



## Cover Memorandum/Staff Report

File #: 25-817

Agenda Date: 7/15/2025

Item #: 7.A.

**TO: Mayor and Commissioners**  
**FROM: Anthea Giannotes, AICP, Development Services Director**  
**THROUGH: Terrence R. Moore, ICMA-CM**  
**DATE: July 15, 2025**

RESOLUTION NO. 130-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING A MODIFICATION OF STANDARDS FOR APPROVAL TO SECTION 7.9.5(A) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A DOCK TO EXTEND BEYOND SEVEN FEET FROM THE FACE OF THE SEAWALL INTO THE INTRACOASTAL WATERWAY FOR THE PROPERTY LOCATED AT 1020 SEASAGE DRIVE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.(QUASI-JUDICIAL HEARING)

### **Recommended Action:**

Review and consider Resolution No. 130-25 authorizing a modification of the Standards for Approval in LDR Section 7.9.5(A)(3) to allow a dock to extend 33 feet 6 inches into the Intracoastal waterway, whereas the maximum distance a dock may extend is 7 feet from the face of the seawall at 1020 Seasage Drive.

### **Background:**

The subject property is located at 1020 Seasage Drive, which is located within the North Beach/Seagate Overlay District within a Single Family Residential (R-1-AAA) zoning District.

The subject property consists of Lot 11 and 12, Block 5, Seagate Extension and is located east of the Intracoastal Waterway. A permit for the construction of a new single-family residence was submitted to the Building Department and approved (23-210768) and is currently under construction. A separate permit (23-212054) was submitted for a new seawall and finger pier and ultimately disapproved as it did not meet the standards of LDR 7.9 - Docks, Dolphins, Finger Piers, and Boat lifts. The subject property received a permit from the Department Environmental Protection (DEP) and was reviewed to determine if the application qualified for regulatory exemption, propriety authorization, and federal approval that is necessary for work to be commenced. The project qualified for all three. The DEP approval specifically states that no further permits are required from the United States Army Corp of Engineers (USACE), but it does not make the application exempt the structure from local rules.

*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.*

The request is to construct a 10-foot wide by 33 feet 6 inches long dock to provide safe boat mooring and navigation, and to prevent potential beaching and hull damage during mean low water to accommodate a medium to large vessel. The bathymetric survey provided for approval for the DEP permit is a hydrographic survey that measures the depth of a water body and is an important tool for understanding the underwater environment including navigation of a boat.

Pursuant to **LDR Section 7.9.4, Modification of standards for approval: appeals**, *the recommendation of the Building Official, the Commission may authorize a modification in the standards for approval as set forth in various Subsections of this 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 Building Official finds that the proposed dock projecting into the Intracoastal Waterway does not constitute an unsafe situation or endanger public safety, the proposed dock will be located adjacent to and within the Intracoastal Waterway therefore, the City Commission shall make the final determination as to whether or not to modify the standards of approval pursuant to LDR Section 7.9.4(A).

The applicant has submitted the following justification in support of the request:

To safely moor a boat and keep it from beaching a minimum of 3-5 feet of depth is necessary; thus, requiring a longer dock. The bathymetric survey measures the depth of the water at the subject property at its closes point from the shoreline at approximately 2 feet and during Mean Low Water (MLW) ranges from 2 feet 4 inches at the seawall to about 5 feet to the proposed dock.

The intent of Article 7.9 is to allow *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.*

Pursuant to **LDR Section 2.4.11(B)(5), Waivers: Findings**, *prior to granting a waiver, the granting body shall make findings that the granting of the waiver:*

*(a) Shall not adversely affect the neighboring area;*

- (b) Shall not significantly diminish the provision of public facilities;*
- (c) Shall not create an unsafe situation; and,*
- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.*

The proposed dock would not create an unsafe situation, the Intracoastal Waterway spans approximately 548 feet from the east shoreline to the west shoreline and is directly across from Knowles Park, one of the public boat ramps in the City of Delray. The proposed 33.5 foot long dock will not adversely affect the neighboring area or dimension the provisions of public facilities. The applicant is within their "Riparian rights" under Florida Statute 253.141 and is defined as "as the legal rights enjoyed by landowners whose property borders navigable waters. These rights include ingress, egress, boating, bathing, fishing, and the right to an unobstructed view of the water."

A condition to note for approval: The "proposed dock" diagram labels the side setback as 10 feet, however, the minimum setback in R-1-AAA is 12 feet. The property has over 200 feet of frontage, so providing the minimum setback is not at issue. Prior to building permit, the drawings are required to be amended to identify to correct minimum side setback.

**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.