

ARTICLE X

BOAT SLIP ALLOCATION

SECTION 21.110 - PURPOSE..... X-1

SECTION 21.111 - DEFINITIONS..... X-1

SECTION 21.112 - PROCEDURES..... X-2

 21.112.01 – General Requirements..... X-2

 21.112.02 - Criteria..... X-3

 21.112.03 - Effect of Approval..... X-4

 21.112.04 - Application Process..... X-4

SECTION 21.113 - FEES X-5

 21.113.01 - Renewal of Use Fee..... X-5

ARTICLE X

BOAT SLIP ALLOCATION

SECTION 21.110 - PURPOSE

- a. Provide for the development of boat slips by right on properties adjacent to the Indian River. The excess boat slip allocation is provided to allow for a fair and reasonable means of authorizing development of the limited number of boat slips allocated to the City, in accordance with the Volusia County Manatee Protection Plan.
- b. The City of Edgewater Comprehensive Plan, Future Land Use Element, Objective 1.2: Natural Resource Protection, Policies 1.2.12 - 1.2.17 in accordance with the Volusia County Manatee Protection Plan and City of Edgewater Resolution No. 2005-R-11, limits the number of boat slips allowed in the city on, adjacent to, or with direct access to, the Indian River. Information received on July 13, 2005 from Florida Fish and Wildlife Conservation Commission regarding the slip aggregation option assessment for the City of Edgewater, states the maximum number of slips permitted is 798. This number includes 160 slips allocated to waterfront parcels currently zoned or used for single-family residential purposes. Additionally, 220 slips are allocated for existing non-residential slips, leaving available 418 in the slip pool. A minimum of 15% of the allocated slips shall be allocated to the City for public access use. This quantity may be reassessed and revised with the approval of City Council. The regulations are intended to provide a fair and reasonable means of allocating the available boat slips for new development, maximize public access to the waterway, promote public use, and protect the riparian rights of property owners.

SECTION 21.111 - DEFINITIONS

Boat trailer space – A parking space associated with a boat ramp, marina or other water-related facilities designed to accommodate a boat trailer and vehicle used to tow the trailer. Such space must have direct access to the Indian River within the Edgewater municipal boundaries.

Commercial slip – Any slip, other than a Single-Family Residential Slip/Dock and a Multi-Family Residential Slip/Dock.

Dry dock/storage – A commercial storage space for a boat located out of the water but with direct or adjacent access to the Indian River within the City of Edgewater municipal boundaries.

Excess slip/excess boat slip pool. Any slip that has not been previously allocated for single-family residential purposes or allocated for existing non-residential slips and is within the maximum number of permitted slips for the city. The number of available excess slips will make up the slip pool. The slip pool is based on the State approved total number of 798 allowable slips subtracted by the number of existing single-family parcels and also non-residential existing slips as of 7/13/2005 resulting in 418 excess boat slips in the slip pool. The City Council may authorize development of boat slips in excess of the number permitted by right in accordance with the procedure set forth within this article.

Shoreline. The shortest horizontal straight line that can be established between points on the side lot lines at the mean high water line of a lot or parcel abutting the Indian River.

Slip or boat slip. Any space located on, adjacent to, or with direct access to the river, which space is designed for the mooring or storage of motorized watercraft or a motor vehicle with attached boat trailer. The term includes wet and dry mooring or storage spaces. The term excludes any space designated exclusively for the mooring or storage of sailboats, and excludes any space designated for transitory use only, such as; restaurant, bait shop, or fuel dock spaces. Piers authorized only for fishing or observation are not considered wet slips.

Slip inventory. The city shall maintain and continuously update a boat slip inventory list for the purpose of determining remaining boat slip capacity. The inventory shall specifically identify:

1. The number of slips that currently exist;
2. The number of undeveloped slips for which permits have been issued;
3. The number of undeveloped slips reserved;
4. The number of unreserved slips remaining; and
5. The number of slips designated for non-motorized vessels.

Slip pool or excess boat slips allocation fee – A fee established by the City of Edgewater and deposited in the Edgewater Manatee Conservation Trust Fund, is to be remitted to the City for each slip allocated from the slip pool.

SECTION 21.112 - PROCEDURES

- a. Requests for excess boat slip allocation shall be submitted to the City in accordance with the general application requirements and procedures set forth in this Article.
- b. The City Council may grant requests for excess boat slip allocation at a public hearing after notice provided by legal advertisement.

21.112.01 – General Requirements

a. *Single family residential:*

1. A single-family residential parcel shall have the right to and be allocated no more than two (2) boat slips without applying for excess slip(s). Single-family residential parcels with Indian River frontage shall not be denied their riparian rights to construct a minimum of two (2) motorized boats slip per parcel. The single-family parcels of record that do not contain a boat slip but were permitted as such were calculated as existing and previously deducted from the slip pool and shall not be further deducted from said slip total. However, if a single-family parcel previously calculated as existing is further subdivided, then the additional parcels shall be deducted from the slip total.
2. The owners of two or more adjacent waterfront parcels zoned for or in use as single-family residences may jointly construct and maintain a dock, subject to compliance with applicable provisions of State law and Chapter 18-21.004(4)(c), Fla. Admin. Code (2009), or as that section may be amended. A dock serving multiple parcels shall have the

right to and be allocated no more than two (2) boat slips for each upland single-family residential unit for which it serves without applying for excess slip(s).

- b. *Multi-family residential.* All multi-family residential shall be considered the same as commercial allocation.
- c. *Commercial.* The City Council may authorize development of commercial boat slips in consideration of the remaining slips in the excess slip pool and the net public benefit to be derived from the project.
- d. *Availability.* Slips shall be allocated on a “first come, first served” basis.

21.112.02 - Criteria

The City Council shall evaluate the number of excess slips remaining in the City’s inventory and allocate the excess slips based on a finding of net public benefit to be derived from the project. The finding of net public benefit shall be based on the effect the project has on public use and access to the waterway, including but not limited to the following factors:

- a. The number of excess slips in the project that will be made available for purchase, lease or use by the general public.
- b. Construction expansion or improvements to new or existing public spaces, parks, plazas, walkways or other features providing access to the waterfront for the general public, on or off-site.
- c. Parking spaces associated with a boat ramp, marina or other water-related facilities designed to accommodate a boat trailer and vehicle used to tow the trailer shall be considered a boat slip for allocation purposes. Such space must have direct access to the Indian River within the Edgewater municipal boundaries.
- d. Construction expansion or improvement of a public dock or boat ramp and related facilities.
- e. Redevelopment of upland uses in a redevelopment area consistent with the adopted area plan.
- f. Preservation of upland historic properties or structures.
- g. Construction or allocation of excess slips designed to benefit an underserved segment of the boating public.
- h. Acquisition of upland for public use.
- i. Improvements to existing water-related facilities for use by the general public.
- j. Financial contribution toward a project as described above or any public project that will enhance public use of and access to the waterway, and riparian lands within the City.

21.112.03 - Effect of Approval

- a. *Reservation.* Slips may be reserved from the slip pool through payment of a boat slip reservation application fee. All lots of record as of July 13, 2005 (other than single-family) shall be afforded a one-time opportunity to reserve slips. An excess boat slip reservation application fee for the slip shall have the effect of placing a reservation on the allocated boat slips for a 3-year period, provided the annual reservation fee is paid. Any slips reserved during this period shall be removed from the available slip pool and held in reserve for those that have paid the boat slip reservation application fee. Any number of slips the applicant does not build during the above-referenced reservation period shall be returned to the slip pool.
- b. *Reservation fee.* Upon approval by the City Council, the boat slips shall be reserved provided the applicant pays 100% of the boat slip reservation fee within fifteen (15) days from the date of approval. This fee is non-refundable without the authorization of the City Council. At their discretion, the City Council may approve a refund, less a five percent (5%) administrative fee, if the applicant makes the request within one (1) year of date of initial approval.
- c. *Use Fee.* All applicants receiving allocation of any slips from the excess slip pool after the adoption of this Article will be required to pay an annual renewal use fee. The fees will be used to establish the Edgewater Manatee Conservation Trust Fund to provide funding for increased enforcement of manatee speed zones, additional equipment for on-the-water enforcement efforts, manatee conservation and education in an effort to support aquatic habitat conservation, and restoration efforts designed to protect manatees on the Indian River.
- d. *Construction.* Applicant has three (3) years from the date of City Council approval to begin construction of the assigned excess boat slips. If construction does not begin within three years, the right to develop the slips shall expire and the reserved slips shall be released and returned to the slip inventory as available.
- e. *Extensions to timetable of approved reserved slips.* Reserved boat slips may be extended for a period of one (1) year administratively by the city manager or designee provided the applicant can demonstrate significant good faith efforts in moving toward construction permitting approval. The City will determine good faith effort based on the applicant's attempt to secure required permitting. These attempts should be initiated at the onset of slip allocation approval and show evidence of continuous progress throughout the initial three (3) year approval window.

21.112.04 - Application Process

- a. Projects including new or expanding boat facilities (with the exception of single-family residential slip/docks that presently have two slips presently allocated to the parcel) shall submit an excess boat slip allocation request to the Development Services Department along with their building permit and/or site plan submittal.
- b. Projects including new or expanding boat facilities requesting excess slips to be allocated from the slip pool will be considered based on finding of net public benefit to be derived from the project and shall require approval from City Council.

- c. The number of excess boat slips allocated to a project will become a condition of the Development Order. In the event a Development Order expires prior to the expiration of the permitted reserved slip allocation expiration, the allocated slips will automatically be revoked, and the number of slips shall be placed back into the slip pool.

SECTION 21.113 - FEES

- a. The City Council shall establish the following fees in the Fee Resolution.
- b. The Boat Slip allocation Permit fee will be collected, along with the Volusia County mitigation fee, prior to building permit issuance.

Excess Boat Slip Allocation Permit

- 1. Reservation and extension application fee, per slip per year
- 2. Single family residence application fee, per slip
- 3. Multi-family residence application fee, per slip
- 4. Commercial boat slips application fee

Excess Boat Slip Annual Use Renewal

- 1. Single family residence annual use fee, per slip
- 2. Multi-family residence annual use fee, per slip
- 3. Commercial boat slips annual use fee

21.113.01 - Renewal of Use Fee

- a. The renewal of the excess boat slip annual Use Fee will be due on October 1st of each year from the time of permit issuance.
- b. Any excess boat slip pool allocation renewal use fee that is not received within 30 days beyond the due date will receive a Notice of Violation requesting remittance of the fee. If the renewal fee is not satisfied within 30 days of issuance of the Notice of Violation, the City of Edgewater may impose appropriate liens equivalent to the excess boat slip pool allocation renewal use fee and any additional filing and administration fees. The lien shall be placed on the real property, and may be compounded annually, that the excess boat slip is assigned to.