



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 2418, **Version:** 1

Subject:

Legislative Intent and Permission to Advertise Code Amendment RE: Chapter 62, Article VI, Zoning Regulations, Section #62-2118, Residential Boat Docks and Piers.

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board grant legislative intent and permission to advertise a code amendment to Chapter 62, Article VI, Zoning Regulations, Section #62-2118, Residential Boat Docks and Piers, to establish more consistent points for measuring dock projection and creating a riparian clear area between residential docks.

Summary Explanation and Background:

On October 27, 2020, the Brevard Board of County Commissioners directed Planning and Development staff to draft a report with proposed code revisions to address dock-related issues throughout the County. The attached staff report addresses two specific issues relating to docks: 1) the landward measurement point for a dock, and 2) clear riparian zones between docks.

The landward measurement point for a dock: The code does not contain a clearly defined point from which a dock's projection into a waterway is measured. Currently, code section 62-2118, states "no boat dock, covered boat dock or pier, together with the watercraft being moored at the structure, shall project into a manmade waterway more than 20 percent of the width of the waterway or 30 feet, whichever is less, including pilings." The code also defines a dock as, "a platform extending from a seawall or the shore which is used to secure or provide access to boats. . ." Since the code does not identify the measurement point, there have been different interpretations of the measurement point over the years which have created inconsistencies with dock projection. A potential solution for the Board's consideration would be to amend the code to establish clearly defined measuring points that take into consideration the lot line and its relationship to the shoreline of the waterway.

Clear riparian zones between docks: Currently, the Code requires docks and pilings maintain 7.5 ft. setback from side lot lines. However, it does not contain provisions that provide a clear area which prevents the placement of navigation obstruction (e.g., mooring boats/watercraft, crab/fish traps, etc.). A potential solution for the Board's consideration would to amend the code to establish clear zones that coincide with current setbacks or increase the setback distance from 7.5 ft.

Options for Board consideration:

1. Direct staff to draft code amendments to establish clearly defined measuring points that takes into consideration the lot line and its relationship to the shoreline of the waterway, and to establish clear zones that coincide with current setbacks.
2. Direct staff to draft code amendments to establish a clearly defined measuring points that takes into consideration the lot line and its relationship to the shoreline of the waterway, and increase the setback distance from 7.5 ft.
3. Provide alternative direction.

It should be noted that the County's Code only applies to dock constructed in canals, public drainage easements and drainage right-of-way's in residential zoning classifications in unincorporated areas of Brevard County. Docks constructed at properties along major waterbodies, such as the Indian River Lagoon and Banana River Lagoon, are regulated and permitted by the State (Florida Department of Environmental Protection and/or the St. Johns River Water Management District), although the County does permit electrical and other improvements associated with these docks.

Clerk to the Board Instructions:

None.