

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: BOAT DOCK BRIEFING AND ORDINANCE

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Matthew West **EXT.** 7353

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| Agenda Date <u>11/18/03</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input checked="" type="checkbox"/> |
| Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/> |

MOTION/RECOMMENDATION:

Direct staff to prepare an ordinance to amend the land development code as recommended in this staff report, and bring said ordinance back for authorization to advertise by the Board of County Commissioners.

Unincorporated Seminole County

MW
Matthew West, AICP, Planning Manager

BACKGROUND:

Per direction of the Board at its meeting of August 26, 2003, staff evaluated the County Zoning Code as it related to the regulation of boat docks as a principal and/or accessory use. Staff also conducted a survey of several other Counties and evaluated how those counties treated boat docks as a use. The purpose of this briefing is to discuss the status of the use regulations for boat docks and offer suggestions for improvements or clarifications to the code.

As the Board may recall, Mr. Dave Axel appealed the Planning Manager's decision to deny a boat dock permit on a vacant, waterfront property zoned A-3. The denial was based on the interpretation that boat docks were permitted only as an accessory use in A-3, A-5 and A-10, and that a principal use had to be established first. On August 26, 2003, the Board of County Commissioners overturned the interpretation of the Planning Manager and determined that boat docks were a permitted principal use in A-3, A-5, and A-10. There was much discussion and it was the consensus of staff and the Board that the code should be examined pertaining to this issue, and staff would report back to the Board. It was felt that the code language should be clarified and made consistent throughout.

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|------------------------|
| Reviewed by: |
| Co Atty: <u>KTC</u> |
| DFS: _____ |
| Other: _____ |
| DCM: <u>SS</u> |
| CM: <u>KB</u> |
| File No. <u>bpdp01</u> |

Staff examined the zoning regulations and found that only RC-1 zoning clearly permits boat docks as a principal use and that all other zoning categories were either silent or had inconsistent language regarding the status of boat docks as a principal or accessory use. The following is a sample of the language found in the different zoning categories of the Land Development Code:

A-3, A-5, A-10: "Single-family residences and use accessory thereto, including one (1) guest house or cottage, boat docks and boathouses."

A-1: "Single family dwelling and customary accessory uses including one (1) guest house or cottage, docks or boat houses."

RC-1: "Boathouses and docks used for the shelter and storage of boats."

R-1, R-1B, R-1BB: "Any use permitted in the R-1A Single-Family Dwelling zoning classification, including the customary accessory uses."

R-1A, R-1AA, R-1AAA, R-1AAAA: "Single-family dwelling and their customary accessory uses."

The current regulations also require a public hearing and Board of County Commissioner approval for (1) any enclosed boathouse, (2) boat docks or unenclosed boathouses in the aggregate that exceed 1,000 square feet in area or (3) any boat docks or unenclosed boathouses that exceed 500 square feet in area on an Outstanding Florida Water.

Staff also conducted a survey of several other counties and found that said counties deal with boat docks and boat houses differently. Sarasota County is considering adoption of an ordinance on October 23, 2003, which will make boat docks a permitted principal use subject to the following conditions: the lot must have a minimum 30 feet of water frontage, the dock may not be rented and may only be used by the land owner or guests of the landowner, there must be adequate room to maneuver a boat into and out of the water on the property, and adequate off-street parking for two vehicles on the property. Alachua County allows boat docks as a principal use, but they are subject to site plan review and any dock exceeding 1,000 square feet in area must obtain a special use permit. Lake County will allow a boat dock as a principal use in agriculture only if a variance is approved by the Board. Attached is a table summarizing the results of the survey.

Staff recommends that boat docks be permitted as principal uses in RC-1, A-1, A-3, A-5 and A-10 utilizing the following language under the permitted uses list for each zoning category, "One (1) dock and/or boathouse per lot, parcel or tract." Staff recommends that for all other zoning categories, docks and boathouses be listed as accessory uses under the permitted uses list of each district utilizing the following language, "One (1) dock or boathouse per lot, parcel or tract when accessory and incidental to the principal dwelling."

Also, please note, that the Land Development Code does not define "dock," "boat dock," "slip," "boat berth" or "boathouse." Staff has surveyed various definitions and recommends utilizing the following:

"Dock or Boat Dock" – Any structure, whether fixed or floating, secured on or by a piling, waterward of the mean high water line or seasonal high water line which is designed for or capable of being used to moor a water vessel, whether or not motorized.

"Slip or Boat Slip or Boat Berth" – A single parking space for a boat or other water vessel, whether motorized or not, forming part of a dock, boathouse or other mooring facility.

"Boathouse" – A roofed structure used for the storage of boats or other water vessels or boating equipment which is located waterward of the mean high water or seasonal high water line.

STAFF RECOMMENDATION:

Staff recommends preparing an ordinance to amend the land development code which will clarify the code and permit boat docks as a principal use in A-1, A-3, A-5, A-10 and RC-1 zoning and only as an accessory use in all other zoning categories. Where boat docks will be a permitted principal use, the lot must have a minimum 30 feet of water frontage, the dock may not be rented and may only be used by the land owner or guests of the landowner, there must be adequate room to maneuver a boat into and out of the water on the property, and adequate off-street parking for two vehicles must be provided on the property. Staff also recommends including the suggested definitions provided in the background section for dock, slip and boathouse in the ordinance.

Attachments: Tables

SEMINOLE COUNTY ZONING CODE

| ZONING | PRINCIPAL | ACCESSORY |
|------------------------------|-----------|-----------|
| A-3/A-5/A-10 | X | |
| A-1 | | X |
| RC-1 | X | |
| R-1/R-1B/R-1BB | | X |
| R-1A/R-1AA/R-1AAA R-1AAAA | | X |
| R-2 | | X |

BOAT DOCK SURVEY

| COUNTY | AGRICULTURE USE | AGRICULTURE USE | RESIDENTIAL USE | RESIDENTIAL USE |
|----------|-----------------|-----------------|-----------------|-----------------|
| | ACCESSORY | PRINCIPAL | ACCESSORY | PRINCIPAL |
| ALACHUA | | X | | X |
| BREVARD | X | | X | |
| LAKE | X * | | X | |
| ORANGE | X | | X | |
| OSCEOLA | X | | X | |
| SARASOTA | | X ** | | X ** |
| VOLUSIA | | X *** | X | |

* - MAY APPLY FOR A USE VARIANCE TO HAVE A DOCK BEFORE A HOUSE.

** - NEW REGULATIONS TO BE ADOPTED 10/27/03 TO ALLOW DOCKS AS PRINCIPAL USE.

*** - RESOURCE CORRIDOR ZONING ONLY.