

Ordinance Regarding Docks, Bulkheads and Shoreline Access Item #101 November 18, 2010

Changes made in response to Council direction at October 28, 2010 public hearing

Provision 1). New regulations should not apply to “pre-existing non-complying bulkheads and docks” using “rules currently in place” for noncomplying structures.

Action: A new subsection (D) has been inserted into Section 25-2-963 (*Modification and Maintenance of Noncomplying Structures*) which provides a provision to repair, reinforce or maintain a noncomplying dock, bulkhead or shoreline access. This subsection uses analogous rules currently in place for other noncomplying structures but made it specifically applicable to bulkhead, dock, and shoreline access.

Provision 2). Site plan exemption should apply for repair and maintenance.

Action: A new subsection (L)(5) has been inserted into Section 25-5-2 (*Site Plan Exemptions*) which includes language to exempt from site plan work authorized under noncomplying structure sections (see Provision 1 above).

Provision 3). Recapture section should allow owners to make repairs that extend into the water to protect vegetation and stabilize property.

Action: A new subsection (D) has been inserted into Section 25-2-1174 (*Structural Requirements*) that allows recapture only if required to restore land to the subdivided lot line or to the shoreline as it existed 10 years before application, whichever is less. Guidance for determining and documenting the historical location of the shoreline will be provided in the Environmental Criteria Manual and vetted by stakeholders.