARTICIPATION:** Vice Chair Carney opened public participation – hearing
172 none, he closed public participation.
173
174 **10. BOARD DISCUSSION:** *None.*
175
176 **11. ADJOURNMENT:** The meeting was adjourned at 7:00 p.m.

177
178 Prepared and submitted by,

179
180 *Draft*
181 Debbie Stewart
182 Assistant Deputy Clerk
183



Meeting Date: April 23, 2024

Agenda Item: 8-A

Report to Planning Board

Topic: Business Items

Summary: Ordinance 2024-XX
(proposed), Amending the Code of Ordinances, Section 3.17 – *Docks, Boathouses, Boat Slips and Piers*, to comply with FL Statute.

For Discussion & Board Comment

Or – Proposed Motion:

To find proposed Ordinance 2024-XX, Amending the Code of Ordinances, *Section 3.17 – Docks, Boathouses, Boat Slips, and Piers*, is consistent with the Comprehensive Plan and to forward to the Town Council with a recommendation of approval.

Requested by: Mr. Lear, Planning & Development Director

Approved by: Mr. Disher, Town Manager



MEMORANDUM

TOWN OF PONCE INLET, PLANNING AND DEVELOPMENT DEPARTMENT

The Town of Ponce Inlet staff shall be professional, caring, and fair in delivering community excellence while ensuring Ponce Inlet residents obtain the greatest value for their tax dollar.

To: Planning Board
From: Darren Lear, AICP, Planning and Development Director
Date: April 15, 2024
Subject: Ord. No. 2024 -XX – Docks, Boathouses, Boat Slips, and Piers

MEETING DATE: April 23, 2023

1 **INTRODUCTION**

2 This proposed ordinance has been drafted in response to concerns that the present requirements
3 for the calculation of maximum dock square footage are too challenging for certain property
4 owners to meet.

5
6 **AUTHORITY AND PROCESS**

7 Pursuant to the Land Use Development Code (LUDC) Section 6.2.2.A, the Planning Board,
8 “...serves as the local planning agency in accordance with the Community Planning Act (2011)
9 F.S. § 163.3161 et. Seq.” Pursuant to LUDC Section 6.2.2.D. “As the local planning agency, [the
10 Board shall] ... review proposed land development regulations, determine their consistency with
11 the comprehensive plan, and make recommendations to the town council as to whether the
12 regulations should be adopted.”

13
14 Following the Board’s recommendation, the Town Council will review the ordinance. If approved
15 on 1st reading at a public hearing, the amendment will then be scheduled for a 2nd reading at a
16 public hearing for adoption.

17
18 **DISCUSSION**

19 On March 28, 2023, the Town of Ponce Inlet Planning Board (Board) heard Variance Case 14-
20 2023. The applicant requested to construct a dock totaling 525 square feet together with an access
21 walkway totaling 2,000 square feet, for a total of 2,525 square feet. The long access walkway was
22 necessary to cross a wetland to reach open water from the upland portion of the property. However,
23 the maximum square footage allowed for the subject dock was 700 square feet, based on the 70-
24 foot lot width at the Mean High Water Line (MHWL). The distance from the MHWL and the
25 navigable waterway was approximately 500 feet. This significant distance from the MHWL and

26 the required inclusion of the walkway's square footage into the dock size calculation was the
27 impetus for the variance request.

28
29 During this meeting, the Board questioned compliance with certain variance criteria. The Board
30 asked how the conditions and circumstances were peculiar to the land and not typical of other lands
31 in the same zoning if the properties to the south had similar conditions. Staff responded that no
32 other lot has the same exact lot configuration and the distance between the MHWL and navigable
33 waters is not the same as the other properties. Staff continued that the lots to the south were able
34 to construct their docks without a variance, as they were not subject to the size limitation enacted
35 in 2012 that is now limiting the current owners from constructing a dock without first obtaining a
36 variance.

37
38 The 2012 LUDC amendment regarding the dock square footage calculation has proven to be
39 problematic for certain property owners with landward MHWLs that are a substantial distance
40 from the navigable waterway.

41
42 The proposed amendments to this section seek to alleviate this burden and are contained in the
43 proposed ordinance, by excluding the walkway from the dock size calculation.

44
45 **Comprehensive Plan**
46 Staff reviewed the policies of the Comprehensive Plan and found the Ordinance will maintain
47 consistency with the Town's desired vision and direction.

48
49 **Recommendation**
50 Staff recommends the Planning Board find Ordinance No. 2024-XX, amending Section 3.17 –
51 *Docks, Boathouses, Boat Slips, and Piers* of the LUDC to be consistent with the comprehensive
52 plan and forward it to the Town Council with a recommendation for **approval**.

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ORDINANCE NO. 2024-XX

AN ORDINANCE OF THE TOWN OF PONCE INLET, FLORIDA, AMENDING THE LAND USE AND DEVELOPMENT CODE, ARTICLE 3 USE REGULATIONS, SECTION 3.17 DOCKS, BOATHOUSES, BOAT SLIPS, AND PIERS; PROVIDING DEFINITIONS AND STANDARDS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article 3 of the Town’s Land Use and Development Code (LUDC) establishes regulations for particular uses that are permitted in the LUDC; and

WHEREAS, Section 3.17 of the LUDC regulates docks, boathouses, boat slips and piers; and

WHEREAS, concerns have been raised that the present requirements for the calculation of maximum dock square footage are too challenging for certain property owners to meet, and that amendments to the LUDC are necessary to address these concerns; and

WHEREAS, the Planning Board, in its capacity as the Local Planning Agency, has determined that this Ordinance is consistent with the Comprehensive Plan and has recommended approval of this Ordinance to the Town Council; and

WHEREAS, the Town Council affirms that this Ordinance is consistent with the Comprehensive Plan and is in the best interest of the public welfare of the Town; and

WHEREAS, the Town has complied with all requirements and procedures of the LUDC and Florida law in processing, noticing, and advertising this Ordinance; and

WHEREAS, this ordinance is enacted under the general home rule and police powers of the Town of Ponce Inlet.

NOTE: Underlined words constitute additions to the Town of Ponce Inlet Land Use Development Code (LUDC) as amended by Ordinance 2024-XX, ~~striketrough~~ constitutes deletions, and asterisks (***) indicate an omission from the existing text of said LUDC as amended which is intended to remain unchanged.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, FLORIDA:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

46 **SECTION 2. Incorporation of Amendments.** The proposed amendments to **Article 3,**
47 **Section 3.17** of the Land Use and Development Code are attached to this Ordinance as Exhibit
48 "A" and are hereby incorporated into the text of this Ordinance as though fully set forth herein
49 verbatim as amendments to the Land Use and Development Code.

50
51 **SECTION 3. Codification.** It is the intent of the Town Council of the Town of Ponce Inlet
52 that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal
53 authority in codifying the provisions of this Ordinance.

54
55 **SECTION 4. Severability.** If any section, subsection, sentence, clause, phrase, word, or
56 provision of this Ordinance is for any reason held invalid or unconstitutional by any court of
57 competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall
58 be deemed a separate, distinct, and independent provision, and such holding shall not affect the
59 validity of the remaining portions of this Ordinance.

60
61 **SECTION 5. Conflicts.** In any case where a provision of this Ordinance is found to be in
62 conflict with a provision of any other ordinance of this Town, this Ordinance shall prevail.

63
64 **SECTION 6. Effective date.** This Ordinance shall become effective immediately upon
65 adoption by the Town Council of the Town of Ponce Inlet, Florida.

66
67 It was moved by _____ and seconded by _____ that said Ordinance
68 be passed on first reading. A roll call vote of the Town Council on said motion resulted as follows:

- 69
70 Mayor Paritsky, Seat #1 _____
- 71 Councilmember Milano, Seat #2 _____
- 72 Councilmember White, Seat #3 _____
- 73 Councilmember Villanella, Seat #4 _____
- 74 Vice-Mayor Smith, Seat #5 _____

75
76 Approved on first reading this ___ day of _____ 2024.

77
78 It was moved by _____ and seconded by _____
79 that said Ordinance be passed on second reading. A roll call vote of the Town Council on said
80 motion resulted as follows:

- 81
82
83 Mayor Paritsky, Seat #1 _____
- 84 Councilmember Milano, Seat #2 _____
- 85 Councilmember White, Seat #3 _____
- 86 Councilmember Villanella, Seat #4 _____

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Vice-Mayor Smith, Seat #5 _____

Approved and adopted on second reading this ____ day of _____ 2024.

Town of Ponce Inlet, Florida:

Lois A. Paritsky, Mayor

ATTEST:

Kim Cherbano, CMC
Town Clerk

DRAFT

1 EXHIBIT "A"

2
3 **ARTICLE 3 – USE REGULATIONS**

4
5 ***

6
7 **SECTION 3.17. DOCKS, BOATHOUSES, BOAT SLIPS, AND PIERS**

8 **3.17.1 Applicability.**

9 This section applies to boathouses, boat slips, piers, docks, and marginal docks in any zoning
10 district along the Halifax River or any of its arms, canals or tributaries.

11 *A. Definitions.*

12 Access Walkway. The part of a dock that connects a riparian owner’s property to a terminal
13 platform. -The main access pier or catwalk shall be considered a walkway and shall not exceed
14 six feet (6') in width.

15 *Boathouse.* An accessory use to a residence adjacent to a waterway, providing covered space
16 for the housing of a boat and its customary accessories. A boathouse may not be used for human
17 habitation.

18 *Boat slip.* See definitions, section 3.9.

19 *Dock.* A fixed or floating structure, including access walkways, terminal platforms, catwalks,
20 mooring pilings, lifts, davits and other associated water-dependent structures, used for mooring
21 and accessing vessels, pursuant to Chapter 18-21 F.A.C.

22 *Marginal dock.* A dock placed immediately adjacent and parallel to the shoreline or seawall,
23 bulkhead or revetment, pursuant to Chapter 18-21 F.A.C.

24 *Mooring piling.* A post, pillar, piling, or stake used for the purpose of berthing buoyant vessels
25 either temporarily or indefinitely, whether or not it is used in conjunction with a dock.

26 *Pier.* A fixed or floating structure used primarily for fishing or swimming and not designed
27 or used for mooring or accessing vessels.

28 Terminal Platform. The part of a dock or pier, that is connected to the access walkway, located
29 at the terminus of the structure and is designed to secure and load/unload a vessel or conduct other
30 water--dependent activities. -The terminal platform is considered the activity area of the dock.
31 Such a platform is typically wider than the pier leading to it and shall be located at the end of the
32 access walkway.

33 *B. How permitted.* See section 2.40, Table 2-5 (Table of Permitted Uses).

34 **3.17.2 Standards.**

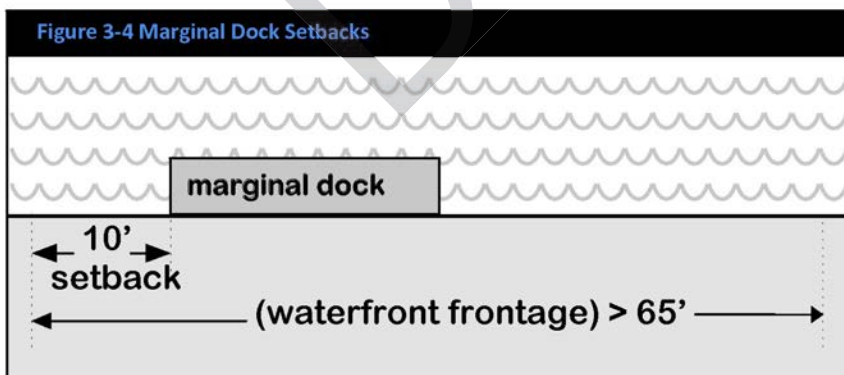
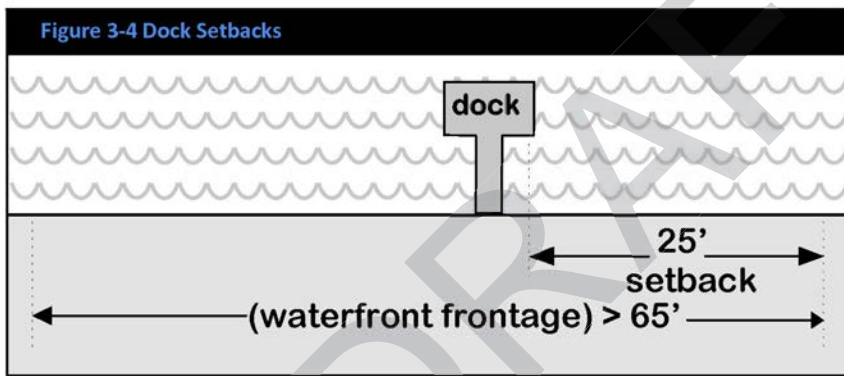
35 *A.* No boathouse, boat slip, pier, or similar structure shall be erected or constructed to exceed a
36 height of 15 feet above mean high water. An additional 42 inches is allowed for guardrails on
37 sundeck roofs only.

38 *B.* Docks, marginal docks, boathouses, boat slips, piers, and/or similar structures may be
39 constructed waterward of the mean high water line if:

- 40 1. All local, state and federal requirements are met, and
- 41 2. The structure will not materially impair navigation, cause scouring and erosion of the
- 42 shoreline or river bottom, or otherwise adversely affect the public health, safety and
- 43 welfare.
- 44 C. No artificial lighting is allowed higher than 15 feet above mean high water.
- 45 D. No more than two boat slips are allowed for each single-family dock.
- 46 E. Boathouses shall not be used for dwelling purposes or contain any sleeping or living quarters.
- 47 F. No boathouse shall exceed 20 feet in width and 40 feet in length.
- 48 G. Docks, marginal docks, boathouses, boat slips, piers, and/or similar structures, singly or
- 49 collectively, shall not occupy an area more than ten times the lot width expressed in feet at
- 50 the mean high water line (i.e. 70 feet of lot width equates to a maximum of 700 s.f. of dock
- 51 area). For lot widths of 100 feet or more, Aa maximum of 1,000 square feet of dock area may
- 52 be allowed for single-family residential homes in all artificially created waterways (i.e.
- 53 canals) without state and/or federal approval. For lot widths of 100 feet or more, Aa along the
- 54 Halifax River, a maximum of 1,000 square feet of dock area may be allowed without state
- 55 and/or federal approval, unless required by state or federal law in certain instances when state-
- 56 owned submerged lands are involved. The area of a dock shall be calculated by measuring all
- 57 existing and proposed docks and related structures beginning at the mean high water line and
- 58 extending waterward. -The maximum area shall not include the access walkway to the dock
- 59 terminal platform.-
- 60 1. Subject to local, state, and/or federal approvals, an additional ten square feet above the
- 61 maximum 1,000 square feet of dock and/or related structures may be added for each
- 62 additional ten linear feet greater than 100 linear feet of waterfront frontage along the
- 63 Halifax River measured at the mean high water line (i.e. 110 linear feet of shoreline
- 64 frontage allows up to 1,010 square feet of dock and/or related structures). All state and
- 65 federal permit approvals shall be submitted to the town prior to the commencement of
- 66 any construction.
- 67 2. All commercial and multi-family docks and related structures are subject to section 3.9,
- 68 Boat slip regulations and other applicable local, county, state and/or federal
- 69 requirements.
- 70 H. A dock and/or related structure is allowed if it:
- 71 1. Is not used for living or the storage of materials other than those associated with
- 72 recreational use; and
- 73 2. Is constructed or held in place by pilings, including floating docks, so as not to involve
- 74 filling or dredging other than that necessary to install the pilings; and
- 75 3. Will not violate water quality standards, impede the flow of water, adversely affect flood
- 76 control, or create a navigational hazard; and
- 77 4. Is accessory to a developed lot with a minimum waterfront frontage of 65 feet measured
- 78 at the mean high water line. Lots with a waterfront frontage of less than 65 feet t may be
- 79 allowed a dock or similar structures on a case-by-case basis, provided that navigation is

80 not impeded, the ability to dock boats on adjacent properties is not impaired, and all
81 other dimensional standards of this section can be met. variance has been granted.

- 82 I. Docks in artificially created waterways (i.e., canals) shall not impede navigation and protrude
83 into the waterway more than 25 percent of the width of the waterway measured from the mean
84 high water line.
- 85 J. Subject to federal and state regulation, the replacement or repair of non-conforming docks
86 and mooring piles shall be allowed in accordance with sections 7.4 and 7.5, if:
- 87 1. No fill material other than the piles is used.
- 88 2. The replacement dock or mooring pile is in the same location, configuration and
89 dimensions as the existing or original dock or mooring pile.
- 90 K. Docks and related structures (including access walkways, boathouses, boat slips, piers,
91 mooring piles, or other similar structures) shall not be constructed or erected closer than 25
92 feet from any side lot line or side lot line extended into a waterway (Figure 3-3). Marginal
93 docks shall not be constructed or erected closer than ten feet from any side lot line or a side
94 lot line extended into a waterway (Figure 3-4) No newly constructed dock shall impede the
95 navigation or docking ability to existing docks on adjacent properties.



- 96
- 97 L. No more than one boathouse may be erected or constructed on an individual waterfront lot.
- 98 M. No boathouse ~~or~~ covered dock, or access walkway shall have enclosed sides. No screening
99 or other visually blocking materials shall be attached or otherwise added to any required
100 guardrails.

- 101 N. A boathouse or covered dock without a sundeck shall have a pitched roof with a slope ratio
102 between 2.5:12 and 4:12.
- 103 O. Construction standards.
- 104 1. Construction materials and methods shall be employed in compliance with the Florida
105 Building Code, Chapter 16: Structural Design. Compliance with this standard shall be
106 certified on a plan sealed by a Florida-registered architect or structural engineer.
- 107 2. All wood members must be pressure treated or have an equivalent strength that meets or
108 exceeds the durability of pressure-treated wood.
- 109 3. All fastening devices, nails, screws, bolts, and similar devices shall be highly corrosive
110 resistant.
- 111 a. All light-gauge fastening devices such as nails and screws shall be stainless steel
112 and all bolts shall be stainless steel or hot-dipped galvanized.
- 113 b. All hurricane anchoring devices shall be hot-dipped galvanized or stainless steel.
114 "Hot-dipped galvanized" means at least two ounces of zinc coating per square foot
115 after fabrication.
- 116 4. Boathouse roofs acting as a sun deck shall be designed to provide for 60 pounds per
117 square foot deck loading for occupants. If the boathouse provides for boat suspension,
118 the maximum lift capacity of the hoisting device shall be considered in the design and
119 still provide a minimum 60 pounds per square foot for occupants of the sun deck. Stairs
120 and guardrails must be provided for all sun decks consistent with standard building code
121 requirements. No baluster shall exceed 1.5 inches in diameter. No lighting may be
122 affixed to a sun deck.
- 123 P. This section does not preempt any federal or state regulation or prohibit any federal or state
124 enforcement action.
- 125 ***
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