

Waterfronts Florida

***Preserving Recreational
& Commercial Working
Waterfronts***

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Why is this an Issue?

- Legislation
- Definitions
- Comprehensive Planning Requirements
- Tools

HB 955, Waterfront Property Laws of Florida, Ch. 2005-157

- Focus on recreational & commercial working waterfronts
- Comprehensive planning requirements
- Establish Waterfronts Florida
- Ad valorem tax deferrals for working waterfront properties
- Expedite environmental resource permits for marinas with 10% public slips

HB 989

Laws of Florida, Ch. 2005-158

- Expanded Boating Advisory Council – membership and duties
- General permit for public marinas & boat ramps

HB683

Laws of Florida, Ch. 2006-220

- Revised definition of “recreational and commercial working waterfronts”
- Encouraged coastal local governments to adopt recreational surface water use policies (and report by Dec. 1, 2010)
- Exempted marinas from development of regional impact review

What is a Recreational and Commercial Working Waterfront?

- Parcel(s) of real property
- Provide access for water-dependent commercial activities or
- Provide access for the public to the navigable waters of the state
- Require direct access to or location on, over, or adjacent to a navigable body of water

Section 342.07, F.S.

What is a Recreational and Commercial Working Waterfront?

- Water dependent facilities
- Open to the public
- Offer public access by vessels to the waters of the state or
- That are support facilities for recreational, commercial, research, or governmental vessels

Section 342.07, F.S.

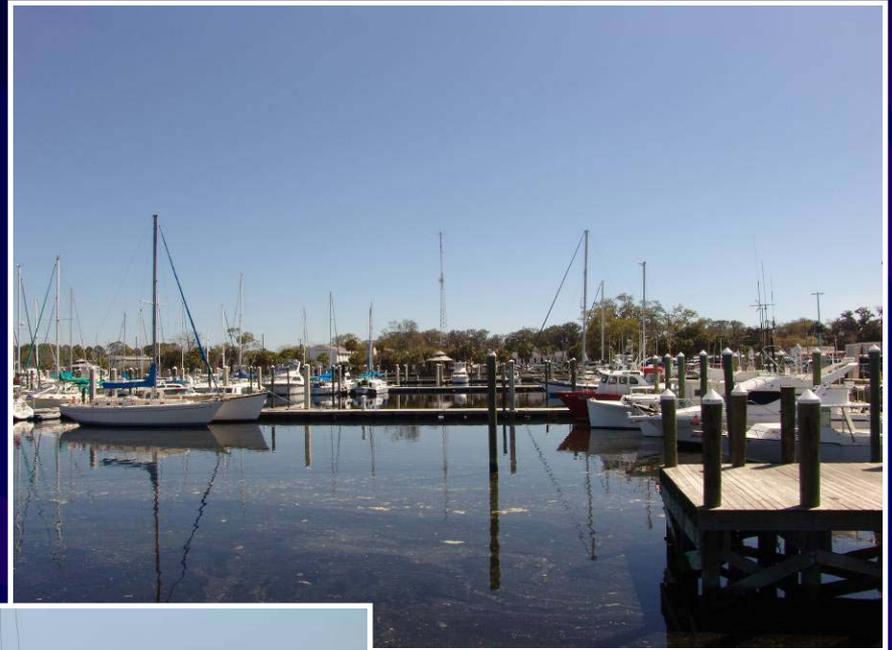
What is a Recreational and Commercial Working Waterfront?

- Public lodging facilities
- Docks
- Wharfs
- Lifts
- Wet and dry marinas
- Boat ramps
- Boat hauling and repair facilities
- Commercial fishing facilities,
- Boat construction facilities,
- Other support structures over the water are all included in the definition.
- Seaports are excluded from this definition.

Section 342.07, F.S.



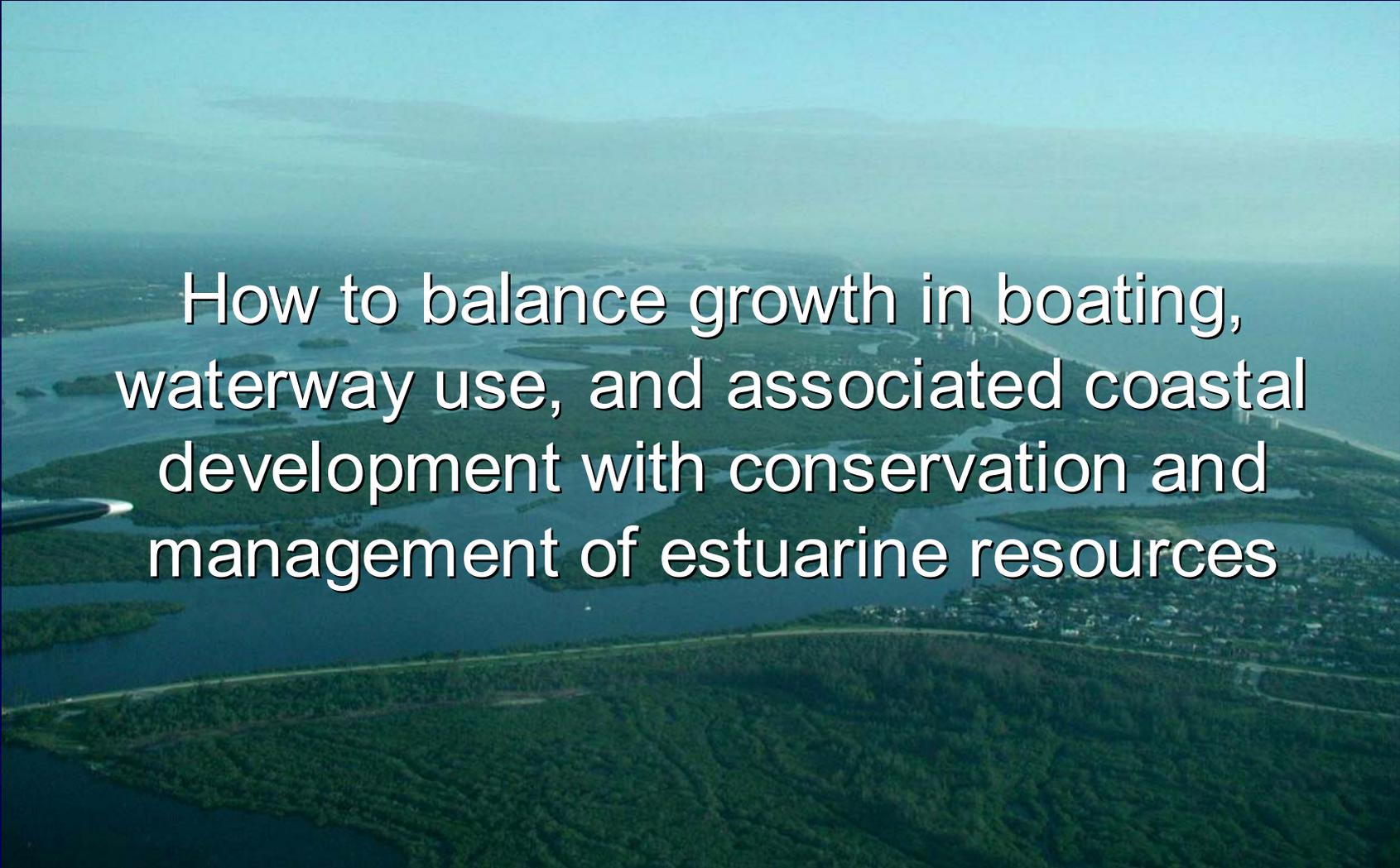






Mike Peace, St. Petersburg Times

Planning Dilemma

An aerial photograph of a coastal estuary system. The image shows a complex network of waterways, including a large central bay and several smaller channels and inlets. The surrounding land is predominantly green, indicating dense vegetation or forests. In the distance, a coastline with some buildings and infrastructure is visible under a hazy sky. The overall scene illustrates the natural beauty and complexity of estuarine environments.

How to balance growth in boating, waterway use, and associated coastal development with conservation and management of estuarine resources

Waterfronts Florida: Focusing on four priority concerns

- Protecting environmental & cultural resources
- Providing public access
- Preventing losses from disasters
- Enhancing the waterfront economy

Chapter 342.201, F.S., Chapter 2005-157, L.O.F.,
Chapter 2006-220, L.O.F.

Comprehensive Planning Requirements

- Future Land Use element for coastal counties
 - Regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts (as defined in s. 342.07).
 - Chapter 163.3177(6)(a), F.S.

Comprehensive Planning Requirements

- Recreation and Open Space element
 - Waterways in the comprehensive system of public and private sites for recreation
 - Chapter 163.3177(6)(e), F.S.

Comprehensive Planning Requirements

- Coastal Management element
 - Strategies to preserve recreational and commercial working waterfronts (as defined in F.S. 342.07)
 - Chapter 163.3178(2)(g), F.S

Comprehensive Planning Requirements

- Coastal Management element
 - Recreational surface water use policies encouraged
 - Consider protection of working waterfronts and public access to the water
 - Chapter 163.3177(6)(g), F.S

DCA Responsibilities

- Technical Assistance – model comprehensive plan goals, objectives, policies and other resources
- Local compliance with State Statutes
- Evaluation and Appraisal Report (EAR)
- EAR based amendments
- Review of text and Future Land Use Map amendments

Model Alternative Working Waterfront Ordinance

Data and Analysis: Inventory

- Working waterfronts
- Waterways
- Existing rights-of-way
- Easements
- Viewscapes
- Anchorages
-and all facilities that provide essential support services

Model Alternative

Working Waterfront Ordinance

Data and Analysis

- Character
- Economic Base
- Water
Dependent/Non-
Water Dependent
- Supply/Demand
- Future Development
Potential of
Underutilized Sites
- Trends; Threats

Preserving the Working Waterfront

Define terms – Statutes, 9J-5, Local

- Water Dependent Use
- Water Related Use
- Public Water Access
- Industrial and Commercial Waterfront
- Public Lodging

Preserving the Working Waterfront

Recognize Competing Uses/Conflicts

- Recreational Marina vs. Commercial Fishing
- Access for the Public vs. Commercial and Industrial Uses
- Visual Access vs. Boat Barns, Boat Building
- Condominium vs. Public Lodging, Marinas

Cortez Village



St. Andrews and Crystal River



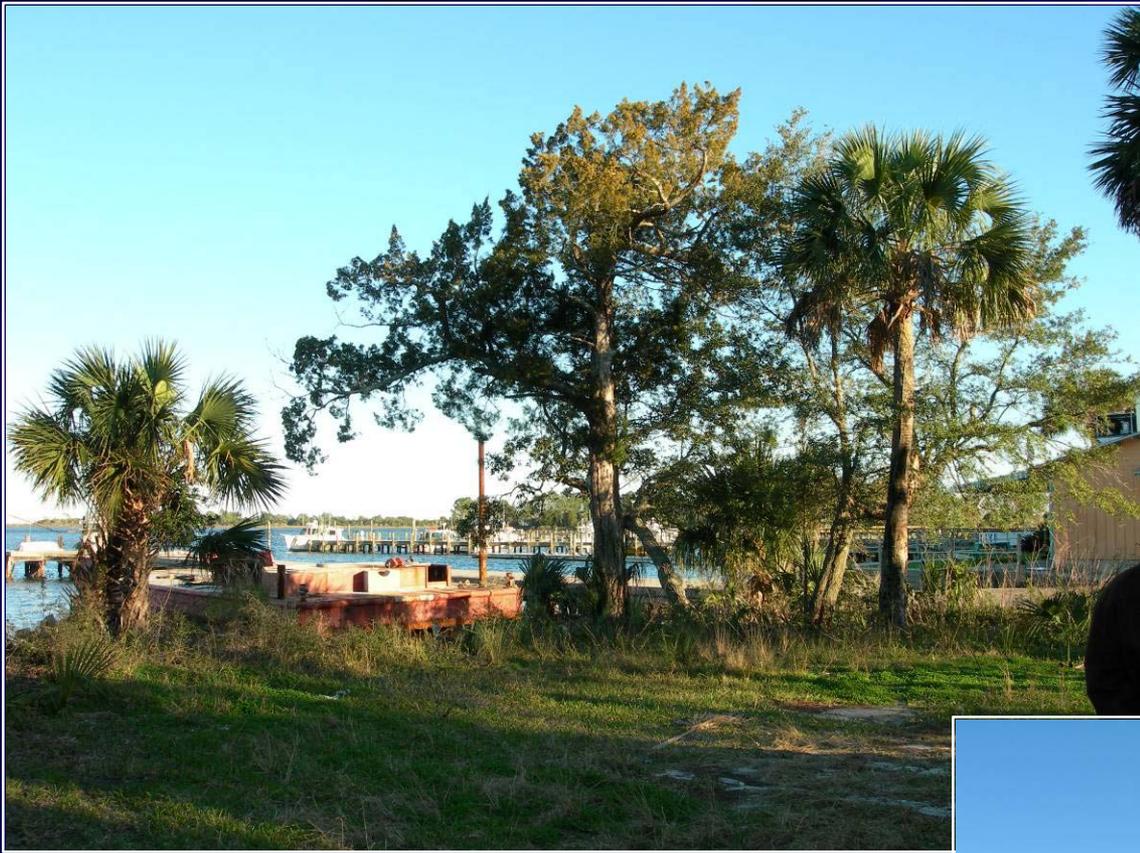
Mayport Village



Port Salerno Commercial Dock



Panacea





Eau Gallie Pier – May 2007



Coastal Management Element

Goal – Ensure Public Access

- Working Waterfront Advisory Committee
- Develop Strategies to Protect and Promote Public Access -- Recreational and Commercial

Coastal Management Element

Maintain/Expand existing access

- No Vacation of Publicly Owned Access
- Managed Anchorage and Mooring Fields
- Encourage Use of Private Lands for Public Access: Incentives, maintenance reimbursement, Liability Waiver Statute

Coastal Management Element

- Public Acquisition Program
 - Acquisition Strategies
 - Based on Inventory/Need Analysis
 - Funding Source

Coastal Management Element

- Incentive to Reduce Pressure for Conversion:

- Property Tax Deferral Program*

- *Deferred Taxes Must be Paid in Full if Property Changes Ownership or is Converted

Recreation and Open Space Element

Goal – Create a Publicly-Accessible Linked System of Waterways

- Based on Data and Analysis
- Protect Environmental Values
- Identify Future Access Opportunities,
Integrating with Working Waterfronts

Future Land Use Element

Goal – Promote and Preserve the Recreational and Commercial Working Waterfront

RCWW Future Land Use Category

- Only Water Dependent Uses as right
 - Other Uses if it Will Not Affect the RCWW Functions or
- Conversion Results in No Net Loss

Future Land Use Element

- Consider Specific Districts for Commercial vs. Recreational vs. Industrial Waterfronts
- Determine Policy on Conversion Between Uses – ex: Commercial Fishing to Marina
- Conditional Use to Convert

Future Land Use Element

Regulatory Incentives and Criteria

- TDR to Increase Intensity of Use
- Density Bonus w/Access
- Public Access Exaction or Impact Fee
- Expedited Land Use Approval

Future Land Use Element

Goal – Preserve, Protect and Enhance the Cultural Heritage and Aesthetic Character

- Overlay District w/Use Restrictions, Development Regulations/Guidelines
- Consistent Design Guidelines for Specific areas within RCWW

Future Land Use Element

Design Guidelines should consider:

- Setbacks,
- Architectural Conformity
- Visual Access to the Water
- Physical Access
- Circulation
- Scale
- Height of Buildings
- Stormwater Management
- Signage, etc.

Future Land Use Element

Promote Traditional Maritime Activities

- Permit Commercial Vessels and Trap Storage and Maintenance in All Districts w/in the RCWW
- Notice that Traditional Maritime Activities are a Preferred Use

Future Land Use Element

Visual Access Regulations and Incentives

- Protect Public View by Enforcing Yard Setbacks, Height Restrictions on Bldg, Fences and Other Structures
- Include Visual Access in Land Acquisition Program – Less than Fee Simple

Questions?

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