LOCAL PLANNING AGENCY
THURSDAY, AUGUST 17, 2023 – 1:00 PM
CITY HALL, AUDITORIUM, 120 108TH AVENUE, TREASURE ISLAND, FL 33706

Local Planning Agency Regular Meeting

MEETING NOTICE AND AGENDA

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1. **MEETING CALLED TO ORDER BY PRESIDING OFFICER**
2. **PLEDGE ALLEGIANCE**
3. **CELL PHONE ANNOUNCEMENT**
4. **ROLL CALL**
5. **APPROVAL OF MINUTES**
6. **PRESENTATION OF ITEMS**

   6.A Review LPA Resolution 2023-02 which recommends approval of Ordinance 2023-07 to the City Commission. This ordinance is clarifying the regulations for docks by revising Sec. 69-32 Definitions" and Sec. 69-71 "Docks, Davits" Boat Lifts and Boats" and Sec. 69-91 "Procedure" of the City's Land Development Regulations.
   2023 0817 Resolution 2023-02 Dock Regulations.pdf
   2023 0817 Ordinance 2023-07 Marine Dock Definitions (02567831) Final.pdf

7. **LOCAL PLANNING AGENCY ISSUES, COMMENTS, OR DISCUSSION**
8. **REPORTS OF CITY ATTORNEY, STAFF AND BOARD MEMBERS**
9. **NEXT LPA MEETING**
10. **PUBLIC COMMENTS**
11. **ADJOURNMENT**

AGENDA ITEM NO. 6.A

Item Cover Page

LOCAL PLANNING AGENCY AGENDA ITEM REPORT

DATE: August 17, 2023

SUBMITTED BY: Kathryn Younkin, Community Development

ITEM TYPE: Ordinances

AGENDA SECTION: PRESENTATION OF ITEMS

SUBJECT: Review LPA Resolution 2023-02 which recommends approval of Ordinance 2023-07 to the City Commission. This ordinance is clarifying the regulations for docks by revising Sec. 69-32 Definitions" and Sec. 69-71 "Docks, Davits" Boat Lifts and Boats" and Sec. 69-91 "Procedure" of the City's Land Development Regulations.

BACKGROUND:

Comprehensive Plans and Land Development Regulations are the fundamental policy tools of municipalities.

The current Land Development Regulations for docks specify regulations for an inside corner dock and references an Exhibit A.. There are other types of lots that are found on the inside corner of canals and not shown on Exhibit A. This ordinance defines these three types of inside corner lot docks in Sec. 69-32 and establishes locational and dimensional regulations for each of these three types in Sec. 69-71. In addition, the definitions of repair and replacement have been clarified in Sec, 69-32. The proposed ordinance 2023-07 also clarifies the purpose of the exhibit in Sec. 69-91 regarding variances.

POLICY/PURPOSE: To clarify the Land Development Regulations by removing conflicts and providing clarity.

STRATEGIC PLAN RELEVANCE:

Financial and Economic Development Road Map
Goal 1: Foster a vibrant business community
Objective 2
Bold Action 1: Perform a review of local ordinances and Land Development Regulations

Bold Action 2: Update the City's Comprehensive Plan, local ordinances, and Land Development Regulations

ANALYSIS/DISCUSSION:

There have been numerous interpretations over the years as to how inside corner lots are treated and what constitutes an inside corner lot. This ordinance clarifies these three different types of lots found at the inside corners of canals and creates regulations for permitting docks on these lots. These three types are:

- Dock, adjacent to an inside corner lot
- Dock, inside corner lot
- Dock, pie shaped corner lot

Setbacks, widths and lengths for these three types of docks are clarified.

GIS studies looked at the three types of lots noted above, in order to ensure that clarifying these regulations would not create a large number of non-conforming docks. Using these studies, the proposed regulations appear to be consistent with the development pattern that has been approved in the past.

The other item that was clarified was the regulations regarding repair and replacement, these definitions were changed to more closely mirror the city regulations for non-conforming structures. While the regulations under DIVISION 4. - NONCONFORMING USES, Sec. 68-512 “Regulation” uses 50% of fair market value as the cut-off for restoration, as the appraisal of dock values is not a tool that is readily available to applicants the proposal is to use a 50% threshold of the actual structure as the line between repair and replacement.

FUNDING: N/A

MOTION: I move to (approve/deny) Resolution LPA 2023-02, which recommends adoption of Ordinance 2023-07 to the City Commission.

ATTACHMENTS:
2023 0817 Resolution 2023-02 Dock Regulations.pdf
2023 0817 Ordinance 2023-07 Marine Dock Definitions (02567831) Final.pdf

LOCAL PLANNING AGENCY
RESOLUTION NO. 2023-02

A RECOMMENDATION TO THE CITY OF TREASURE ISLAND CITY COMMISSION FOR THE APPROVAL OF AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING CHAPTER 69 "MARINE STRUCTURES AND COMMERCIAL FISHING" OF THE CITY OF TREASURE ISLAND CODE OF ORDINANCES, BY REVISING ARTICLE II. - MARINE STRUCTURES SECTION 69-32 "DEFINITIONS" TO CLARIFY THE DESCRIPTIONS OF THREE TYPES OF DOCKS ON THE INSIDE CORNERS OF CANALS, AND THE DESCRIPTIONS OF REPAIR AND REPLACEMENT; AMENDING SECTION 69-71 "DOCKS, DAVITS, BOAT LIFTS AND BOATS" TO DEFINE SETBACKS, WIDTH AND LENGTH FOR THE THREE TYPES OF DOCKS; AND REVISING SECTION 69-91. "PROCEDURE" TO REFERENCE AN EXHIBIT AND CLARIFY THE CALCULATIONS OF THAT EXHIBIT.

WHEREAS, Section 163.3174, Fla. Stat., provides for the establishment of a "local planning agency"; and

WHEREAS, Section 163.3174, Fla. Stat., describes the duties and responsibilities of a Local Planning Agency, which include preparing and making recommendations of comprehensive plan amendments and proposed land development regulation amendments; and

WHEREAS, on August 17, 2023, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed amendments provided herein and found the amendments consistent with the Treasure Island Comprehensive Plan and its elements; and

WHEREAS, on August 17, 2023, the Planning and Zoning Board, sitting as the Local Planning Agency, held a public hearing on Ordinance 2023-07 amending Chapter 69, Marine Structures and Commercial Fishing and has considered the information received at said public hearing; and

WHEREAS, on August 17, 2023, the Planning and Zoning Board, sitting as the Local Planning Agency, recommended approval of Ordinance 2023-07 to the City Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Local Planning Agency of the City of Treasure Island, Florida, in a public meeting assembled:

The City of Treasure Island Local Planning Agency hereby transmits to the City Commission the proposed amendments to the Land Development Regulations, as set forth in Exhibit “A”, Ordinance 2023-07, with the recommendation to approve said amendments.

PASSED AND DULY ADOPTED BY THE CITY OF TREASURE ISLAND LOCAL PLANNING AGENCY, 17th Day of November 2022.

TREASURE ISLAND LOCAL PLANNING AGENCY

_____ _____

Richard Harris, Chair Date
Local Planning Agency

ORDINANCE 2023-07

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING CHAPTER 69 "MARINE STRUCTURES AND COMMERCIAL FISHING" OF THE CITY OF TREASURE ISLAND CODE OF ORDINANCES, BY REVISING SECTION 69-32 "DEFINITIONS" IN ORDER TO PROVIDE DEFINITIONS OF ADJACENT TO AN INSIDE CORNER LOT DOCK, INSIDE CORNER LOT DOCK, PIE SHAPED CORNER LOT DOCK AND NATURAL DISASTER, AND TO MORE CLEARLY DEFINE REPAIR AND REPLACEMENT; BY REVISING SECTION 69-71 "DOCKS, DAVITS, BOAT LIFTS AND BOATS" TO CLARIFY DIMENSIONAL AND LOCATIONAL REGULATIONS FOR ADJACENT TO AN INSIDE CORNER LOT DOCK, INSIDE CORNER LOT DOCK, PIE SHAPED CORNER LOT DOCK AND TO CLARIFY REGULATIONS FOR REPAIR AND REPLACEMENT OF DOCKS; ; BY REVISING SECTION 69-91. "PROCEDURE" TO REFERENCE AN CODIFIED EXHIBIT AND CLARIFY THE CALCULATIONS OF THAT EXHIBIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT, PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 69 of the City Code of Ordinances ("Code"), entitled "Marine Structures And Commercial Fishing," regulates land development pursuant to Chapter 163, F.S. related to growth policy and municipal planning; and

WHEREAS, the references to Florida Statutes that are contained in Chapter 69 do not reflect the current statutory provisions and the reference needs to be corrected; and

WHEREAS, the Section 69-32 does not address differing corner lots and is amended to provide clarity and definitions of inside corner lots, lots adjacent to inside corner lots, pie shaped corner lots in relation to dock construction and natural disasters; and

WHEREAS, the intent of the regulations of Section 69-71 are to identify the location and dimensional regulations of docks through its text and its exhibit entitled "Exhibit A Measurement and Dock Location Requirements" and it is amended to have its text clearly explain the measurement and dock location requirements shown in Exhibit A; and

WHEREAS, pie shaped corner lots were not clearly provided for in Exhibit A and many properties have those type of lots so the City desires to adopt Exhibit B to clarify

the measurement and dock location requirements for pie shaped corner lots in a manner that is consistent with historical permitting practices; and

WHEREAS, the definition of repairs and replacements are to be clarified to make those terms consists with the City's other regulations related to nonconforming structures; and

WHEREAS, Section 69-91 omits specific reference to a codified exhibit reference and the City desires to include the specific reference; and

WHEREAS, the Local Planning Agency met on August 17, 2023, and recommended approval of the following revisions to the Land Development Regulations; and

WHEREAS, the City Commission has reviewed the relevant current Code provisions of the City of Treasure Island and finds that certain modifications are necessary and desirable to clarify various requirements in the Code; and

WHEREAS, the City Commission determines that the adoption of this Ordinance is in the interests of the public health, safety and welfare of the City and its residents.

NOW, THEREFORE, THE CITY OF TREASURE ISLAND, FLORIDA DOES ORDAIN:

SECTION 1. The recitals set forth in the "Whereas" clauses above are ratified and confirmed as true and correct and are hereby adopted as legislative findings by the City Commission of the City of Treasure Island, Florida, for the adoption of this Ordinance.

SECTION 2. That section 69-32 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 69-32. - Definitions.

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boat means any manmade item which floats and is designed to be propelled by oars, paddles, sail, motorized power or by any other means. Proof of title along with registration as a vessel in accordance with F.S. ch. 327 and 328 shall be required. Personal watercraft are exempted from consideration as a boat as defined herein.

Boat lift means a device for lifting boats out of the water for storage over the water. Boat lifts shall be inclusive of all four post lifts and service catwalks, but exclusive of davits where the davit base is not within the waters of the city.

Catwalk means a narrow dock with a minimum width of 24 inches and a maximum width of 36 inches.

Commercial dock means any dock which will be used in connection with or owned by a hotel, motel, restaurant, social or fraternal club or organization or commercial enterprise of any type whatsoever.

Construction means completely new work, repairs, replacements and extensions to existing structures, except that it shall not include the repair or replacement of decking, stringers, railings, lower landings or the patching or reinforcing of existing pilings on a private, commercial or multi-use private dock for which a permit was originally issued.

Dock means any structure, otherwise known as a pier, wharf or loading platform which is constructed on piling over open water or which is supported by floatation on the water.

*Dock, adjacent to an inside corner lot m*eans a dock located on a property immediately adjacent to an inside corner lot as depicted in Section 69-71 in Exhibit A – Lots 1 and 4. Generally adjacent to an inside corner lot docks occur in Isle of Capri.

Dock, inside corner lot means a dock located on a lot at the inside corner of a canal, where the property lines of the abutting properties at the waterfront, if extended into the water would meet at an angle of approximately 90 degrees as depicted in Section 69-71 in Exhibit A – Lot No. 3. Generally inside corner lot docks occur in Isle of Capri.

Dock, pie shaped corner lot means a dock located on a lot, where the property lines, if extended into the water would meet at a point within 200 feet of the waterfront property line as depicted in Section 69-71, Exhibit B1 and B2.

Floating dock means any dock supported by flotation devices and influenced by the daily ebb and flow of the tide. Incidental movement or the capability of movement upon water shall not preclude a structure from classification as a floating dock. Registration of the structure as a vessel in accordance with F.S. ch. 327 and 328 shall not preclude a structure from classification as a floating dock.

Multi-use private dock means any dock owned in common or used jointly by the residents of an apartment house (more than two units), condominium or cooperative apartment.

Natural disaster means an act of God, including but not limited to hurricane, lightening, storm tornado, flood, severe wave action.

Permanent mooring means the docking of a boat for in excess of 72 hours in any seven-day period. Any extension to this time period may be granted for extenuating circumstances by approval of the city manager.

Personal watercraft means any inboard powered vessel less than 16 feet in length which is propelled by a jet drive. It is designed to carry from one to three persons, and be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel. Its use is subject to all local, state and federal regulations governing the operation of powerboats of similar size.

Private dock dwelling, single-family means any dock which will be used by an individual owner, his family and friends, or means any single structure dock facility which provides dockage for a duplex type residential unit. This definition is not to include docks servicing zero lot line attached units. A private dock shall not be used for the production of income.

Repair means ~~the~~ replac~~ement~~ing ~~of~~ less than:

(1) 50 percent of the ~~The~~ piling or support system of a dock or lift;

(2) ~~More than 25~~ 50 percent of the dock surface area.

Replacement means ~~the~~ replacing more than:

(1) 50 percent or more of the pilings or support system of a dock or lift;
(2) 50 percent or more of the dock surface area.

Seawall means any hardening of the shore by the installation of a vertical wall where such structure is toed in within the waters of the city. This definition specifically excludes upland retaining walls located outside the waters of the city.

Seawall line means that line established by the city under authority of its charter.

Service catwalk means a structure on pilings over open water similar to a dock. The service catwalk shall be a minimum of two feet wide, a maximum of three feet wide and used solely in conjunction with a boat lift for servicing the boat and lift. This structure shall the considered part of the boat lift.

Tiepoles shall include dolphins or mooring poles which are placed to provide anchorage, mooring or space for a ship or boat.

Work means any project, activity, alteration, construction, maintenance, repair, placement or replacement of or with respect to any dock, dock related structure, or floating dock.

SECTION 3. That section 69-71 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 69-71. - Docks, davits, boat lifts and boats.

(a) *Maximum width, length and position of* docks*, davits, boat lifts and tiepoles.*

(1) Setbacks: All docks to be constructed on waterfront property of less than 60-foot frontage must be located so that no portion of the proposed dock is closer to either extended property line than one-third of the waterfront measurement. All docks to be constructed on waterfront property of more than 60-foot frontage must be located so that no portion of the proposed dock is less than 20 feet from either adjacent extended property line. ~~Docks~~ An inside corner lot dock and a pie shaped corner lot dock ~~located on waterfront property on the inside corner of a canal~~ may be located not closer than five feet from either adjacent extended property line. ~~The location of~~ An adjacent to an inside corner lot dock is prohibited from being located on 50% of the lot closest to the inside corner lot, including tiepoles.

(2) Width: All docks, not to include boatlifts and davits, shall be constructed so that the width of same shall not exceed 25 percent of the width of the property involved at the waterfront. Residential docks and boat lifts shall be limited to a combined maximum width of 35 feet. If more than one multi-use private dock is allowed on a property, the dock and lift widths may be combined.

Length: The length of all docks shall not exceed a maximum length of 50 feet, including tiepoles. An inside corner lot dock and an adjacent to an inside corner lot dock is limited to a length of half of the total waterfront width. A pie shaped corner lot dock may not encroach into the extended property lines of abutting properties, or within 10-feet of the terminus of the extended property lines.

Catwalks: Catwalks shall have a minimum width of 24 inches and a maximum width of 36 inches.

(3) All davits and lifts shall comply with all setback and locational requirements of docks.

(4) All tiepoles shall be located within the extension of the side property lines, project not farther above the surface of the water than is reasonably necessary for their use, and in no case higher than ten feet above mean high water. Tiepoles shall be located no more than 50 feet from the seawall.

(5) Docks shall be constructed so that no portion of the deck projects above the level of the seawall cap more than 12 inches.

(6) The location of all inside corner lot docks and adjacent to an inside corner lot docks, including the measurements, limitations and restricted area in which docks are not permitted, shall be in accordance with the requirements of Exhibit A, attached hereto and incorporated herein, which, along with its locations, measurements, limitations and restricted area is incorporated in this Code. The location of all pie shaped corner lot docks, including the measurements, limitations and restricted area in which docks are not permitted, shall be in accordance with the requirements of Exhibits B1 and B2, attached hereto and incorporated herein, which, along with its locations, measurements, limitations and restricted area is incorporated in this Code.

(7) All docks, davits, lifts or tiepoles, as permitted, shall be located so as not to interfere with the riparian rights of adjacent properties.

(8) All boats and personal watercrafts moored at a private dock shall be located so as not to interfere with the riparian rights of adjacent properties.

(b) *Disrepair or dilapidated* docks*.* If any dock is permitted to fall into disrepair so as to become a dangerous structure involving risks to the safety and well–being of the community or individual members thereof, such structure must be either removed or ~~repaired~~ replaced as to conform with the requirements of these regulations. Repairs may be made to nonconforming docks and lifts.

(c) *Repair of* docks *damaged by natural disaster.* Dock owners shall be permitted to repair or replace docks that have been damaged by a natural disaster ~~(act of God, heavy winds and/or seas)~~ in the same configuration as the original permitted dock.

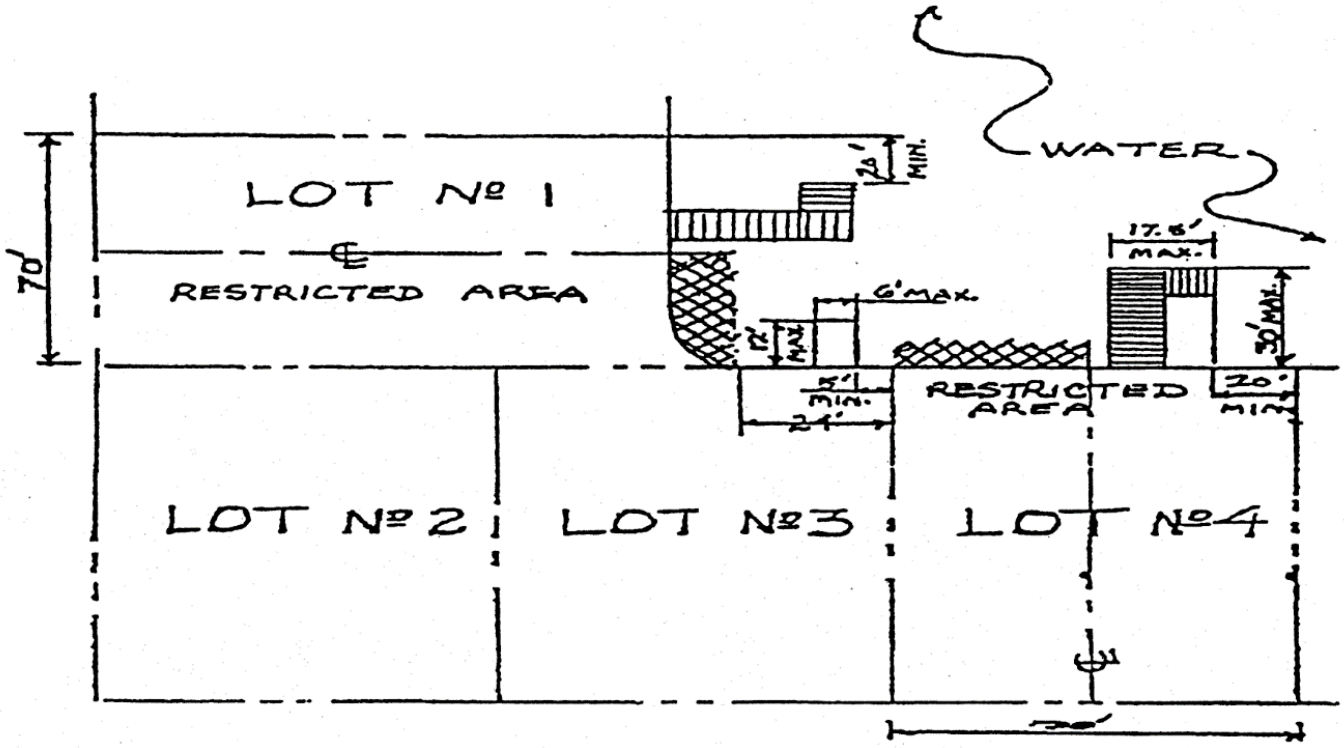
(d) *Number of* docks*.*

(1) *Private* docks*.* A private dock shall not be used to accommodate more than two boats for permanent mooring. No more than one dock structure shall be located at any dwelling, single-family, with the exception of service catwalks. Catwalks and service catwalks will be considered part of the private dock and shall be included in the width calculations for the total dock structure.

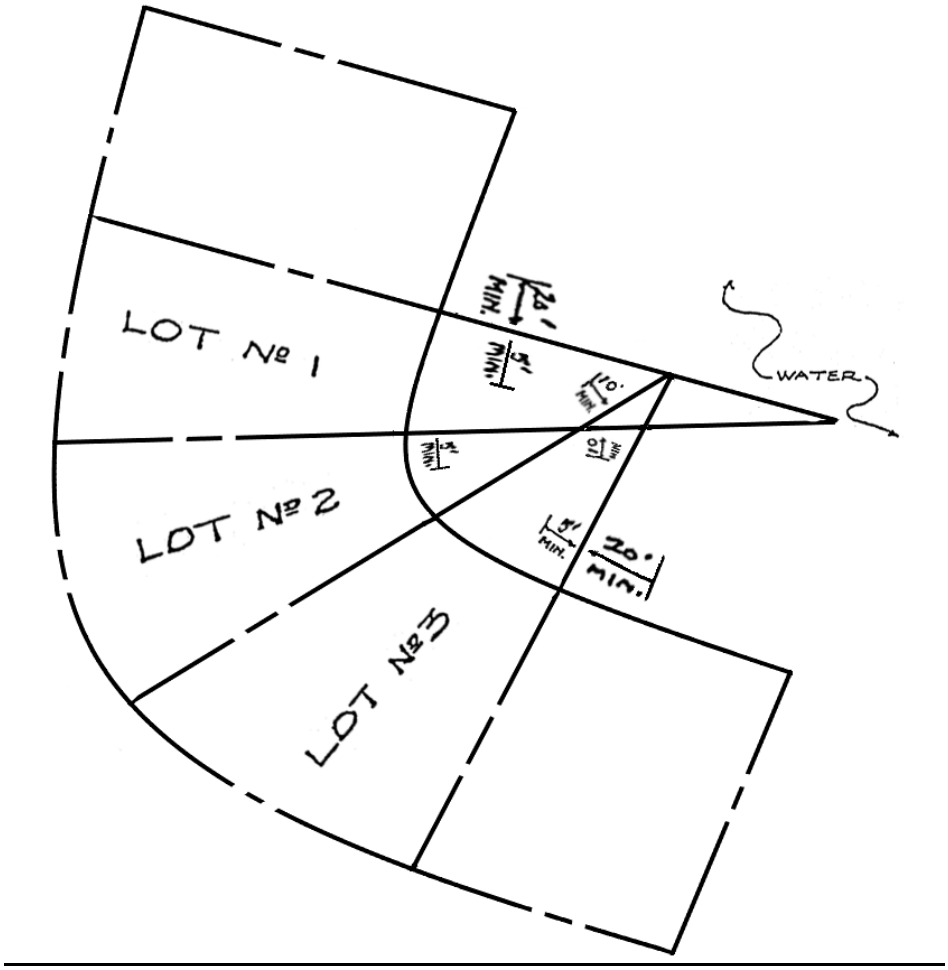
(2) *Multi-use private* docks*.* There shall be no more than one multi-use private dock for every two dwelling units.

(3) *Commercial* docks*.* The number of commercial docks shall be permitted by locational requirements.

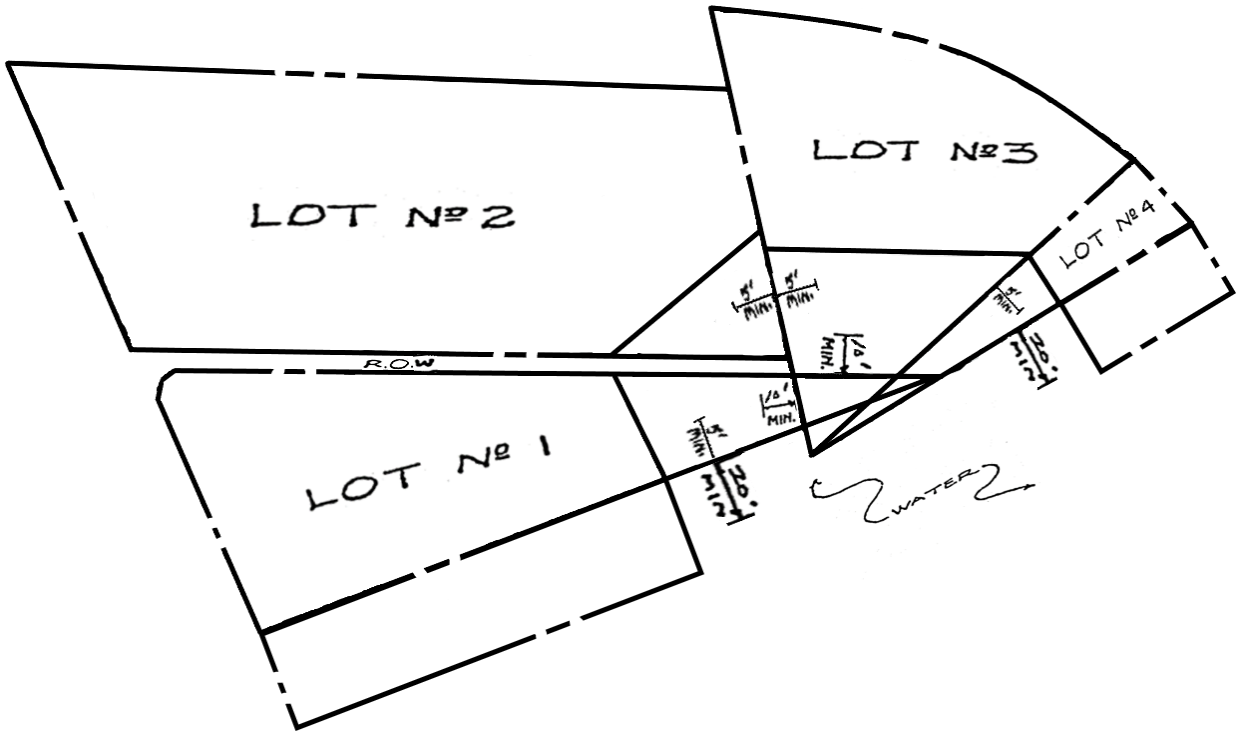
69-71. EXHIBIT A
MEASUREMENT AND
DOCK LOCATION REQUIREMENTS
INSIDE CORNER LOT DOCKS AND
ADJACENT TO AN INSIDE CORNER LOT DOCKS



69-71. EXHIBIT B1
MEASUREMENT AND
DOCK LOCATION REQUIREMENTS – PIE SHAPED CORNER LOT DOCKS



69-71. EXHIBIT B2
MEASUREMENT AND
DOCK LOCATION REQUIREMENTS - PIE SHAPED CORNER LOT DOCKS



SECTION 4. That section 69-91 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 69-91. - Procedure.

(a) Requests for variances from the requirements of this chapter shall be heard by the planning and zoning board. No variance may be granted unless the applicant establishes, by substantial competent evidence, that:

(1) A literal enforcement of the provisions of this article would result in extreme hardship due to the unique nature of the project and the applicant's property;

(2) The variance being sought to be granted is the minimum variance that will make possible the reasonable use of the applicant's property; and

(3) The granting of the requested variance will be in harmony with the general intent and purpose of the chapter and will not be injurious to the area involved or otherwise detrimental or of adverse effect to the public interest and welfare.

(b) In granting any variance, the planning and zoning board may prescribe appropriate conditions and safeguards.

(c) The planning and zoning board shall prescribe a reasonable time limit not to exceed one year within which the action for which the variance is granted shall be initiated.
(d) Variances shall not be deemed to set precedence for other applications should they be either standard applications or those requiring variances.
(e) In no event shall the planning and zoning board grant variances permitting construction of structures which interfere with or violate the riparian rights of adjacent properties. See Exhibit "C" for limitation of variances for placement of inside corner lot docks. Calculations used in the example in Exhibit C:

Average Lot Width

Lot 1: 70'

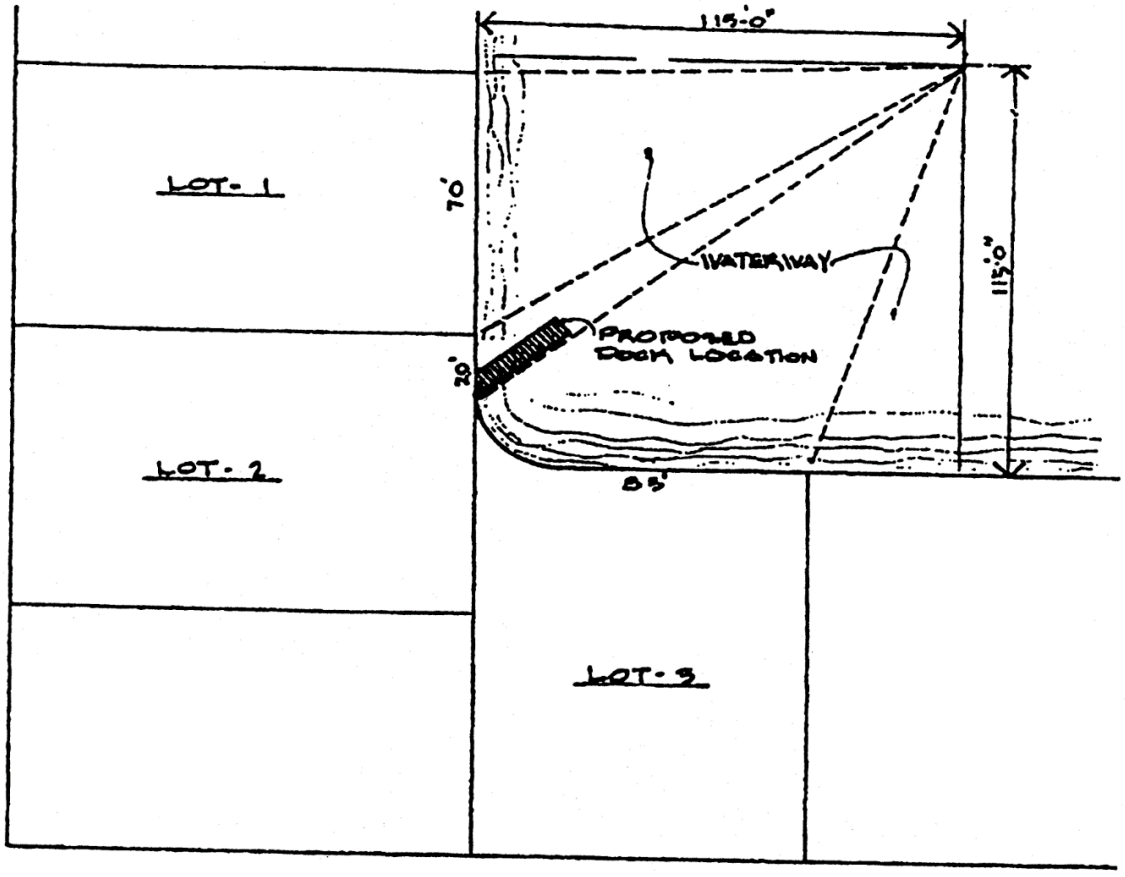
Lot 3 = 85'

Total 155' divided by 2 = 76.5'

Length Projected

76.5' times 1.5 = 114.75, so rounds up to 115'

69-91. EXHIBIT C
VARIANCES FOR
DOCK, INSIDE CORNER LOT



~~EXHIBIT "B"~~

---------- PROPERTY LINE PROJECTED INTO WATERWAY

~~Average Lot Width~~
~~Lot 1: 70'~~
~~Lot 3 = 85'~~
~~Total 155' divided by 2 = 76.5'~~
~~Length Projected~~
~~76.5' times 1.5 = 114.75, so rounds up to 115'~~

~~EXHIBIT B: Placement on Inside Corner Properties~~

SECTION 5. SEVERABILITY.
It is the intention of the City Commission that each provision hereof be considered severable, and, if any section, subsection, sentence, or provision of this ordinance is held invalid, the remainder of the ordinance shall not be affected.

SECTION 6. CONFLICT.
All ordinance or portions of ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 7. CODIFICATION.
Sections 2-4 of this ordinance shall be codified in the Code of Ordinances for the City of Treasure Island, Florida. The codifier is authorized to renumber or reclassify such other provision of the Code of Ordinance to accomplish such intention. The codifier is also authorized to make editorial changes not affecting the substance of this Ordinance in the substitution of article, ordinance, section, paragraph, or such other appropriate word or phrase in order to accomplish such intention.

SECTION 8. EFFECTIVE DATE.
This Ordinance shall take effect immediately upon its final passage.

FIRST READING and PUBLIC HEARING on the __ day of ___, 2023.

SECOND READING and PUBLIC HEARING on the __ day of ___, 2023.

PUBLISHED in the Tampa Bay Times on the __ day of ___, 2023.

The foregoing ordinance was offered during the meeting of the City Commission of the City of Treasure Island, Florida, sitting on the ___ day of _____, 2023 by Commissioner _____ who moved its adoption; was seconded by Commissioner _____ and upon roll call, the vote was:

YEAS:

NAYS:

ABSENT OR ABSTAINING:

_____
J. Tyler Payne, Mayor

ATTEST:

_____
Celine Kidwell, City Clerk

Approved as to form:

_____
Jennifer R. Cowan, City Attorney