



PLANNING & ZONING

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City Requirements for Boat Dock Construction and Application Procedure

Code Analysis and Staff Recommendation for Updates to the LDC

September 10, 2024

This report provides an overview of the City's current boat dock zoning requirements, the applicable design standards from the Florida Department of Environmental Protection (FDEP), and a comparison of other local municipalities' zoning regulations for boat dock construction.

City staff recommends code changes regarding the application requirements and permitting procedures for reviewing and approving boat dock building permits to address recent citizen concerns, FDEP suggestions and rules, allow public notice prior to issuing permit approval, and practices for council involvement on boat dock permit submittals.

Belle Isle Requirements Under Sections 48-31 to 48-32

Section 48-31 cites keyword definitions and outlines the application process for boat dock permits in the City of Belle Isle. The section identifies documentation requirements needed for review on a property survey and the building plans for a permissible dock permit.

Section 48-32 provides the design criteria for a boat dock within the city limits, which includes the zoning requirements for the maximum allowable terminal platform size, the access walkway and dock width, side lot line setbacks, roof pitch design, waterfront location, and additional restrictions for a boat dock permit.

Florida Department of Environmental Protection (FDEP) Requirements

Under the Florida Administrative Code (18-21.004), a boat dock on state-owned submerged land must meet additional requirements for permit approval. The department's regulations do not supersede the city's zoning requirements but establish independent standards for boat dock construction. These independent state requirements are evaluated on a case-by-case basis and reviewed and investigated upon request from the public.

Under section 18-21.004(3)d F.A.C., standards include:

- Formal documentation of a property's riparian right lines,
- Imposing greater setback distances based on linear shoreline lengths,
- Requiring notice to neighbors within 300 feet of the dock permit site and
- A letter of concurrence from adjacent property owners for dock permit submittals.



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An excerpt of the referenced Florida Administrative Code section is identified below:

(3) Riparian rights

(d) Except as provided herein, all structures, including mooring pilings, breakwaters, jetties and groins, and activities must be set back a minimum of 25 feet inside the applicant's riparian rights lines. Marginal docks, however, must be set back a minimum of 10 feet. Exceptions to the setbacks are: private residential single-family docks or piers associated with a parcel that has a shoreline frontage of less than 65 feet, where portions of such structures are located between riparian lines less than 65 feet apart, or where such structure is shared by two adjacent single-family parcels; utility lines; bulkheads, seawalls, riprap or similar shoreline protection structures located along the shoreline; structures and activities previously authorized by the [Board of Trustees of the Internal Improvement Trust Fund of the State of Florida or TIITF]; structures and activities built or occurring prior to any requirement for Board authorization; when a letter of concurrence is obtained from the affected adjacent upland riparian owner; when the Board determines that locating any portion of the structure or activity within the setback area is necessary to avoid or minimize adverse impacts to natural resources; or when the Board determines that the activities are in the public interest.

Other Boat Dock Requirements from Local Florida Municipalities

In recent years, both the City of Edgewood and Orange County Government updated their land development code regarding boat dock permitting and construction requirements.

The City of Edgewood, located along the Conway Chain of Lakes, pursued these adoptions to address Council approvals for boat dock variances, issues with dock locations for proper water depth, and issues with side setbacks. The code update mirrors the County's regulations to improve the permit review process. Edgewood and the County code includes terminology, permit submittal requirements, and permit application review process for boat docks distinct from the City of Belle Isle:

- Definitions for Littoral and Riparian Rights.
- Documentation showing the property's riparian rights, such as an instrument indicating ownership extends to the shoreline, or legal permission to use the submerged lands to construct or modify a dock, is required.
- Provide notices to neighboring shoreline property owners.
- Outline an appeal process for City's permit approval of a dock permit.
- Practice City Council input and discretion, as needed, to review neighbors' concerns for boat dock permit proposals.



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City Staff Proposal for Code Update

The City cannot require or impose an applicant for a boat dock permit to provide the following information to ensure compliance with 18-21.004(3)(D) F.A.C.:

- Documentation regarding the property's riparian rights.
- A letter of consent from the abutting property owners to authorize a boat dock permit.
- Establish other side setback requirements for properties/boat dock construction on state-owned submerged land.
- Establish other permit review processes to manage and address abutting neighbor concerns and navigational considerations.

After further research, City Staff found that many residential properties abutting the Conway Chain of Lakes are on state-owned submerged land. This discovery underscores the need for additional requirements for boat dock construction, which the existing land development code does not specify.

City Staff recommends that the Council request the Planning and Zoning Board to review and consider changes to the land development code sections 48-31 and 48-32 regarding boat dock construction application requirements and design criteria with City Staff for Council adoption.

Should the Council motion the Board to review other items within these code sections, we request that specific direction be provided for further research. The Board can review staff comments and the Council's feedback and create a finalized ordinance charge for Council's consideration.

Reference List:

City of Edgewood (Florida). Municode. Chapter 14. Boats, Docks and Waterways.

https://library.municode.com/fl/edgewood/codes/code_of_ordinances?nodeId=PTIICOOR_CH14BODOWA

Orange County Government (Florida). Municode. Chapter 15. Article IX. Dock Construction.

https://library.municode.com/fl/orange_county/codes/code_of_ordinances?nodeId=PTIIORCOCO_CH15ENCO_ARTIXDOCO

Florida Department of Environmental Protection. FDEP (State-Owned Submerged Land Map).

<https://geodata.dep.state.fl.us/datasets/060b916f20414c8f8e6996e4e3740cdd/explore?location=28.466309%2C-81.341904%2C13.89>