

TOWN OF PINE KNOLL SHORES

AN ORDINANCE TO MODERNIZE REGULATION OF
DOCKS AND BOAT LIFTS IN THE CANALS OF
PINE KNOLL SHORES

WHEREAS, Pine Knoll Shores has historically regulated the placement of docks and piers in canals within town with the regulations now appearing in Chapter 58 of the Town Code; and

WHEREAS, the Town Board of Commissioners finds that some of the purposes for limiting certain dimensions of docks and piers have been undermined by the increasing size and prevalence of boat lifts; and

WHEREAS, the Town Board finds that continued regulation of the placement of docks and piers in the canals is in the public interest, but that the regulations need to reflect the reality of the widespread emergence of boat lifts; and

WHEREAS, the Town finds that there is a public purpose in ensuring that adjoining properties are able to make equitable use of the waterways in the Town without encumbering each other through structures and devices placed near riparian property lines where boats may typically be expected to maneuver into docks, boat lifts and other moorings;

WHEREAS, the elements of Parts I, II, and III hereof continue to further the Town's public policy goals with relation to development within the waterways of Pine Knoll Shores; and

WHEREAS, the Town, when practical and in the public interest, attempts to enact regulatory ordinances that are reasonably consistent with covenants of homeowner associations that apply to the same or similar situations in an effort to avoid conflicts in this regard;

NOW, THEREFORE, BE IT ORDAINED as follows:

Part I

Section 58-1 is amended to include a definition of outrigger piling as follows:

Outrigger piling means a post placed in a waterway for mooring a boat or as support for a boatlift.

Part II

Subsection 58-2(c) of the Pine Knoll Shores Code of Ordinances is hereby rewritten to read as follows:

- (c) *Docks/piers.* Each owner of a residential lot fronting on any navigable waterway within the town (other than the Atlantic Ocean and Bogue Sound (see section 58-2(b)), subject to the procurement of all required permits from other jurisdictional agencies, including the state, shall be permitted to construct one dock or pier in the waterway with related and appurtenant structures and features as provided herein:
- i. The dock or pier must run parallel with the waterfront boundary of the lot and may touch or be physically connected to the seawall on the waterfront boundary.
 - ii. The dock or pier may extend into the waterway no more than six feet from the seawall.
 - iii. The dock or pier shall be set back a minimum of five feet (5.0') from the side boundary line of the lot extended into the body of water unless the owner and the adjacent property owner sign and file a written waiver with the Town. Additionally, the State of North Carolina may impose a fifteen feet (15.0'), or other, setback from such side boundary line and the owner may be required by state authorities (i.e. Coastal Management) to get a waiver from the adjacent property owner to extend the dock or pier into this State imposed riparian setback area. (Any waiver of the State setback applies only to the waiver of the dock or pier extending along and parallel to the seawall and does not apply to any other provision of this subsection.)
 - iv. The upper deck surface of the dock or pier shall extend no more than (a) four feet above mean high-water mark, or (b) the maximum height of the adjoining seawall, whichever is greater.
 - v. No dock or pier, or any part thereof, may be placed at any angle other than parallel in relation to the waterfront boundary of the lot.
 - vi. Outrigger pilings for mooring vessels or to support boat lifts are permitted as follows:
 - a. Outrigger pilings may not exceed 18 inches in diameter.
 - b. Outrigger pilings must be placed at least six feet apart.

- c. To keep the middle 50% of the canal free of obstructions, no outrigger piling may be placed in the canal at a distance of more than 25% of the width of the canal from the owner's adjacent waterfront boundary.
 - d. Docks and piers, including finger piers, or other walkways, are not permitted between outrigger pilings.
 - e. Outrigger pilings must be set back at least 15 feet from a line that is an extension of the lot owner's side lot line into the canal.
- vii. Boat lifts are permitted as follows:
- a. One boat lift is permitted for each lot on a waterway.
 - b. Every part and component of the boat lift shall be constructed and maintained so that it is within the perimeter permitted for the owner's outrigger pilings. No part of the boat lift may encroach out of such area.
 - c. Boat lifts may not have a walkway component except located wholly on the dock or pier adjacent to owner's seawall.
- viii. One davit or one similar device is permitted per lot on the waterway and may be located on a dock or landward of the seawall, but is required to be set back a minimum of 15 feet from owner's side lot line.
- ix. The dock or pier may be used only by the owner or occupant of the lot and the guests of said owner or occupant while the guest is visiting the owner or occupant.
- x. Other than the dock or pier itself as permitted above, and a moored vessel bearing a current registration certificate issued by the NC Wildlife Resources Commission (or equivalent agency of another state), all structures and devices shall be set back a minimum of 15 feet from a line that is an extension of the lot owner's side lot line into the waterway. This setback may not be waived by adjacent property owners. As used in this subsection, "moored vessel" excludes a floating device that may be registered as a vessel, but is used as a floating dock.
- xi. All installations of floating docks, or sections of floating docks, shall be made and thereafter maintained consistent with the manufacturer's

recommendations, or industry standards, and must preclude the floating portion from becoming dislodged due to storm surge or high tides. The building inspector may periodically inspect all previously installed floating sections to determine that they are secure.

Part III

Subsection 58-2 is amended to include a new subsection 58-2(c1) which reads as follows:

58-2(c1). Channel to be Kept Clear. No boat shall be moored or anchored in a manner that encroaches into the center 40 feet of the waterway.

Part IV

Parts I - III above are effective upon adoption hereof.

Part V

The Town Clerk is authorized to revise the section and paragraph numberings in Parts I-III and in Chapter 58 of the Town Code, to incorporate the provisions hereof in the Code and to conform to the Code's numbering system.

ENACTED on motion of commissioner _____, seconded by commissioner _____ on a vote of ____ in favor and ____ against.

This _____ day of _____, 2017.

TOWN OF PINE KNOLL SHORES

By: _____
Kendall Jones, Mayor

Attest: _____
Town Clerk