

ORDINANCE NO. 17-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 62, MARINE STRUCTURES AS FOLLOWS: AT ARTICLE III, BULKHEADS, AND PIERHEADS ON LAKE WORTH, SECTION 62-74, BULKHEADS, LANDING DOCKS AND PIERS TO ACCORD WITH PLAT; WAIVERS AND VARIANCES, TO ALLOW ONE PIER OR LANDING DOCK AND TO PROVIDE A MAXIMUM WIDTH OF A PIER OR LANDING DOCK; AT SECTION 62-75, CONSTRUCTION SPECIFICATION TO IDENTIFY THAT ONE PIER OR LANDING DOCK IS PERMITTED AND THAT THE MAXIMUM WIDTH OF A PIER OR LANDING DOCK IS 30% OF THE LOT WIDTH, SIX FEET FROM THE MEAN HIGH WATER LINE OR BULKHEAD LINE AND NOT MORE THAN 10 FEET IN WIDTH WHEN PAST SAID SIX FEET; AT SECTION 62-74.2, EXEMPTIONS BY CORRECTING THE EXEMPTION FOR TOWN OWNED AND OPERATED DOCKS IS EXEMPT FROM THE CHAPTER AND NOT THE SECTION OF THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, after public hearings pursuant to notice required by law, the Planning and Zoning Commission considered all testimony and recommended modification to the Code of Ordinances; and

WHEREAS, after public hearing pursuant to notice required by law, the Town Council considered all evidence and testimony and as the Local Planning Agency recommended that the Town Council adopt the subject Ordinance; and

WHEREAS, after public hearing pursuant to notice as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach requires that the aforesaid Chapter 62, MARINE STRUCTURES,, of the Code of Ordinances, be amended as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Article III, , Section 62-74, Bulkheads, landing docks and piers to accord with plat; waivers and variances is hereby amended to read as follows:

Sec. 62-74. - Bulkheads, landing docks and piers to accord with plat; waivers and variances.

All bulkheads erected in Lake Worth within the limits of the town shall be erected within the lines as shown on the plats described in section 62-71 except as follows. In addition, piers, landing docks and/or all associated appurtenances thereto erected in Lake Worth within the limits of the town shall

be erected within six feet of the pierhead line as shown on the plats described in section 62-71 except as follows:

- (1) The director of public works may grant an administrative waiver for batter (style) piles located west of the official bulkhead line provided that the applicant demonstrates why the bulkhead cannot be constructed without batter piles on or behind said line. A hardship shall be deemed a situation where said batter piles could not be built because existing structure(s) or soil conditions prohibit compliance with the provisions of this chapter.
- (2) One pier or landing dock and its associated appurtenance shall be allowed on a lot as an accessory structure. A pier or landing dock shall not exceed 30% of the lot width. Any portion of said pier or landing dock extending more than 6 feet from the mean high water line or Bulkhead Line, whichever is most landward, shall not exceed a pier or landing dock width of 10 feet. A pier, landing dock and/or all associated appurtenances thereto shall not be permitted more than six feet west of the official pierhead line or more than 150 [feet] west of the official bulkhead line. However, in no case shall a pier, landing dock and/or all associated appurtenances thereto extend more than 150 feet from land. The town council may approve a variance to this provision pursuant to sections 134-171, 134-172, 134-173 and 134-201 if the town council finds that the criteria in section 134-201 have been met. In addition to meeting the variance criteria, an applicant for a piers, landing docks and/or all associated appurtenances thereto more than six feet west of the pierhead line and more than 150 from the bulkhead line or land shall meet the following criteria:
 - a. Prior permit approval by the Corps of Engineers and Department of Environmental Protection is required;
 - b. A Piers, landing docks and/or all associated appurtenances thereto shall not be within 100 feet of a designated federal channel or within 62.5 feet of said channel if previously approved by the Corps of Engineers;
 - c. Where an official pierhead line or bulkhead line does not exist on the official bulkhead and groin plat of the town, a pier, landing dock and/or all associated appurtenances thereto shall not be permitted more than six feet west of the existing bulkhead. The town council may approve a variance to this provision pursuant to sections 134-171, 134-172, 134-173 and 134-201 if the town council finds that the criteria in section 134-201 have been met. In addition to meeting the variance criteria, an applicant for a piers, landing docks and/or all associated appurtenances thereto more than six feet west of the existing bulkhead shall have prior permit approval by the Corps of Engineers and Department of Environmental Protection.

Section 2. Article III, Section 62-75, Construction specifications, is hereby amended to read as follows:

Sec. 62-75. - Construction specifications.

- (a) *Generally.* All construction of bulkheads, piers and landing docks covered in this article shall comply with the specifications of this section.
- (b) *Location and alignment.* The west face of bulkheads are to be on the designated bulkhead line.
- (c) *Projections.* The west face of bulkheads shall be without projections, except at the top, where a cap or coping may be used. The transition from the face of the bulkhead to the outer face of the cap or coping shall not be abrupt. An administrative waiver by the director of public works for batter (style) piles may be granted from this provision as identified in section 62-74(a).
- (d) *Elevation of top.* The top of bulkheads or cutoff walls shall be governed by sound engineering recommendations, and the same shall be approved by the town engineer.
- (e) *Elevation of bottom.* The bottom of bulkheads or cutoff walls shall be governed by sound engineering recommendations, and the same shall be approved by the town engineer.
- (f) *Elevation of filled land lying west of the present A1A right-of-way.* The elevation of such fill will be such that drainage of any filled area will be routed away from the right-of-way ditches of State Road A1A.
- (g) *Tightness.* Bulkheads and cutoff walls shall be impervious to the passage of sand.
- (h) *Location and alignment.* One Piers or landing docks, and/or all associated appurtenances thereto may be built on a lot westward from the Official Bulkhead Line-a maximum of 150 feet. A pier or landing dock shall not exceed 30% of the lot width. Any portion of said pier or landing dock extending more than 6 feet from the mean high water line or Bulkhead Line, whichever is most landward, shall not exceed a pier or dock width of 10 feet. In addition, a piers, landing docks and /or all associated appurtenances may not be built further than 150 feet from land nor more than six feet west of the U.S. Pierhead Line in Lake Worth. A Piers and/or landing docks and/or all associated appurtenances shall also be setback a minimum of 25 feet from the side property line. (For the purposes of this section, associated appurtenances shall be considered part of a pier or landing dock as it relates to renovation or replacement of a nonconforming pier or landing dock.) No vessel that is docked at said pier or landing dock shall be allowed to extend past a continuous line extending from the side property line out into Lake Worth or the Palm Beach Inlet. These provisions may not be varied from unless a variance pursuant to sections 134-171, 134-172, 134-173 and 134-201 has been granted by the town council.
- (i) *Elevations of top.* The elevations indicated for piers and docks may be in conformance to good engineering practice.
- (j) *Presence of rock.* If in the construction of bulkheads, piers or landing docks, rock too hard for penetration is encountered, before required penetration has been attained, the applicant will be required to give the department of public works

satisfactory proof of its ability to penetrate the rock sufficiently to provide a structure equally as stable as though no rock had been encountered, and the structure had been built with the prescribed penetration in sand.

- (k) *Profiles with application.* If in the construction of any structure covered in this section is made, such application must be accompanied by a profile taken along the line of the proposed structure, such profile to show the character of materials encountered to elevations of required penetrations.
- (l) *Plans.* All plans accompanying applications for structures covered in this section must be prepared by, or in collaboration with, a civil engineer licensed to practice in the state.
- (m) *Datum plane.* The datum plane to which above elevations are referred is based upon National Geodetic Vertical Datum, 1929.
- (n) *Inspection.* The town or authorized agent has the right at all times to inspect work being done under this section.
- (o) *Approval of town engineer.* Penetration and elevations of piles being used in these structures shall be in accordance to good engineering practice. The plan of the work shall have the approval of the town engineer.

Section 3. Article III, Sec. 62-74.2, Exemptions, is hereby amended to read as follows:

Sec. 62-74.2. - Exemptions.

Piers, landing docks and/or all associated appurtenances thereto owned and operated by the town are exempt from this ~~section~~ chapter.

Section 4. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 5. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 6. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 7. Effective Date.

This Ordinance shall take effect thirty-one days after its adoption, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this ____ day of _____, 2021, second reading and final adoption on this ____ day of _____, 2021.

Danielle H. Moore, Mayor

Margret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A Cooney, Town Council Member

Queenester Nieves, CMC, Town Clerk

Lewis S. W. Crampton, Town Council Member