

20-2118 Residential Boat Docks And Piers

(a) **Purpose and intent.** The provisions of this section are intended to regulate the location of boathouses, docks and piers located in the Indian River Lagoon and other navigable creeks in all residential zoning classifications in town. This section also provides minimum standards for the construction of residential boat docks and piers. The town shall issue a zoning approval only for a boathouse, dock, or pier.

(b) **Definitions.** For purposes of this section:

- (1) *Boathouse* means a structure built at the water's edge used for storing boats, which may extend from a seawall or the shore over the water. A boathouse has a roof, and is partially or totally enclosed by sides.
- (2) *Covered boat dock* means a structure built at the water's edge used for storing boats, which may extend from a seawall or the shore over the water. A covered boat dock has a roof, but shall be neither partially nor totally enclosed by sides of any type.
- (3) *Dock* and *pier* mean a platform extending from a seawall or the shore which is used to secure or provide access to boats. A dock or pier is supported by piles or pillars and has no sides or roof.

(c) **Required permits; site plan.**

- (1) A dock permit, if applicable, shall be obtained from FDEP and/or the Army Corps of Engineers. The Army Corps of Engineers shall also approve any excavation done in conjunction with the construction of a boat dock or pier. The town will issue a zoning approval only.
- (2) Prior to the zoning approval for construction, a site plan showing the location of the proposed construction in relation to the existing structures on the site or lot shall be submitted to the town.

(d) **General requirements.**

- (1) A boat dock, covered boat dock or pier shall be an accessory use in all residential zoning classifications in the town. Vacant platted island properties on Grant Island Estates, allow private docks / piers for access, provided however, that the electrical power to such a dock shall not exceed 100 amps. No overnight docking or mooring shall be allowed on a dock unless it meets all the requirements of section 20-1842.6 Temporary Living Quarters During Construction Of A Residence.
- (2) A boat dock, covered boat dock or pier, including pilings, shall extend no closer than 7.5 feet to the side property line, as projected in a straight line into the waterway.
- (3) No boat dock, covered boat dock or pier, together with the watercraft being moored at the structure, shall project into a creek more than 20 percent of the width of the waterway or 30 feet, whichever is less, including pilings.
- (4) Private boat docks accessory to adjacent lots used or zoned for residential purposes. These provisions shall only apply to those situations described in this subsection (4). A *private boat dock*, for the purposes of this section, is a boat dock that is used in connection with a waterfront lot or parcel which may be undersized for residential or commercial use, and is associated with and considered part of an adjacent lot used for residential purposes. The term *adjacent*, for the purposes of this section, means any lot within as described below in paragraph (1).

A conditional use for a private boat dock on a waterfront lot or parcel may be considered as an accessory use to an adjacent developed or undeveloped buildable lot upon which a single family residence is allowed under the following conditions. Owners of docks established prior to September 14, 2016, as evidenced by a certified survey or other irrefutable evidence, may request a waiver of any of the below conditions as part of the conditional use permit review process.

- a. The lot or parcel upon which the dock is to be constructed shall be owned and used by the owner of property upon which a single family residential use exists or is allowed (or residential tenant of said lot or parcel) located within either the same platted subdivision or within 1,000 feet of the dock parcel, hereinafter the *principal lot or parcel*. The owner of the dock lot or parcel and the principal lot shall maintain fee simple ownership to both properties at all times. Should title to either the principal lot or parcel or the dock lot or parcel be transferred separately, and not as one transfer to the same transferee, then the conditional use shall terminate and the dock parcel or lot shall cease being used as a dock and the improvements thereon shall be removed.
- b. The dock lot or parcel shall have at least 30 feet of water frontage, except where located on the Indian River Lagoon, where it shall have river frontage equal to or exceeding the minimum lot width requirement of the principal parcel's zoning classification.
- c. The boat dock may contain slips for no more than two boats and shall not be used for commercial purposes.
- d. No other accessory structures are permitted on the dock lot or parcel, except a fence to prevent any trespassing on the dock.
- e. The dock lot or parcel shall not be used to store a boat trailer, nor shall it be used to launch a boat; however, mooring shall be allowed.
- f. The dock shall meet all applicable development standards described in section 20-2118.

- (e) **Construction standards.** In conjunction with all zoning approval requests, the applicant shall submit two copies of plans and specifications, drawn to scale, with sufficient clarity and detail to indicate the nature and character of the work. The design, construction, alteration and repair of the superstructure of residential boat docks and piers shall conform to the provisions of the agency issuing the building permit. Pile dimensions, spacing and embedment shall be designed according to accepted engineering practices.
- (f) **Final survey.** Upon completion of the boat dock or pier, a final survey prepared and certified by an engineer or surveyor registered in the state, showing the as-built location and depicting compliance with the minimum setback requirements for the boat dock or pier, shall be submitted to the town building division and the appropriate permitting agency for final approval.
- (g) **Maintenance.** No owner of any parcel of property in the town shall permit any boat dock or pier located on or contiguous to his property to become dilapidated, deteriorated, structurally unsound, or a safety hazard, or otherwise be in violation of this chapter.