

SPONSORED BY:

Councilor Diamond



ORDINANCE NO. 2017-15

**A BILL TO BE ENTITLED**

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS; ARTICLE IV, LAND USE; SECTION 27-243 PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS TO MOVE IT TO ARTICLE V, ACCESSORY STRUCTURES, SECTION 27-338 AND RENAMING IT DOCKS, RETAINING WALLS & BOATHOUSE; AND PROVIDING AN EFFECTIVE DATE.**

**Whereas**, the City Council of the City of Neptune Beach, Florida has determined that it is necessary to amend the following:

**Now, Therefore**, be it ordained by the City Council of Neptune Beach, Florida:

**Section 1.** Chapter 27, Unified Land Development Regulations Article IV, Land Use; Section 27-243 Protection of Environmentally Sensitive Lands To Move It To Article V, Accessory Structures, Section 27-338 and Renaming It Docks, Retaining Walls & Boathouse; shall be amended as follows:

Sec. 27-243 27-338. - Protection of environmentally sensitive lands. Docks, Retaining Walls and Boathouses

(a) *Purpose and intent.* It is the intent of this section to insure that on intracoastal, lake front, marsh front, canal front, and stream front lots no boating hazards will be created, effective flow of stormwater runoff will be maintained and water pollution from stormwater runoff and other sources will be minimized.

(b) *Site plan.* A building permit shall not be issued for any new dock, addition to any existing dock fence or wall or significant change of an existing property on an intracoastal, lake front, marsh front, canal front, or stream front lot until a satisfactory site plan therefore is reviewed and approved.

(c) *Docks.* The following minimum or maximum standards shall apply to all construction or renovation of docks:

(1) A building permit is required and all construction will adhere to Florida Building Code. Construction plans for docks shall be submitted for development review. All dock facilities are subject to and shall comply with all federal and state

requirements and permits, including but not limited to, the requirements and permits of the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers and the St. Johns River Water Management District. Permits from the Neptune Beach Building Department shall be approved but not issued until receipt and confirmation of required federal and state approvals.

(2) No dredging or filling of marshlands shall be permitted except for that necessary to install dock pilings. Reasonable maintenance dredging within the main channel banks is permitted.

(3) Docks shall only extend far enough to reach a maximum water depth of four (4) feet below mean low-water, twenty (20) percent of the width of the water body (measured from mean high-water line to mean high-water line), or five hundred (500) feet, whichever is less. Docks shall be sited so as to extend to the nearest navigable waterbody and no further. If a bulkhead exists along the shoreline and the water depth at that point is already four (4) feet below mean low-water, the dock shall not extend more than twenty-five (25) feet beyond the bulkhead.

(4) The access walkway of docks shall be a maximum of four (4) feet in width. A single terminal platform of any dock shall be a maximum of two hundred (200) square feet and shall be constructed and located only at the terminal end portion of the dock, furthest from the shoreline. Boards used to construct the surface of the dock shall not exceed eight (8) inches in width and shall be spaced at least one-half inch apart.

(5) If the length of the shoreline is sixty-five (65) feet or more any new dock with an access walkway (a walkway extending out from the abutting property) shall be constructed twenty-five (25) feet from a side lot line. Docks without an access walkway must be set back at least ten (10) feet from the property line. If the shoreline length is less than sixty-five (65) feet a dock shall be centered between the property lines.

(6) Only one (1) dock is permitted per lot of record with no more than one (1) dock allowed per single-family home.

(7) Docks shall be constructed no higher than five (5) feet above the mean high-water line (for open water) and above the average ground contour (for ephemeral lands).

(8) To ensure that all docks shall be utilized only for boating or other recreational activities and not as living space, there shall be no bathrooms or cooking facilities permitted on docks, nor as an improvement to an existing boathouse. No enclosed walls shall be permitted.



(9) Boat storage includes the area to store a boat and the necessary ramp/walkway to access the boat if applicable. The total area calculation for a dock includes the boat storage, ramp/walkway and any portions of the roof that hangs over the water beyond the dock platform.

(10) Boat storage mechanisms can be ride-on-ramp, vertical wench or any other industry acceptable standard.

(11) The sale or lease of a portion of an intracoastal, lakefront, marsh front, canal front and stream front lot after June 4, 2007, shall be construed as a subdivision and shall not enable the owners to make application for a dock and/or boathouse unless that subdivision has received the approval of the city council.

(12) Lighting fixtures may be installed upon docks, boat davits and boat lifts only in accordance with the following standards:

a. Lighting required under federal laws or regulations as an aid to navigation is permitted on the docks, boat davits and boat lifts, in accordance with United States Coast Guard standards.

b. Other lighting fixtures may be installed on docks only providing they are mushroom-type fixtures designed to direct light downward, installed at least twenty-five (25) feet apart, not more than one (1) foot above the surface of the dock, and limited to twenty-five-watt incandescent yellow bulbs.

c. All existing lighting on docks, boat davits and boat lifts which does not conform to these standards shall be deemed nonconforming and shall be made to conform.

(d) *Retaining walls.* The construction of retaining walls or seawalls shall be performed in accordance with this chapter and [chapter 8](#) of Code of Ordinances for the City of Neptune Beach.

(e) *Boathouse lots.* Boathouse lots are defined as lots which exist along the water front and were accepted by the city under the premise that these lots would serve only as water access for the residents of a specific subdivision. As such, the purpose and intention of these boathouse lots is to serve as accessory lots to the main residential properties within that subdivision. In accordance with the policies contained with [chapter 27](#), Land Development Regulations, the following regulations shall apply:

(1) The buildability and use of all boathouse lots, which are determined to be accessory lots shall be restricted to the owners of real property within the subdivision in which these accessory boathouse lots were platted.

(2) Boathouse lots which are held June 4, 2007, by property owners residing outside of the subdivision for which they are platted shall be nonconforming boathouse lots which may still be used for constructing a boathouse and for water access. However, any boathouse lots owned by real property owners on June 4, 2007, in the subdivision for which they were platted, shall only be buildable and used to serve the lake access need of residents of that subdivision.

(3) Minimum lot widths shall be fifty (50) feet.

(f) This section is exempt from the provisions of [section 27-328](#), other accessory structures.

**Section 2.** The Ordinance shall become effective on after passage by the City Council.

**VOTE RESULTS OF FIRST READING AND PUBLIC HEARING:**

Mayor Elaine Brown	Y
Vice Mayor Scott Wiley	Y
Councilor Rory Diamond	Y
Councilor Richard Arthur	Y

Passed on First Reading this 1<sup>st</sup> day of May, 2017.

**VOTE RESULTS OF SECOND AND FINAL READING AND PUBLIC HEARING:**

Mayor Elaine Brown	Y
Vice Mayor Scott Wiley	Y
Councilor Rory Diamond	Y
Councilor Richard Arthur	Y
Councilor Fred Jones	Y

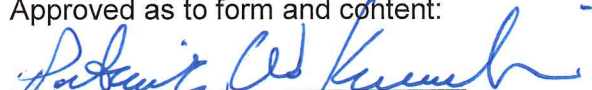
Passed on Second and Final Reading this 5<sup>th</sup> day of June, 2017.

  
Elaine Brown, Mayor

ATTEST:

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Amanda Askew, Acting City Clerk

Approved as to form and content:

  
Patrick Krechowski, City Attorney

