



## Cover Memorandum/Staff Report

File #: 24-1176

Agenda Date: 9/16/2024

Item #: 7.G.

**TO: Mayor and Commissioners**  
**FROM: Anthea Gianniotis, Development Services Director**  
**THROUGH: Terrence R. Moore, ICMA-CM**  
**DATE: September 16, 2024**

RESOLUTION NO. 183-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING A MODIFICATION OF STANDARDS FOR APPROVAL OF SECTION 7.9.5(A) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A DOCK TO EXTEND MORE THAN FIVE FEET FROM THE FACE OF THE SEAWALL INTO "TRACT B" OF THE "ESTATES DE MANGO DE PARIS" PLAT AND AUTHORIZING A MODIFICATION OF STANDARDS FOR APPROVAL OF SECTION 7.9.6(A) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A DOCK EXCEEDING 50 FEET IN LENGTH WITHOUT THE REQUIRED SEWAGE PUMPOUT FOR THE PROPERTIES WITHIN THE GRACE'S MANOR SUBDIVISION, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

### **Recommended Action:**

Review and consider Resolution No. 183-24 for modifications of the Standards for Approval in Land Development Regulations (LDR) Section 7.9.5(A) and 7.9.6(A) to allow a dock to extend 98 feet from the face of the seawall into the waterway, whereas 5 feet is allowed, and to not provide a sewage pumpout connecting to the city sanitary system. (Quasi-judicial)

### **Background:**

The property is generally located on the west side of NW 4<sup>th</sup> Avenue, between NW 12<sup>th</sup> Street and NW 13<sup>th</sup> Street. The property is zoned Single Family Residential (R-1-AAA) and is located within the Lake Ida Neighborhood Overlay District.

In 1995, the subdivision "Estates Mango de Paris" was recorded with 15 single-family lots, Tract "B," submerged land within Lake Ida, and Tract "A," a 12-foot-wide parcel connecting Lot 11 to Tract "B", Lot 11 was, at the time, a large lot in the middle of the plat.

In 2000, a seawall and dock with a gazebo was permitted and constructed on Tract "A", Estates Mango de Paris.

In 2023, Lot 11 of the Estates Mango de Paris Plat, recorded in Plat Book 74, Pages 192 through 193, consisting of 1.607 acres of land (addressed as 601 NW 12th Street) was further subdivided into four fee-simple single-family lots known as the "Grace's Manor" subdivision. The subdivision includes a five-foot access easement on the south sides of Lot 11A and a portion of Lot 11B. The access easement provides all four lots with access to Tract "A", the 12-foot-wide parcel connecting to Tract "B", the water tract within Lake Ida.

### **Request**

The requests before the City Commission are consideration of authorizing modifications to the standards for approval for a new dock. The proposed dock would be on Tract "B," the waterway tract, and would serve the four "new" inland lots. The request is to construct a dock addition 8 feet wide by 86 feet long to the existing legally non-conforming 12 feet by 12 feet dock to allow mooring of four boats for the four single family lots associated with Grace's Manor subdivision. The result is a dock reconfigured to be perpendicular to the seawall, rather than parallel, projecting 93 feet more than the 5 feet allowed.

It is important to note, finger piers and dolphins are generally allowed to extend up to 25 feet from the seawall. Finger piers are typically oriented perpendicular to the shore but are limited to 5 feet in width by definition and generally provide access to boatlifts or docks.

Article 7.9 of the Land Development Regulations (LDR) governs water way access for residential properties. LDR Section 7.9.1 states, the intent of Article 7.9 is to "permit *construction in and upon certain waterways of docks, dolphins, finger piers, and boat lifts which do not cause a hazardous interference with navigation, endanger life or property, or deny the public reasonable visual access to public waterways. These regulations shall be applicable only to residentially zoned property and shall exclude commercial-boating and related facilities.*"

**LDR Section 7.9.4(A), Modification of standards for approval; appeals**, allows the City Commission to authorize a modification in the standards of approval set forth in various Subsections of Article 7.9, if it is determined that the requirements of these sections would not be feasible or would constitute hardship in a particular instance, and provided that a modification would not endanger public safety and welfare.

The relief process for modifying standards of approvals for docks, piers, and boat lifts depends upon a life-safety determination by the Building Official. If the Building Official determines the requested modification does not "*endanger public safety and welfare*", the City Commission can authorize a modification. If the Building Official has life-safety concerns, the appeal from the standards is heard by the Board of Adjustment. The Building Official determined that the proposed dock and lack of sewage pumpout does not constitute an unsafe situation or endanger the public safety. Therefore, the requests are under the City Commission's purview.

Pursuant to **LDR Section 7.9.5(A), Standards for approval**, a dock may be permitted subject to the following conditions:

*(A) A dock projection into a waterway, exclusive of dock pilings, shall be designed by one of the following methods:*

*(1) If no existing seawall: Five feet as measured from the water's edge at mean low tide.*

*(2) If existing or proposed seawall without batter piles: Five feet as measured from the face of the seawall.*

*(3) If existing or proposed seawall with or without a seawall cap with batter piles: Seven feet as measured from the face of the seawall.*

*(B) Only one fixed dock is permitted per lot. The dock shall not extend any closer than ten feet to the property line of adjacent property or the distance established for the side yard setback, whichever is greater.*

*(C) At least one ladder extending from the dock surface to two feet below the mean low waterline*

shall be provided for each dock.

(D) Floating docks shall be allowed and must be permitted and permanently attached to a fixed dock, finger pier, mooring pilings, or seawall.

(E) Docks attached to a seawall may be constructed at an elevation less than the elevation of the seawall, but shall not exceed the maximum seawall elevation in Section 7.1.7

**Pursuant to LDR Section 7.9.6(A), additional Requirements Where Over 50 Feet in Aggregate Length.**

A dock or combination of docks serving the same property and exceeding 50 feet in aggregate length shall be provided with the following facilities:

(A) At least one sewage pumpout connected to the city sanitary system.

(B) One potable water hose bib and one electrical outlet for each 25 feet of dock length or major fraction (over 50 percent) thereof or for each boat where the design of the dock, finger piers, or dolphins clearly indicates a specific number of boats to be moved.

(C) At least one ladder for each 50 feet of dock length or major fraction (over 50%) thereof extending from the dock surface to two feet below the mean low waterline. Where two or more docks serve the same property, at least one ladder shall be provided for each dock.

The applicant is proposing to provide the required ladders along with hose bibs and electrical outlets provided every 25 feet however, the applicant is requesting a waiver to the requirement installing a sewage pumpout connected to the city sanitary system.

Applicant's justification statement is provided as an attachment.

Lake Ida is a large body of water approximately 1,400 feet from shoreline to shoreline. Across from the subject property, within the Lake Ida Park, is a public boat ramp to allow boats and other type of vessels to access the lake. Along the east and south shoreline of Lake Ida are existing docks and directly south of the subject property is Lakeview Park with a boat ramp.

Analyzing the east shoreline along Lake Ida, the shore curves slightly inward from Lakeview Park to the subject property, creating a sanctuary area giving ample room for other vessels to navigate the waterway. The shoreline north of the subject property starts to curve outward where currently docks are located. The proposed 98 feet long dock projection within Tract "B" aligns with the shoreline to the north, keeping in line with the shoreline.

Most of Lake Ida is owned by Palm beach County, but a few instances occur whereby the submerged parcel is privately owned. Four lots north of Estates Mando de Paris plat (north of NW 13<sup>th</sup> Street) have docks that project more than 60 feet. The proposed dock will extend almost twice as far as the neighboring structure to the south. Therefore, the main consideration is the visual impact of the proposed dock will affect the neighbors directly north and south of Tract A. According to the applicant, the "*proposed length is necessary to safely moor a boat without scraping the lakebed*" as the provided hydrographic survey demonstrates the water depth ranging from a low point of 1 foot near the existing dock to 5.5 feet at the end of the dock. However, the plans submitted indicate the intent to moor four boats along the dock. This request has the unique condition that Tract "B," the waterway tract, is under private ownership, common to the inland lots.

**City Attorney Review:**

Reviewed to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Once action is taken on the request, the applicant can submit for a building permit application.