

# LAKE WORTH BOAT DOCK STANDARDS MEETING NOTES AUGUST 21, 2008

During the meeting a number of issues and concerns were raised. Some were able to be addressed at the meeting others were noted and referred to the staff for further review and recommendation. The following notes contain staff comments made at the meeting as well as additional comments developed since the meeting to help clarify the issues.

1. Minimize Economic Impact on Dock Owners – This discussion centered on a proposed dock registration and inspection program with fees. While the staff feels that a registration and inspection program will ultimately benefit the appearance and maintenance of docks at Lake Worth, it is not necessary for this program to be included with the development of boat dock standards. The City has declared a six month moratorium on the issuing of new boat dock permits. The goal of the boat dock standards development process is to develop new standards for new boat dock construction and implement them prior to the end of the six month moratorium. **It was agreed that there will be no boat dock registration or inspection fees included in the boat dock standards program.**

2. Prioritize Substandard Dock Removal – A number of people indicated the need to develop a prioritized list for substandard dock removal beginning with the worst ones first. The Lake Management staff has been conducting a survey of all the docks at Lake Worth. They are being classified as: Category 3 – Hazardous Docks, Category 2 – Need Repair, and Category 1 – Good Condition. Currently 72 docks have been classified as Category 3.

The first phase of the substandard dock program calls for the removal of all City owned Category 3 docks and hazards. The City will lead by example. This phase is currently underway. The next phase would begin after the adoption of the new standards in January of 2009. This phase would notify property owners of Category 3 docks and give them the opportunity to repair within a reasonable period of time. Those docks that are not repaired would then be scheduled for removal. If the old dock is removed then any new construction will be required to meet the new standards.

**The current moratorium does not prevent the repair of existing docks. If your dock needs extensive repairs then now is the time to do it before the new standards are adopted and notifications are sent out.**

Finally notices would be sent to those property owners with Category 2 docks directing them to make necessary repairs. This category is characterized as structurally sound but in need of repair and/or replacement of rotted roofs,

decking and/or piers. **Failure to repair Category 2 docks will not result in the dock being removed.**

3. Time to Repair Boat Docks - There was concern expressed that the City would move rapidly to demolish docks that were found to be substandard. The process will involve notification of the owner of a substandard dock and request that the property owner to meet with Lake Management staff to develop a schedule for repair. Once a reasonable schedule is agreed upon then the property owner will be given that time to repair. A reasonable period of time will depend on the condition of the dock and the amount of repairs necessary to repair it. As a general rule of thumb, it should take between 30 and 60 days to determine what needs to be done, arrange for estimates from contractors, secure funding for the repairs and acquire a building permit. Another 90 to 120 days would then be allowed for the actual repair work. If the property owner fails to complete the repairs within the time allocated then the City would reserve the right to have the dock removed. Consideration will be given to requests for time extensions due to circumstances beyond the property owners' control.

4. Legal Non-Conforming Status of Existing Boat Docks – The question was raised about what happens to those docks that do not meet the new standards. Will they have to be torn down or brought up to the new standards? Those docks that are found to be legal at the time of permitting or transfer of the property will be considered legal non-conforming and allowed to remain until major renovation is required or until they become hazardous. At that point the dock will need to be brought into compliance with the dock standards in effect at that time. The property owner will be free to keep up his legal non-conforming dock through periodic painting, roof, deck or pier replacement, etc. **The key here is that as long as it is properly maintained it will be allowed to remain.**

5. Approval of Dock Permits by Adjacent Property Owners - Under the existing system adjacent property owners' approval is required for dock permitting. This process is allowed under civil law since the City is the owner of the lake. The proposed Boat Dock Standards will become part of the City's Code of Ordinances. Municipal land use law does not provide for this type of review for permits that are within defined standards. If a variance from the defined standards is requested then notice would be sent to adjacent property owners and their testimony at a variance hearing would be considered by the appropriate board in approving or denying the variance. The final decision would be up to the board.

6. Control Lake Level – it was noted that one of the causes of boat dock deterioration is the rise and fall of lake levels. The staff pointed out that the control of lake levels at Lake Worth is the responsibility of the Tarrant Regional Water District. Lake Worth levels are regulated through the flood gates at Eagle

Mountain and Bridgeport dams and the natural flows of creeks feeding into Lake Worth. There are no flood gates at the Lake Worth dam. While this does result in fluctuations in lake levels, the Water Department's contract with the Water District requires the District to maintain Lake Worth at a minimum of 590 ft. above sea level. This is four feet below the spillway elevation of 594. During recent drought years the lowest elevation noted was 591. At the same time Lake Bridgeport dropped eight feet below its spillway elevation. Due to our contract Lake Worth has less fluctuation than the other two lakes in the system.

### **Issues to be Researched by Staff for the next Meeting**

1. Lake Maintenance and Debris Control Program
2. Define "enclosure" and "living quarters"
3. Define "fuel/oil dispenser"
4. Clarify the use of potable water for fish cleaning and misters
5. Develop a permitting process for new boat docks that takes into consideration the size of the lot and the distance the dock will be in the lake from the shoreline