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

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

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

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

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

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

Mayor Paritsky, Seat #1	YES
Councilmember Milano, Seat #2	YES
Councilmember White, Seat #3	YES
Councilmember Villanella, Seat #4	YES
Vice-Mayor Smith, Seat #5	YES

Approved on first reading this 22 day of August 2024.

It was moved by Councilmember White and seconded by Councilmember Milano that said Ordinance be passed on second reading. A roll call vote of the Town Council on said motion resulted as follows:

Mayor Paritsky, Seat #1	YES
Councilmember Milano, Seat #2	YES
Councilmember White, Seat #3	YES
Councilmember Villanella, Seat #4	YES
Vice-Mayor Smith, Seat #5	YES

88  
89 Approved and adopted on second reading this 19<sup>th</sup> day of September 2024.  
90

91 Town of Ponce Inlet, Florida:  
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93   
94 \_\_\_\_\_  
95 Lois A. Paritsky, Mayor

96 ATTEST:

97   
98 \_\_\_\_\_  
99 Kim Cherbano, CMC  
100 Town Clerk  
101



1 **EXHIBIT “A”**

2  
3 **ARTICLE 3 – USE REGULATIONS**

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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.

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

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

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

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

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

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

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

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

33 **3.17.2 Standards.**

34 *A.* No boathouse, boat slip, pier, or similar structure shall be erected or constructed to exceed a  
35 height of 15 feet above mean high water. An additional 42 inches is allowed for guardrails on  
36 sundeck roofs only. The main pier or walkway shall not exceed six feet (6') in width.

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

- 39 1. All local, state and federal requirements are met, and

2. The structure will not materially impair navigation, cause scouring and erosion of the shoreline or river bottom, or otherwise adversely affect the public health, safety and welfare.

C. No artificial lighting is allowed higher than 15 feet above mean high water.

D. No more than two boat slips are allowed for each single-family dock.

E. Boathouses shall not be used for dwelling purposes or contain any sleeping or living quarters.

F. No boathouse shall exceed 20 feet in width and 40 feet in length.

G. Docks, marginal docks, boathouses, boat slips, piers, and/or similar structures, singly or collectively, shall not occupy an area more than ten times the lot width expressed in feet at the mean high water line (i.e. 70 feet of lot width equates to a maximum of 700 s.f. of dock area). For lot widths of 100 feet or more, Aa maximum of 1,000 square feet of dock area may be allowed for single-family residential homes along the Halifax River and in all artificially created waterways (i.e. canals) without state and/or federal approval. For lot widths of 100 feet or more, Along the Halifax River, a maximum of 1,000 square feet of dock area may be allowed without state and/or federal approval, unless required by state or federal law in certain instances when state-owned submerged lands are involved. The area of a dock shall be calculated by measuring all existing and proposed docks and related structures beginning at the mean high water line and extending waterward, except that the maximum area shall not include the access walkway to the dock terminal platform.

1. Subject to local, state, and/or federal approvals, an additional ten square feet above the maximum 1,000 square feet of dock and/or related structures may be added for each additional ten linear feet greater than 100 linear feet of waterfront frontage along the Halifax River measured at the mean high water line (i.e. 110 linear feet of shoreline frontage allows up to 1,010 square feet of dock and/or related structures). All state and federal permit approvals shall be submitted to the town prior to the commencement of any construction.

2. All commercial and multi-family docks and related structures are subject to section 3.9, Boat slip regulations and other applicable local, county, state and/or federal requirements.

H. A dock and/or related structure is allowed if it:

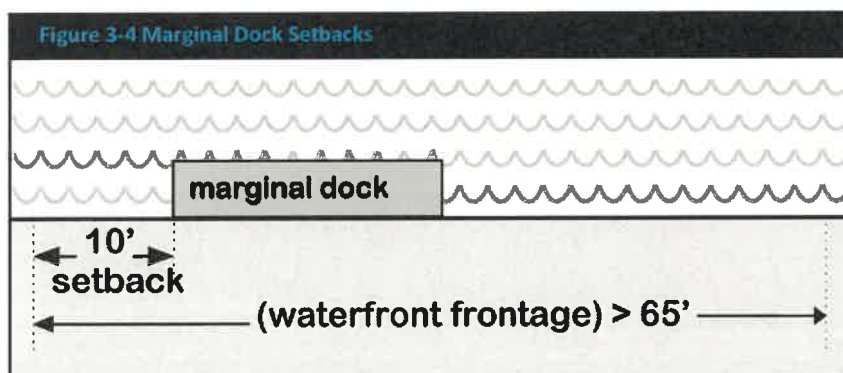
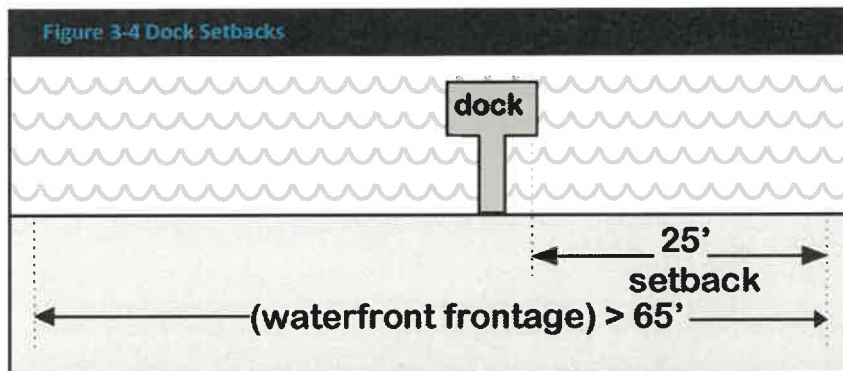
1. Is not used for living or the storage of materials other than those associated with recreational use; and

2. Is constructed or held in place by pilings, including floating docks, so as not to involve filling or dredging other than that necessary to install the pilings; and

3. Will not violate water quality standards, impede the flow of water, adversely affect flood control, or create a navigational hazard; and

4. Is accessory to a developed lot with a minimum waterfront frontage of 65 feet measured at the mean high water line. Lots with a waterfront frontage of less than 65 feet may be allowed a dock or similar structures on a case-by-case basis, provided that navigation is not impeded, the ability to dock boats on adjacent properties is not impaired, all other dimensional standards of this section can be met, and a variance has been granted.

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



- L. No more than one boathouse may be erected or constructed on an individual waterfront lot.
- M. No boathouse, covered dock, [or access walkway](#) shall have enclosed sides. No screening or other visually blocking materials shall be attached or otherwise added to any required guardrails.
- N. A boathouse or covered dock without a sundeck shall have a pitched roof with a slope ratio between 2.5:12 and 4:12.
- O. Construction standards.

1. Construction materials and methods shall be employed in compliance with the Florida Building Code, Chapter 16: Structural Design. Compliance with this standard shall be certified on a plan sealed by a Florida-registered architect or structural engineer.
  2. All wood members must be pressure treated or have an equivalent strength that meets or exceeds the durability of pressure-treated wood.
  3. All fastening devices, nails, screws, bolts, and similar devices shall be highly corrosive resistant.
    - a. All light-gauge fastening devices such as nails and screws shall be stainless steel and all bolts shall be stainless steel or hot-dipped galvanized.
    - b. All hurricane anchoring devices shall be hot-dipped galvanized or stainless steel. "Hot-dipped galvanized" means at least two ounces of zinc coating per square foot after fabrication.
  4. Boathouse roofs acting as a sun deck shall be designed to provide for 60 pounds per square foot deck loading for occupants. If the boathouse provides for boat suspension, the maximum lift capacity of the hoisting device shall be considered in the design and still provide a minimum 60 pounds per square foot for occupants of the sun deck. Stairs and guardrails must be provided for all sun decks consistent with standard building code requirements. No baluster shall exceed 1.5 inches in diameter. No lighting may be affixed to a sun deck.
- P. This section does not preempt any federal or state regulation or prohibit any federal or state enforcement action.

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