



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Docks, Dolphins, Finger Piers, Boatlifts, and Marinas

Meeting	File No.	Application Type
November 17, 2025	PZ-000246-2025	Amendment to the Land Development Regulations

Applicant

City of Delray Beach

Request

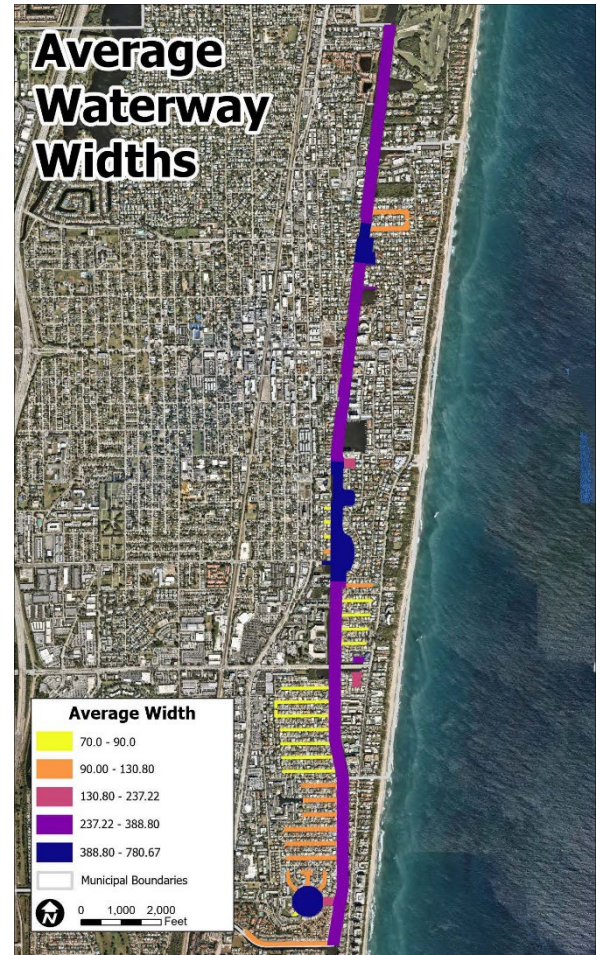
Provide a recommendation to the City Commission on Ordinance No. 12-25, a City-initiated amendment to amend Article 7.9, "Docks, Dolphins, Finger Piers, and Boat Lifts," repealing and replacing the existing regulations in their entirety, and provide a recommendation on Ordinance No. 30-25, amending accessory use regulations in certain residential zoning districts in Article 4.4, "Base Zoning District" for consistency with Article 7.9, and by adopting new definitions for docks, finger piers, marinas, and dolphins in Appendix A, "Definitions."

Background Information

The waterbodies within the city are under the jurisdiction of multiple entities. The Intracoastal Waterway (ICW) and its branches of canals throughout city are owned and maintained by the United States Army Corps of Engineers (USACE) and Florida Department of Environmental Protection (FLDEP). The same is true for Lake Ida. A regulatory exemption, proprietary authorization, and for projects along the ICW, a federal approval is required by these regulatory agencies and must meet their design guidelines in order to obtain approval. City staff may not approve a permit application within these waterbodies without the required written approval(s). The same procedures apply for any projects along the C-15 Canal, owned and maintained by South Florida Water Management District (SFWMD).

The City routinely processes relief requests for docks within the city; four variances and four waivers have been processed within the last two years alone. Other applicants have dropped their projects, as they did not wish to pursue the needed relief. Frequent requests for relief are often an indication that the regulation is not well-calibrated.

Article 7.9 has fundamental flaws in the organization of the regulations as well as the requirements themselves. Generally, the existing regulations suffer from a lack of flexibility of regulations for the varying waterway conditions in the city (map at right), and a lack of clarity in definitions. The varying width of waterbodies makes the fixed standards in the LDR inflexible and inappropriate. Both staff and constituents have found the definitions and regulations to be difficult as they are unnecessarily strict and limit the reasonable use of the waterfront areas within the subject property. Staff routinely conducts pre-application meetings to explain the process for project



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Attachments:

- Ordinance No. 12-25
- Ordinance No. 30-25

relief, as well as why the submittal does not meet the City's requirements, even though the requested configuration has been approved by the entity with jurisdiction of the water body.

Staff researched dock regulations in multiple coastal Florida jurisdictions, as well as the process for reviewing relief requests for non-compliant facilities. Regulations are typically indexed to waterway conditions. The standards for approval in other jurisdictions reviewed by staff closely mirror the requirements established by the FLDEP and SFWMD. Therefore, the changes proposed by Staff are consistent with the standards and requirements of the state regulatory bodies, so as to provide consistency and to prevent over-regulation that could deprive property owners from reasonable use of the waterway.

Other Jurisdictions Reviewed	
Palm Beach County Boynton Beach Boca Raton Jupiter North Palm Beach West Palm Beach	Broward County Fort Lauderdale Lauderdale by the Sea Lighthouse Point Pompano Beach

Description of Proposal

The proposed amendment is in two separate ordinances – Ordinance No. 12-25 and Ordinance No. 30-25.

Ordinance No. 30-25

Appendix A, "Definitions"

The following changes are proposed to several definitions related to marine appurtenances.

Definition	Justification for the Proposed Change
DOCK. Any structure and appurtenances thereto extending into or above any body of water, designed and used primarily for the securing of watercraft, fishing, swimming, or other water-related activity. A fixed structure parallel to the seawall or bulkhead line, including but not limited to, access walkways or terminal platforms for the specific purpose of mooring and accessing vessels. Docks that are perpendicular to the seawall or bulkhead are considered <i>Finger Piers</i>.	Different jurisdictions define finger piers and docks differently; there is no standard definition. The updates to the definitions clarify that docks are parallel to the shoreline, and finger piers are perpendicular.
FINGER PIER. A structure, not exceeding five feet in width, which projects into the waterway perpendicular to the seawall, bulkhead line, or property line and extends more than five feet from the seawall, bulkhead line, or property line. A dock that is perpendicular to the seawall, bulkhead line or property line and that extends into or above any body of water from the wet face of a seawall, mean high water line, ordinary high water line (for nontidal bodies), bulkhead, or property line.	The proposed modification to the definitions aims to establish internal consistency and clarity within the LDR.
<u>MARINA. A facility with dockage for multiple vessels associated with a commercial, multi-family, or public use, with or without a fueling station and power.</u>	New definition to provide a framework for reviewing these types of mooring facilities.
<u>DOLPHIN PILING. A single pile or cluster of closely driven piles used as a fender for a dock or as a mooring or a guide for watercraft but not used as a channel marker or as a dock piling.</u>	The term dolphin only refers to a cluster of pilings. Piling is a more appropriate term for the marine structure described in the definition.

Article 4.4, "Base Zoning District"

Boat docks are identified as an accessory use in five base zoning districts

- **Section 4.4.3**, Single Family Residential (R-1) Districts.
- **Section 4.4.5**, Low Density Residential (RL) District.

- **Section 4.4.6**, Medium Density Residential (RM) District.
- **Section 4.4.7**, Planned Residential Development (PRD) District.
- **Section 4.4.17**, Residential Office (RO) District.

The same language regulating the use is modified in each district is specified below.

Boat docks, subject to Article 7.9. The rental or lease of a boat dock is allowed ~~when the dock is assigned to, or on the same lot as, each residential use on a one-to-one basis~~

Ordinance No. 30-25 is attached with the full text of the proposed amendment.

Ordinance No. 12-25

Article 7.9, “Docks, Dolphins, Finger Piers, and Boat Lifts”

The traditional ~~strike through~~ and underline approach to drafting this Article was not feasible given the scope of the changes proposed. Rather, the Article is being repealed and replaced. The proposed changes are outlined below.

Section 7.9.1. Purpose and Intent.

- The current regulations have a purpose and intent, but the proposed language communicates the intent of the regulations in an aspirational rather than punitive tone.
- The purpose and intent currently indicates that the section only applies to docking facilities on residentially zoned properties. However, since regulations to define marinas are added to Article 7.9, the exclusion of commercial boating facilities is no longer applicable.

Section 7.9.2. Properties That Are Allowed to Have Mooring Facilities.

- Currently, there is no explicit regulation that says which properties may have mooring facilities. The proposed language says that single family lots and duplex structures on a single lot, and multi-family, commercial, and public properties, as regulated by zoning district regulations, may have mooring facilities.

Section 7.9.3. Procedure

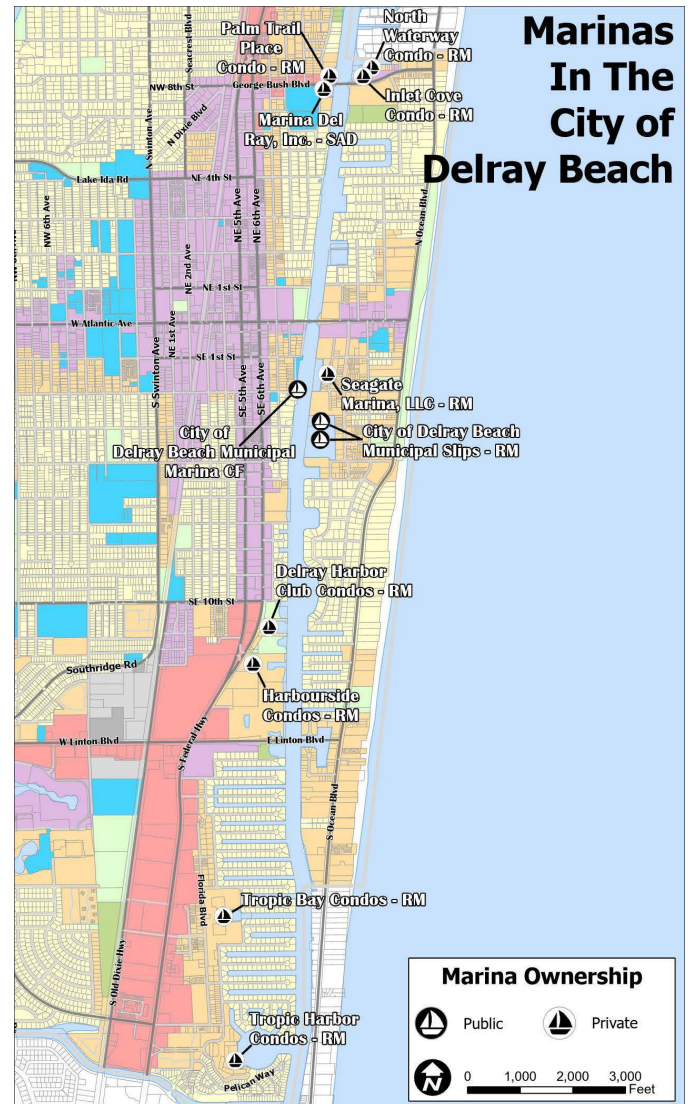
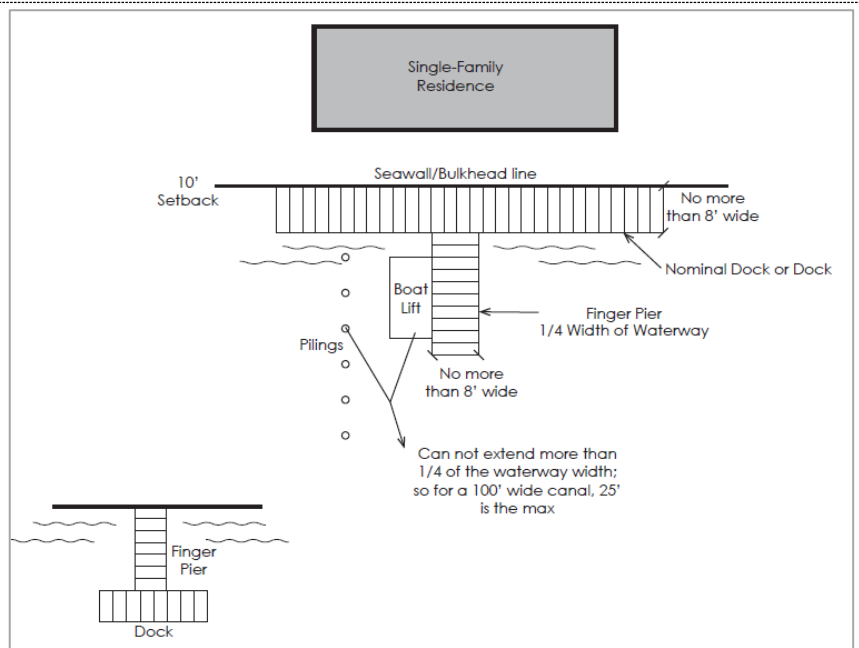
- Permits are required, as they are now, but the extensive checklist of application items is removed from the LDR, consistent with the treatment of application requirements in the update to Chapter 2, “Administrative Provisions,” and the application requirements will be provided as part of the application checklist in the City’s application portal.

Section 7.9.4. Technical Requirements, Docks, Piling, Finger Piers, Boat Lifts, and Marinas.

- The technical requirements for mooring structures were each in their own section. The technical requirements for each type of mooring structure are reorganized and revised under a single section, and requirements for marinas (discussed below) are added.

The diagram at right describes the different types of marine appurtenances and summarizes the proposed regulations. Specific changes are highlighted below.

- (A) General regulations are proposed that allow for dockage of multiple vessels and combinations of marine appearances. Under the current regulations, what is and is not allowed is not clear.
- (B) Docks. Docks were previously limited to one per single family property. The proposed regulations allow for more, if the property's conditions allow it. The new regulations only allow floating docks to be attached to a fixed structure, such as a fixed dock or seawall.
- (C) Pilings. Regulations for pilings (previously regulated and defined as "dolphins") are revised to provide a clear definition, that is used industry wide by mariners and planners alike.
- (D) Finger Piers. It is specified that finger piers are perpendicular to the shoreline.
- A finger pier may only extend 25 percent of the width of the existing waterway
 - A finger pier cannot exceed 8 feet in width.
 - A ladder is required for each 50 feet of finger pier.
 - 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 docks and finger piers clearly indicates a specific number of boats to be moored.
 - T-shaped and L-shaped configurations may be permitted.
- (E) Boat Lifts. The regulations are revised to align with the dock and finger pier requirements. A single boat lift will be allowed per single family lot but must meet the setback requirements in the raised position.
- (F) Marinas. Marinas are not currently defined or regulated in the LDR, despite the existence of numerous properties within the city with multiple docks that would be considered a marina under this definition (map at right).



The proposed update establishes thresholds for both existing and new marinas, and allows the City to approve any repairs or maintenance to existing marine structures when approved by USACOE and FLDEP, with review by the City as a completed permit application for consistency with the approval.

Section 7.9.5. Maintenance; nuisance abatement of unsafe structures.

- This section is relocated and revised. Compliance is expected; therefore, the prominence of these regulations is decreased. Additionally, the procedures for declaring a marine appurtenance as a nuisance are eliminated because the nuisance abatement procedures are provided in Chapter 100, "Nuisances," of the Code of Ordinances.

Section 7.9.6. Modification of technical requirements; appeals.

- This section is relocated and revised to deemphasize the relief path. All attempts to comply should be exhausted before relief is requested. Additionally, Staff anticipates that the proposed regulations will result in a reduction of the need for relief. The process for requesting an appeal is removed and replaced with a unified process that refers to the procedures in Chapter 2.

Ordinance No. 12-25 is attached with the full text of the proposed amendment.

Review and Analysis

LDR Section 1.1.6, Amendments

The text of these Land Development Regulations may from time to time be amended, changed, supplemented, or repealed. No such action however, shall be taken until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission.

LDR Section 2.4.7(A), Amendments to the Land Development Regulations

Amendments to the LDR may be initiated by the City Commission, Planning and Zoning Board, or City Administration, or by a member of the public.

The proposed amendment is City-initiated.

LDR Section 2.4.7(A)(5), Findings

For any approval, the City Commission must make a finding that the text amendment is consistent with the Comprehensive Plan, and that the amendment furthers the implementation of an adopted neighborhood plan, if applicable.

The following Objectives and Policies of the adopted Comprehensive Plan are applicable to the proposed amendment.

Neighborhoods, Districts, and Corridors Element

Objective NDC 3.5, Update the Land Development Regulations *Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.*

The current regulations for marine appurtenances are not calibrated to the conditions on the waterways within the city. The proposed amendment provides clear regulations for the use.

Coastal Management Element

Objective CME 2.6 Public Access *Maintain and enhance accessibility to public beach areas, waterways, canals and lakes, and recreational waterfronts.*

Policy CME 2.6.13 *Limit new marinas and boating facilities to a maximum of six powerboat slips per 100 linear feet of shoreline owned or controlled by the applicant, except the C-15 Canal and portion of the Intracoastal Waterway, approximately 1,000 feet to the north of the canal, which shall be limited to one powerboat slip per 100 linear feet of shoreline owned or controlled by the applicant.*

The proposed amendment to the regulations allows for reasonable use of the waterways, while preserving visual and physical access for residents and property owners.

Currently, there are ten facilities within the city limits that allow for docking of multiple vessels. Two of these facilities are City parks, the remaining eight are private marinas and docking facilities associated with the condominium development landward of these marinas. Maintenance has proven to be difficult under the current regulations in Article 7.9, as these types of facilities are not listed and the existing configurations do not comply. The proposed amendment supports the implementation of these policies.

Open Space, Parks and Recreation Element

Objective OPR 2.3 Beach, Waterways, and Natural Areas Access *Public access to beach areas and the Intracoastal Waterway shall be retained and enhanced, while protecting the natural environment.*

Private Property Rights Element

Policy PPR 1.1.1 *Consider the right of a private property owner to*

- *Physically possess and control interests in their own property, including easements, leases, or mineral rights.*
- *Use, maintain, develop, and improve property for their own personal use or for the use of any other person, subject to state law and local ordinances.*
- *Maintain privacy and exclude others from the property to protect the owner's possessions and property.*
- *Dispose of their own property through sale or gift.*

The proposed regulations allow for safe navigation and reasonable access to all waterways within the city, by providing standards for the construction of docks, pilings, finger piers, boat lifts and other marine appurtenances that safe-guard the public and natural environment.

Reviewing Boards

City Commission. First and second reading of Ordinance No. 12-25 is anticipated to be scheduled for City Commission review in December 2025 and January 2026.

Options for Board Action

Ordinance No. 12-25

- Recommend **approval** to the City Commission on Ordinance No. 12-25, a City-initiated amendment to Article 7.9, "Docks, Dolphins, Finger Piers, and Boat Lifts," repealing and replacing the existing regulations in their entirety, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- Recommend **approval** to the City Commission of Ordinance No. 12-25, a City-initiated amendment to Article 7.9, "Docks, Dolphins, Finger Piers, and Boat Lifts," repealing and replacing the existing regulations in their entirety, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- Recommend **denial** to the City Commission of Ordinance No. 12-25, a City-initiated amendment to Article 7.9, "Docks, Dolphins, Finger Piers, and Boat Lifts," repealing and replacing the existing regulations in their entirety, by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.
- Continue with direction.

Ordinance No. 30-25

- A. Recommend **approval** to the City Commission on Ordinance No. 30-25, a City-initiated amendment to amend certain zoning districts in Article 4.4, "Base Zoning District" for consistency with Article 7.9, and by adopting new definitions for docks, finger piers, marinas, and dolphins in Appendix A, "Definitions," by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the City Commission of Ordinance No. 30-25, a City-initiated amendment to amend certain zoning districts in Article 4.4, "Base Zoning District" for consistency with Article 7.9, and by adopting new definitions for docks, finger piers, marinas, and dolphins in Appendix A, "Definitions," by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- C. Recommend **denial** to the City Commission of Ordinance No. 30-25, a City-initiated amendment to amend certain zoning districts in Article 4.4, "Base Zoning District" for consistency with Article 7.9, and by adopting new definitions for docks, finger piers, marinas, and dolphins in Appendix A, "Definitions," by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.
- D. Continue with direction.

Public and Courtesy Notices

X Courtesy Notices are not required.

X Public Notices are not required for this request.