

Mr. Bob Bruce of Indian River Neighborhood Association was present and said he thinks the Type C buffer should be changed to a Type B buffer.

Chairman Day closed the floor for public comment.

There being no further Commissioner questions, Chairman Day called for a Motion.

**ON MOTION BY Chip Landers, SECONDED BY Jordan Stewart, the members voted unanimously (5-0) to recommend approval of the requested amendments to Land Development Regulations Sections 901.03, 911.10, and 971.13.**

### **Public Hearing**

Chairman Day read the following into record:

**B. Consideration of a Request by David L. Cox, Ph.D., to Amend Land Development Regulation (LDR) Section 932.07, Piers, Docks and Boat Slips, by Revising the Size Restrictions on Unwalled Boat Shelters to be Consistent with Florida Department of Environmental Protection (FDEP) and Other Jurisdictional Agency Requirements [LDRA-22-05-01 / 2022020086-91934]**

Chairman Day asked if any members had any ex-parte communication or conflict that would not allow them to make an unbiased decision. There were none.

IRC Principal Environmental Planner Steven Hitt reviewed information about the request to amend Land Development Regulation (LDR) Section 932.07 and gave a PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) Office. Mr. Hitt gave some background and history of amendments to the County LDR's regarding size limitations of unwalled shelters and boat slips. Mr. Hitt gave a brief overview of Florida's state law requirements and administrative code regarding limitations to private single family dock facilities. Mr. Hitt explained that previous LDR amendments were passed which gave limitations that corresponded to the size of the dock and added a one foot overhang provision. Mr. Hitt explained how this has not been fully consistent with State requirements. Mr. Hitt gave some examples of how this has created unintended consequences, including incentivizing maximum dock sizes.

Mr. Hitt reviewed the proposed amendment. Mr. Hitt highlighted the unchanged LDR requirements and discussed criteria being kept which include aquatic seagrass limitations, limitations on height, and dock setback and extension limitations. Mr. Hitt discussed staff findings and potential benefits of the proposed amendment as well as Commissioner options. Mr. Hitt explained the proposed changes will be consistent with other State jurisdictional agencies. Mr. Hitt ended his presentation by recommending the language of the amendment be adopted as proposed.

Mr. Mucher asked how these regulations relate to any municipality regulations. Mr. Hitt explained that this would only affect the unincorporated portion of the County. Mr. Hitt showed a map that highlighted the general location of marginal docks and moorings. There was discussion about size limitations. Mr. Hitt was asked about feedback from area dock builders. Mr. Hitt responded that a lot of shelters are canvas walled and they do not see many covered boat shelters. Mr. Hitt further discussed State versus County restrictions and in response to a Commissioner question, explained the revised proposal is more restrictive than State restrictions in some aspects and not in others.

Chairman Day opened the floor for public comment.

Mr. Chris Pinson of Indian River Docks, LLC was present and discussed challenges presented when constructing a boat cover. Mr. Pinson described how people are building more dock as a work around to the current size restrictions. In response to a Commissioner question, Mr. Pinson said that the proposed amendments solve these problems. Mr. Pinson also noted that in regard to permitting, most HOA's have their own regulations and restrictions and, therefore, there are many situations where this is not applicable.

Dr. David Cox was present and stated he is partners with Mr. Pinson. Dr. Cox said that the State and Federal regulations are more restrictive than the County regulations. Dr. Cox discussed water depths and maximum structure guidelines. Dr. Cox said that he has difficulty explaining the County regulations to customers and that the regulations are difficult to interpret as currently written. Dr. Cox said he feels adopting the language of the proposed amendment would solve problems and would not make the requirements less stringent.

Mr. Joseph Paladin, representative of the Land Use Committee of the Indian River Neighborhood Association, was present and said he supports the staff recommendation to adopt the amendment.

There being no further comments Chairman Day closed the floor for public comment.

There being no further Commissioner questions, Chairman Day called for a Motion.

**ON MOTION BY Jordan Stewart, SECONDED BY Chip Landers, the members voted unanimously (5-0) to approve staff's recommendation to adopt the proposed amendment to Land Development Regulation Section 932.07.**

### **Commissioners Matters**

There were none.