

ORDINANCE 2024-09
AMENDMENT TO UNIFIED LAND DEVELOPMENT CODE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING CHAPTER 4, *CONDITIONS FOR LIMITED SPECIFIC USES AND ACTIVITIES*, SECTION 4.01, *ACCESSORY STRUCTURES*, SUBSECTION 4.01.05, *RESIDENTIAL DOCKING FACILITIES ALONG SALTWATER AND FRESHWATER CANALS (AND INTRACOASTAL WATERWAY, AS APPLICABLE)*, OF THE *UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF PALM COAST*, TO CREATE A REGISTRATION PROCESS FOR FLOATING VESSEL PLATFORMS; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE

WHEREAS, the City of Palm Coast is granted the authority, under § 2(b)m Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City Council desires to amend City of Palm Coast Ordinance No. 2009-26, codified as Chapter 4, *Conditions for Limited Specific Uses and Activities*, Section 4.01, *Accessory Structures*, Subsection 4.01.05, *Residential Docking Facilities Along Saltwater and Freshwater Canals (and Intracoastal Waterway, as Applicable)*, of the *Unified Land Development Code* of the City of Palm Coast, Florida (“Code”) in order to provide an updated registration process for floating vessel platforms; and

WHEREAS, Florida Statutes § 403.813(1)(s)2. (2023), provides that where the owner of a floating vessel platform self-certifies compliance with the exemption criteria statutorily enumerated in Florida Statutes § 403.813(1)(s), a local government may require a one-time registration for the floating vessel platform to ensure compliance with ordinances, codes, state-delegated or state-mandated plans or programs, or regulations relating to building or zoning; and

WHEREAS, the City Council finds that creating a registration process for floating vessel platforms is necessary to comply with the 2023 amendments to Florida Statutes § 403.813(1)(s)2., allowing registration of floating vessel platforms, and to ensure that floating vessel platforms placed in the City’s waterways comply with applicable regulations; and

WHEREAS, the provisions of this Ordinance regarding License Agreements for Saltwater Access apply only to City owned saltwater canals, and a License Agreement shall

be required for a floating vessel platform only where that platform is to be installed in a City owned saltwater canal; and

WHEREAS, the City Council of the City of Palm Coast, Florida, hereby finds this Ordinance to be in the best interest of the public health, safety, and welfare of the citizens of Palm Coast.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALM COAST THAT:

SECTION 1. RECITALS. The foregoing recitals are hereby adopted as the legislative and administrative findings of the City Council and are fully incorporated herein by this reference.

SECTION 2. CODE AMENDMENT. Section 4.01, Subsection 4.01.05, of the *Unified Land Development Code* of the City of Palm Coast is amended as attached hereto and incorporated herein by reference as Exhibit “A.”

SECTION 3. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance.

SECTION 4. CODIFICATION. It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Unified Land Development Code of the City of Palm Coast, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word “Ordinance” may be changed to “Section,” “Article” or other appropriate word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 5. CONFLICTS. All prior ordinances and resolutions or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

APPROVED upon first reading on the 6th day of February 2024, at a regular meeting of the City Council of the City of Palm Coast.

ADOPTED upon second and final reading on the 20th day of February 2024, at the regular meeting of the City of Palm Coast City Council.

ATTEST:

CITY OF PALM COAST



KALEY COOK, CITY CLERK



DAVID ALFIN, MAYOR

APPROVED AS TO FORM AND LEGALITY



ANTHONY A. GARGANESE, CITY ATTORNEY

Attachments: Exhibit "A" - Amendment to Unified Land Development *Code of Ordinances* Section 4.01, Subsection 4.01.05.

EXHIBIT “A”
UNIFIED LAND DEVELOPMENT CODE AMENDMENT
SUBSECTION 4.01.05

The Unified Land Development Code of the City of Palm Coast, Florida, is hereby amended as follows: (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (* * *) indicate a deletion from the Ordinance of text existing in Chapter 4, Section 4.01, Subsection 4.01.05. It is intended that the text in Chapter 4, Section 4.01, Subsection 4.01.05, denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to the adoption of this Ordinance:

* * *

**CHAPTER 4 – CONDITIONS FOR LIMITED
SPECIFIC USES AND ACTIVITIES**

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Sec. 4.01. – ACCESSORY STRUCTURES.

This section provides specific development standards for swimming pools, fences, walls, sheds, residential garages, generators, clotheslines, seawalls, floating vessel platforms, and docks.

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4.01.05. Residential docking facilities along saltwater and freshwater canals (and intracoastal waterway, as applicable).

* * *

D. *Freshwater canal residential docking facilities.*

1. Docks and decks over the waterbody shall meet the Florida Department of Environmental Protection minimum clearance requirements.
2. Structures shall not project into the waterbody more than eight feet from the shoreline at normal water level.
3. No permanent source of electrical power, water, telephone, gas, or other items requiring piping or cable shall be extended onto the drainage rights-of-way.
4. Floating docks and floating vessel platforms are not permitted.

5. Roofed structures shall not contain enclosed sides including, but not limited to, solid material, screening, or clear plastic.

E. Floating Vessel Platforms.

1. Definition. For purposes of this Chapter, a floating vessel platform is a docking structure regulated by F.S. § 403.813(1)(s), as may be amended, which must float at all times in the water for the sole purpose of supporting a vessel so that the vessel is out of the water when not in use.
2. Floating vessel platforms may be used in conjunction with permanent docking structures. Whether used in conjunction with a permanent docking structure or used separately from a permanent docking structure, floating vessel platforms must meet the criteria established herein and requirements of F.S. § 403.813, as may be amended.
3. Floating vessel platforms must maintain a 10-foot setback from the property lines of the upland lot or parcel and may be moored perpendicular or parallel to the property line. Floating vessel platforms located in City owned saltwater canals must be fully contained within the area allowed by the License Agreement. Modified setbacks may be granted by the Land Use Administrator based upon lot size, location, easements, existing structures, adjacent riparian rights to access and navigation.
4. Floating vessel platforms may not substantially impede the flow of water, create a navigational hazard, or unreasonably infringe upon the riparian rights of adjacent property owners.
5. Prior to installing a floating vessel platform, a property owner must complete a one-time City of Palm Coast Floating Vessel Platform Registration Form (“Registration Form”). The Registration Form must be completed by the property owner(s) and requires the following:
 - a. A site plan showing the location and setbacks of the floating vessel platform;
 - b. The installation method proposed to be used for the floating vessel platform;
 - c. The proposed size of the floating vessel platform;
 - d. Self-certification that the floating vessel platform is in compliance with the exemption criteria set forth in Florida Statutes § 403.813(1)(s), as amended;

e. An acknowledgment that the floating vessel platform will not impede the flow of water, create a navigational hazard, or unreasonably infringe upon the riparian rights of adjacent property owners;

f. An acknowledgment that the floating vessel platform complies with all dimensional requirements of the City of Palm Coast Land Development Code;

g. If applicable, a License Agreement with the City of Palm Coast, as further described herein. A License Agreement shall be required only where the floating vessel platform is to be installed in a City owned saltwater canal; and

h. A registration fee, as set by resolution.

6. A License Agreement for Saltwater Access on City of Palm Coast canals is required prior to the installation of all floating vessel platforms in City owned saltwater canals. The form License Agreement may be obtained from the City. Proof that a property owner has obtained a License Agreement for Saltwater Access must be submitted along with the property owner's Floating Vessel Platform Registration Form.

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