

ORDINANCE NO. 009-2024

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; AMENDING ARTICLE III, BULKHEADS AND PIERHEADS ON LAKE WORTH, SECTION 62-74, BULKHEADS, LANDING DOCKS AND PIERS TO ACCORD WITH PLAT; WAIVERS AND VARIANCES, TO DESCRIBE THE TERM MARGINAL DOCK AND PROVIDE SPECIFICATIONS FOR A MARGINAL DOCK, TO ELIMINATE REFERENCE TO TOWN OF PALM BEACH BULKHEAD LINE AND REPLACE WITH MEAN HIGH WATER LINE, TO PRESCRIBE MAXIMUM GANGWAY WIDTH, TO PRESCRIBE MAXIMUM TERMINAL PLATFORM WIDTH, TO INCLUDE SPECIFICATIONS FOR DOCK LIGHTING, AND TO PROVIDE SPECIFICATIONS FOR DOCKS ON CERTAIN AREAS OF EVERGLADES ISLAND AND IBIS ISLE; AND AMENDING SECTION 62-75, CONSTRUCTION SPECIFICATIONS, TO DESCRIBE THE TERM MARGINAL DOCK AND PROVIDE SPECIFICATIONS FOR A MARGINAL DOCK, TO ELIMINATE REFERENCE TO TOWN OF PALM BEACH BULKHEAD LINE AND REPLACE WITH MEAN HIGH WATER LINE, TO PRESCRIBE MAXIMUM GANGWAY WIDTH, TO PRESCRIBE MAXIMUM TERMINAL PLATFORM WIDTH, TO INCLUDE SPECIFICATIONS FOR DOCK LIGHTING, AND TO PROVIDE SPECIFICATIONS FOR DOCKS ON CERTAIN AREAS OF EVERGLADES ISLAND AND IBIS ISLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. Chapter 62, Marine Structures, Section 62-74(2) is amended as follows:

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

~~*(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 percent of the lot width. Any portion of said pier or landing dock extending more than six feet from the mean high water line or Bulkhead Line, whichever is most landward, shall not exceed a pier or landing dock width of ten 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 pier, 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 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.*

(2) One pier or landing dock and its associated appurtenances shall be allowed on a lot as an accessory structure, provided that the following specifications are met:

- a. A marginal dock (being a fixed or floating marine structure placed immediately contiguous and parallel to a seawall) shall not exceed a width of 30% of the subject parcel as measured along the seawall, and a marginal dock may project up to 6 ft from the existing seawall or Mean High Water Line (whichever is most landward) at its furthest projection.*
- b. A dock or marine structure may project a maximum of 6 ft west of the U.S. Pierhead Line at its furthest projection.*
- c. A dock or marine structure shall have a maximum projection of 150 ft from land or the Mean High Water Line (whichever is more landward) at its furthest projection.*
- d. A dock or marine structure shall have a maximum gangway width of 10 ft (not to include platform boat lifts or other mechanical or structural components related to storage of marine vessels).*
- e. A dock or marine structure shall have a maximum terminal width of 10 ft (not to include platform boat lifts or other mechanical or structural components related to storage of marine vessels), with an additional 2 ft of width permitted*

- between pilings at boat lifts to allow for pedestrian loading or unloading onto a vessel.
- f. A dock or marine structure and any related appurtenances shall have a 25 ft minimum setback from a continuous line extending from the side property lines into the waterway.
 - g. In no instance shall a marine vessel docked, moored, or stored at a dock or marine structure encroach beyond a continuous line extending from the side property lines into the waterway.
 - h. Docks shall only be permitted to provide the minimum lighting necessary to allow pedestrian navigation of the structure.
 - i. For properties located on the north, south and/or west side of Everglades Island & Ibis Isle; a marginal dock as described above may be permitted. Appurtenances related to storage of marine vessels shall be permitted to project a maximum of 25' from the existing bulkhead or Mean High Water Line, whichever is most landward. Such structures shall not impede navigation of the waterway."

Section 2. Chapter 62, Marine Structures, Section 62-75(h) is amended as follows:

"Sec.62-75. Construction specifications.

~~(h) — Location and alignment. One pier or landing dock, 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 percent of the lot width. Any portion of said pier or landing dock extending more than six feet from the mean high water line or bulkhead line, whichever is most landward, shall not exceed a pier or dock width of ten feet. In addition, a pier, landing dock 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 pier or landing dock 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 noneonforming 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.~~

- (h) One pier or landing dock and its associated appurtenances shall be allowed on a lot as an accessory structure, provided that the following specifications are met:
- 1. A marginal dock (being a fixed or floating marine structure placed immediately contiguous and parallel to a seawall) shall not exceed a width of 30% of the subject parcel as measured along the seawall, and a marginal dock may project up to 6 ft from the existing seawall or Mean High Water Line (whichever is most landward) at its furthest projection.

2. A dock or marine structure may project a maximum of 6 ft west of the U.S. Pierhead Line at its furthest projection.
3. A dock or marine structure shall have a maximum projection of 150 ft from land or the Mean High Water Line (whichever is more landward) at its furthest projection.
4. A dock or marine structure shall have a maximum gangway width of 10 ft (not to include platform boat lifts or other mechanical or structural components related to storage of marine vessels).
5. A dock or marine structure shall have a maximum terminal width of 10 ft (not to include platform boat lifts or other mechanical or structural components related to storage of marine vessels), with an additional 2 ft of width permitted between pilings at boat lifts to allow for pedestrian loading or unloading onto a vessel.
6. A dock or marine structure and any related appurtenances shall have a 25 ft minimum setback from a continuous line extending from the side property lines into the waterway.
7. In no instance shall a marine vessel docked, moored, or stored at a dock or marine structure encroach beyond a continuous line extending from the side property lines into the waterway.
8. Docks shall only be permitted to provide the minimum lighting necessary to allow pedestrian navigation of the structure.
9. For properties located on the north, south and/or west side of Everglades Island & Ibis Isle; a marginal dock as described above may be permitted. Appurtenances related to storage of marine vessels shall be permitted to project a maximum of 25' from the existing bulkhead or Mean High Water Line, whichever is most landward. Such structures shall not impede navigation of the waterway."

Section 3. 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 4. 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 5. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, 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 13th day of March, 2024, and for second and final reading on this 10th day of April, 2024.

Danielle H. Moore, Mayor

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Bobbie D. Lindsay, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member