

**CITY OF INDIAN ROCKS BEACH  
ORDINANCE NO. 2013-01**

**AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH FLORIDA, AMENDING CHAPTER 94, MARINE STRUCTURES; ARTICLE II, MINIMUM CONSTRUCTION STANDARDS FOR CERTAIN STRUCTURES; DIVISION 3. DOCKS; SECTION 94-86, NUMBER AND LOCATION; WIDTH; PERMITTED STRUCTURES; OF THE CODE OF ORDINANCES, CITY OF INDIAN ROCKS BEACH, FLORIDA; PROVIDING FOR THE ELIMINATION OF THE CENTER ONE-THIRD DIMENSIONAL REQUIREMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARINGS AND WITH RESPONSIBLE AUTHORITIES; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OR ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 163, Part II, Florida Statutes, establishes the Local Government Comprehensive Planning and Land Development Act; and

**WHEREAS**, local government land development regulations are intended to be consistent with, and implement, the adopted Comprehensive Plan; and

**WHEREAS**, the Local Planning Agency met on January 17, 2013 and found the proposed amendments consistent with the Comprehensive Plan;

**NOW THEREFORE BE IT ORDAINED**, by the City of Indian Rocks City Commission in its regular meeting duly assembled on this 12th day of March 2013 that the Land Development Regulations of Indian Rocks Beach are amended as follows:

**SECTION 1.** Chapter 94, Marine Structures; Article II, Minimum Construction Standards for Certain Structures; Division 3. Docks; Section 94-86, Number and location; width; permitted structures; of the Code of Ordinances, City of Indian Rocks Beach, Florida is hereby amended to read as follows:

**Sec. 94-86. Number and location; width; permitted structures.**

*(a) Residential docks:*

(1) One dock per single-family property is permitted. Two slips with or without boat lifts are allowed. The maximum allowable dock facility shall be within a 50-foot length from the seawall and 35-foot width envelope. The slips, boats, boat lift, dock, catwalks, lower landings, tie-poles and personal watercraft lift shall be kept within the envelope. The total amount of decking including dock and catwalks shall not be greater than 400 square feet for docks up to 35 feet from the seawall. For docks that exceed 35 feet and no greater than 50 feet in length, the total amount of

decking including dock and catwalks may be increased to 500 square feet. No portion of the slips, boats, boat lift, dock, catwalks, lower landings, tie-poles and personal watercraft lift shall be any closer than 12 feet to the side property line as extended into the water unless the facility is a shared property line dock or a dock on an inverse curve lot.

(2) Two property owners sharing a common side property line as extended into the water can choose to have a common dock in lieu of two individual private docks. Shared property line docks on a common property line shall be allowed and shall require an agreement between the property owners that includes a provision that the property owners shall be responsible for the removal of the dock should that agreement be terminated. The agreement shall be recorded with Pinellas County, with a copy of the recorded agreement provided to the city. The shared property line dock facility shall conform to all the requirements of a single-family dock. Only one shared property line dock is allowed per lot. The slips, boats, boat lift, dock, catwalks, lower landings, platforms, tie-poles and personal watercraft lift shall be kept within the envelope.

(3) Inverse curve lots that have more than or equal to 24 feet of water frontage and less than 45 feet of water frontage shall be allowed to construct a dock facility with diminishing setbacks from the side property line as extended into the water. Side setbacks for inverse curve lots shall start at the ten feet from the property line as extended and encroach to within five feet of the property line as extended onto the water. The slips, boats, boat lift, dock, catwalks, lower landings, platforms, tie-poles and personal watercraft lift shall not encroach into the setbacks.

*(b) Multi-use dock and commercial docks:*

(1) Multi-use multi-family or commercial docks shall be permitted one dock and two slips with two lifts per 50 feet of waterfront. The number of slips cannot exceed the number of constructed units. Size of each dock facility shall be a maximum envelope of 50 feet in length and 35 feet in width. In all cases the slips, boats, boat lifts, docks, catwalks, lower landings, platforms, tie-poles and personal watercraft lifts shall be 12 feet from the side property line as extended into the water.

Site plans for new development or changes to an existing multi-use private (multifamily lots) or commercial docks facilities shall be require to be submitted to the city for approval prior to the issuance a dock permit. A uniform configuration of the dock facilities is required. In the case of a multi-use private dock facility, the required dock permit applications shall require the signature of the appropriate authority of the condominium

and/or homeowners association or a letter of authorization from the appropriate authority.

*(c) Other parameters:*

(1) The only structures allowed to be constructed shall be a dock, catwalk and/or boat lift. No other structure, such as roofs or covers over the dock, or boathouses, shall be allowed. Lower landings or platforms shall be considered a part of the dock structure and must be attached to the main dock.

(2) One single pole personal watercraft lift as defined in section 94-1 shall not be considered a boat lift. Personal watercraft lift shall be within the dock facility envelope and shall be indicated on the site plan.

(3) No renting of all or part of a dock facility shall be allowed except in the case of commercial marinas, boatyards and commercial boat docking facilities.

(4) Commercial uses, activities and/or vessels shall only be allowed in zoning districts B and CT as indicated on the city's zoning district map.

(5) All docks prior to starting construction with the city require the applicant to receive a permit from the Pinellas County Water and Navigation Control Authority, the agency that insures the navigability and environmental protection of all waters within the county.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 2.** In all other respects, the provisions of the Land Development Regulations of the City of Indian Rocks Beach, Florida not hereby amended or modified, shall remain in full force and effect.

**SECTION 3.** It is the intention of the Indian Rocks Beach City Commission that each provision hereof be considered separable, and that the invalidity of any provision of this Ordinance shall not affect the validity of any other provision of this Ordinance or Subpart B of the City of Indian Rocks Beach Code of Ordinances.

**SECTION 4.** It is the intention of the Indian Rocks Beach City Commission that such amended Ordinance be included in the Land Development Regulations of the City of Indian Rocks Beach, Florida and the publisher of the Land Development Regulations may renumber or reclassify such other provisions of the Land Development Regulations to accomplish such intention.

**SECTION 5.** All ordinances or parts of ordinances, in conflict herewith are hereby repealed, to the extent of such conflicts.

**SECTION 6.** This Ordinance shall become effective immediately upon final passage as allowed by law.

**ADOPTED ON FIRST READING AND PUBLIC HEARING** on the 26th day of February, 2013.

**PUBLISHED** in the Tampa Bay Times on the 13th day of February, 2013.

**ADOPTED ON SECOND READING AND FINAL PUBLIC HEARING** on the 12th day of March, 2013.

**PUBLISHED** in the Tampa Bay Times on the 3rd day of March, 2013.

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R.B. Johnson, Mayor-Commissioner

ATTEST:

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Deanne Bulino O'Reilly, MMC, City Clerk

Approved as to form and legal sufficiency:

By: \_\_\_\_\_  
Maura J. Kiefer, City Attorney