



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.7.

10/2/2025

Subject:

Vincent Contino Goglia and Sherry Ann Goglia (Thomas Neidert) request a CUP for an accessory structure, (25Z00026) (Tax Account 3008337, 3008071) (District 3)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a request for a CUP (Conditional Use Permit) for an accessory structure without a principal structure, with a waiver to Section 62-1943.3(1).

Summary Explanation and Background:

The applicants are requesting approval of a Conditional Use Permit (CUP) per Section 62-1943.3 for a private residential boat dock accessory to adjacent single-family residential lot, with a waiver to the requirement that "The lot or parcel upon which the dock is to be constructed must be owned and used by the owner of a residential lot or parcel (or residential tenant of said lot or parcel) located within either the same platted subdivision or within 1,000 feet of the dock parcel."

The subject dock parcel is located on the Sebastian River and was subdivided into this configuration in February 1969. The parcel is 50 feet in width and does not meet the 75-foot lot width required when it was subdivided into this configuration in February 1969. The dock parcel was sold to the applicants on March 02, 2023. Currently, there is an existing dock on the parcel that was permitted by the Florida Department of Environmental Protection (FDEP) as a replacement for a previous dock on the parcel that was destroyed by a hurricane in 2017. The parent parcel has a single-family home that was built on the parcel in 1971. The dock parcel retains the RU-1-13 Zoning classification. The parent parcel retains the RR-1 Zoning classification.

While the dock has since been rebuilt due to storm damage, a dock has been established on these property going back many years (historical imagery indicates a dock was established on the property dating to at least 1994). Per Section 62-1943.3, Owners of docks established prior to November 17, 2008, may request a waiver of any of the applicable conditions outlined in that Section of Code as part of the conditional use permit review process. Here, the applicants are requesting a waiver to Section 62-1943.3(1); that the dock to be constructed must be owned and used by the owner of a residential lot or parcel (or residential tenant of said lot or parcel) located within either the same platted subdivision or within 1,000 feet of the dock parcel. The applicant's residential developed parcel is located in the Bay Crest Villa subdivision, approximately 1,820 feet

north of the subject waterfront dock parcel.

The abutting parcels, north, south, and west across Riverview Dr. from the dock parcel are zoned RU-1-13.

The Board may consider if the request is consistent and compatible with the surrounding area.

On September 15, 2025, the Planning and Zoning Board considered the request and unanimously voted to recommend approval, including the requested waiver.

Clerk to the Board Instructions:

Upon receipt of resolution, please execute and return a copy to Planning and Development.

Resolution 25Z00026

On motion by Commissioner Adkinson, seconded by Commissioner Delaney, the following resolution was adopted by a unanimous vote:

WHEREAS, Vincent Contino Goglia and Sherry Ann Goglia (Thomas Neidert) request a CUP (Conditional Use Permit) for a private boat dock adjacent to a single-family residence in RU-1-13 zoning classification, on property described as Tax Parcel 5, as recorded in OR Book 9735, Page(s) 2483 of the Public Records of Brevard County, Florida. **Section 26, Township 30, Range 38.** (0.45 acres) Located on the east side of Riverside Dr., 575 ft. north of Lakeview Dr. (9716 Riverview Dr., Micco); and

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved with a waiver to Section 62-1943.3 (1); and

WHEREAS, the Board, after considering said application and the Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested CUP for a private boat dock adjacent to a single-family residence in RU-1-13, with a waiver to Section 62-1943.3 (1), be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of October 02, 2025.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


Rob Feltner, Chairman
Brevard County Commission
As approved by the Board on October 2, 2025.

ATTEST:


RACHEL M. SADOFF, CLERK

(SEAL)

P&Z Board Hearing – September 15, 2025

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the Director of the Planning and Development, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

“The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

25Z00026

Vincent & Sheery Goglia (Thomas Neidert)

CUP for a Private Boat Dock Adjacent to a Single-Family Residence in RU-1-13

Tax Account Number: 3008337 (dock parcel) / 3008071 (single-family residence parcel)
Parcel I.D.: 30-38-26-50-*5 (dock parcel).
30-38-23-HI-45-1 (single-family residence parcel)
Location: East side of Riverview Drive, approx. 575 feet north of Lakeview Drive
(dock parcel)
Northeast corner of Main Street and Central Avenue (Single-family residence parcel)
District 3
Acreage: 0.45 acres (dock parcel)

Planning & Zoning Board: 09/15/2025

Board of County Commissioners: 10/02/2025

Consistency with Land Use Regulations

- Current zoning cannot be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	RU-1-13	RU-1-13 with CUP
Potential*	No Residential Units, No Private Boat Docks	No Residential Units, One Private Boat Dock with CUP
Can be Considered under the Future Land Use Map	NO** RES 2	YES** RES 2

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

** The RU-1-13 zoning classification is not consistent with the Future Land Use (FLU) designation of Residential 2. The RR-1 zoning classification of the associated residential lot is considered consistent with the Residential 2 FLU; therefore, the CUP request can be heard pursuant to Section 62-1943.3 (but only as an accessory residential boat dock to the associated residential lot; a single-family residence cannot be built on the subject parcel in its current configuration).

Background and Purpose of Request

The applicants are requesting approval of a Conditional Use Permit (CUP) per Section 62-1943.3 for a private residential boat dock accessory to adjacent single-family residential lot.

The subject dock parcel is located on the Sebastian River and was subdivided into this configuration in February 1969. The parcel is 50 feet in width and does not meet the 75-foot lot width required when it was subdivided into this configuration in February 1969. The dock parcel was sold to the applicants on March 02, 2023. Currently, there is an existing dock on the parcel that was permitted by the Florida Department of Environmental Protection (FDEP) as a replacement for a previous dock on the parcel that was destroyed by a hurricane in 2017. The parent parcel has a single-family home that was built on the parcel in 1971. The dock parcel retains the RU-1-13 Zoning classification. The parent parcel retains the RR-1 Zoning classification.

Per **Section 62-1943.3**, Owners of docks established prior to November 17, 2008, may request a waiver of any of the following conditions as part of the conditional use permit review process. The applicants are also requesting a waiver to **Section 62-1943.3(1)**; that the dock to be constructed must be owned and used by the owner of a residential lot or parcel (or residential tenant of said lot or parcel) located within either the same platted subdivision or within 1,000 feet of the dock parcel. The applicant's residential developed parcel is located in the Bay Crest Villa subdivision, approximately 1,820 feet north of the subject waterfront dock parcel.

Section 62-1943.3. Private boat docks accessory to adjacent single-family residential lots.

A *private boat dock*, for the purposes of this section, is a boat dock that is used in connection with a waterfront lot or parcel which may be undersized for the residential zoning classification in which it is located and is therefore associated with and considered part of an adjacent residential lot. The term *adjacent*, for the purposes of this section, means any lot within the same neighborhood as described below in paragraph (1).

A conditional use for a private boat dock on a waterfront lot or parcel may be considered as an accessory use to an adjacent developed or undeveloped buildable residential lot in any residential zoning classification under the following conditions. Owners of docks established prior to November 17, 2008, as evidenced by a certified survey or other irrefutable evidence, may request a waiver of any of the below conditions as part of the conditional use permit review process.

- (1) The lot or parcel upon which the dock is to be constructed must be owned and used by the owner of a residential lot or parcel (or residential tenant of said lot or parcel) located within either the same platted subdivision or within 1,000 feet of the dock parcel. The owner of the dock lot or parcel and the residential lot shall maintain fee simple ownership to both properties at all times.
- (2) The lot or parcel shall have at least 30 feet of water frontage, except where located on the Indian or Banana River Lagoons, where it shall have river frontage equal to or exceeding the minimum lot width requirement of the parcel's zoning classification.
- (3) The boat dock may contain slips for no more than two boats and shall not be used for commercial purposes.

- (4) No other accessory structures are permitted on the dock lot or parcel.
- (5) The dock lot or parcel shall not be used to store a boat trailer, nor shall it be used to launch a boat.
- (6) The dock shall meet all applicable development standards described in section 62-2118.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Residential single-family	RU-1-13	RES 2
South	Residential single-family	RU-1-13	RES 2
East	Sebatian River	N/A	N/A
West	Across Riverview Dr. Residential single-family	RU-1-13	RES 2

The abutting parcels, north, south, and west across Riverview Dr. from the dock parcel are zoned RU-1-13.

RU-1-13 permits single-family residences on minimum 7,500 square foot lots, with minimum widths and depths of 75 feet. The minimum house size is 1,300 square feet.

There have been no zoning actions within a half-mile radius around this site within the last 3 years.

Land Use

The subject dock parcel and the parent property retain the RES 2 (Residential 2) Future Land Use designation. Per section 62-1255 Exhibit "A" the RU-1-13 zoning classification is not consistent with the Residential 2 Future Land Use. The RR-1 zoning classification may be considered consistent with the Residential 2 Future Land Use.

Applicable Land Use Policies

FLUE Policy 1.8 –The Residential 2 Future land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within the Future Land Use Element.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.

This dock site is located within a large Residential 2 node. To the east, west and the parcels to the north across Ross Avenue are under the same FLU designation of Residential 2. To the north of the subject parcel lies Lake Devon, a waterway with a canal for the subdivision.

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

The parcel has an existing boat dock and is in an area with other residential parcels with boat docks. The request is not anticipated to diminish the enjoyment of safety or quality of life in the existing residential area. The proposed CUP will need to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI (Master Appraiser Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

The historical land use of the area can be characterized as existing residential parcels along the Sebastian River with docks, and sizes range from approximately 50 feet wide to 200 feet wide, with a lot depth of approximately 200 feet or more.

2. actual development over the immediately preceding three years; and

There has been no new development within 0.5 miles.

3. development approved within the past three years but not yet constructed.

There has been no new development approved within the past three years.

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

No material violation of relevant policies has been identified.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

Staff analysis indicates the request is located in an area of existing single-family homes with existing docks.

- B. In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

The area has development of roads, open spaces, a river, and similar existing features. It is located in a residential platted subdivision.

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

Staff analysis indicates that the area is residential in character and not commercial uses.

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

The subject dock parcel is located in a residential platted subdivision.

Special Considerations for CUP (Conditional Use Permit)

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901, as outlined on pages 6 – 8 of these comments. Section 62-1901 provides that the approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. **The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved.** The applicant's responses and staff observations, if any, are indicated below.

Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901 and Section 62-1943.3, Private Boat Dock Accessory to a Single-Family Residential Lot.

This request should be evaluated in the context of Section **62-1943.3**, governing private boat docks accessory to adjacent single-family residential lots, as follows:

A private boat dock, for the purposes of this section, is a boat dock that is used in connection with a waterfront lot or parcel which may be undersized for the residential zoning classification in which it is located and is therefore associated with and considered part of an adjacent residential lot. The term "adjacent", for the purposes of this section, means any lot within the same neighborhood as described below in paragraph (1).

A conditional use for a private boat dock on a waterfront lot or parcel may be considered as an accessory use to an adjacent developed or undeveloped buildable residential lot in any residential zoning classification under the following conditions. Owners of docks established prior to November 17, 2008, as evidenced by a certified survey or other irrefutable evidence, may request a waiver of any of the below conditions as part of the conditional use permit review process.

Staff analysis: The subject dock parcel was subdivided into this configuration in February 1969. The dock parcel was sold to the applicants on March 02, 2023. Currently, there is an existing dock on the parcel that was permitted by the Florida Department of Environmental Protection (FDEP) as a replacement for a previous dock on the parcel that was destroyed by a hurricane in 2017. The applicant is asking for a waiver to the 1,000 feet location of the residential lot condition, as the dock parcel had a previous dock that existed on the parcel prior to November 17, 2008.

- (1) The lot or parcel upon which the dock is to be constructed must be owned and used by the owner of a residential lot or parcel (or residential tenant of said lot or parcel) located within either the same platted subdivision or within 1000' of the dock parcel. The owner of the dock lot or parcel and the residential lot shall maintain fee simple ownership to both properties at all times.

Staff analysis: The applicants own a 5.18-acre parcel located in the Bay Crest Villa subdivision with a single-family home, which is approximately 1,820 feet north of the subject waterfront parcel. The applicant is asking for a waiver to the 1,000 feet location of the residential lot condition, as the dock parcel had a previous dock that existed on the parcel prior to November 17, 2008.

- (2) The lot or parcel shall have at least 30 feet of water frontage, except where located on the Indian or Banana River Lagoons, where it shall have river frontage equal to or exceeding the minimum lot width requirement of the parcel's zoning classification

Staff analysis: The dock parcel is 50 feet wide and is located on the Sebastian River.

- (3) The boat dock may contain slips for no more than two boats and shall not be used for commercial purposes.

Staff analysis: The boat dock will not have more than two boat slips. The dock will only be used by the owners of the dock parcel and will not be used for commercial purposes.

- (4) No other accessory structures are permitted on the dock lot or parcel.

Staff analysis: The dock parcel is currently vacant land and does not have any accessory structures on it except the existing boat dock.

- (5) The dock lot or parcel shall not be used to store a boat trailer, nor shall it be used to launch a boat.

Staff analysis: Storing a boat trailer on the dock parcel or using the dock parcel to launch a boat will be a violation of the code requirement.

- (6) The dock shall meet all applicable development standards described in Section 62-2118.

Staff analysis: The dock parcel is located on the Sebastian River and is not located in a canal, public drainage easement or drainage right-of-way. The dock placement and development standards are regulated by the Florida Department of Environmental Protection (FDEP).

The existing dock parcel and the residential lot appears to meet conditions (2) to (6) above, and are asking for a waiver to condition (1) to the 1,000 feet location of the residential lot condition.

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901. Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context

of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901.

The applicant's responses are indicated in **bold** and staff observations are provided in *italics*.

Section 62-1901(c)(1)(a) The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1) the number of persons anticipated to be using, residing or working under the conditional use; (2) noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3) the increase of traffic within the vicinity caused by the proposed conditional use.

Applicant's Response: No additional impact will result. To be used by owner only to dock boat. Power for well (fresh water and dock lighting).

Staff analysis: The CUP permit for the dock is for the applicant's residential use only and cannot be used for any commercial purposes. The CUP is not anticipated to result in excessive noise, odor, or traffic and meet the Performance Standards of section 62-2251 through 62-2271.

Section 62-1901(c)(1)(b) The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.

Applicant's Response: The property will be used for a boat dock, the same as adjacent properties.

Staff analysis: The subject property is one of many developed single-family residential lots with docks located on the Sebastian River. The subject parcel is not developed with a single-family residence.

Section 62-1901(c)(1)(c) The proposed use will not cause a substantial diminution in value of abutting residential property.

Note: A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred.

Applicant's Response: The boat dock is in compliance with current building code regulations.

Staff analysis: Competent and substantial evidence by a MAI certified appraiser has not been provided by the applicant.

Specific Standards

Section 62-1901(c)(2)(a) Ingress and egress to the property and proposed structures (including vehicular and pedestrian safety and convenience, traffic flow and control, and emergency response access) shall be: (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, if any.

Note: Burdening adjacent and nearby uses is defined as increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.

Applicant's Response: The ingress and egress is adequate. Owner to park on owners lot only not in the street.

Staff analysis: The dock parcel abuts the County maintain right-of-way of Riverview Drive.

Section 62-1901(c)(2)(b) The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.

Applicant's Response: There will be no substantial disturbance to the neighbors from the boat dock or boat.

Staff analysis: Any outdoor lighting and noise standards will need to meet code parameters per Brevard County's Performance Standards, defined by Sections 62-2251 through 62-2272, or a violation will be created.

Section 62-1901(c)(2)(c) Noise levels for a conditional use shall comply with Section 62-2271 of the Code, which includes the following:

Applicant's Response: Noise levels will comply with section 62-2271.

Staff analysis: Any outdoor noise standards will need to meet code parameters per Brevard County's Performance Standards, defined by Sections 62-2251 through 62-2272, or a violation will be created.

Section 62-1901(c)(2)(d) The proposed conditional use shall not cause the adopted level of service for solid waste disposal for the property or area covered by such level of service, to be exceeded.

Applicant's Response: No additional waste will be generated.

Staff analysis: The adopted level of service for solid waste disposal is not anticipated to be exceeded.

Section 62-1901(c)(2)(e) The proposed conditional use shall not cause the adopted level of service for potable water or wastewater for the property or the area covered by such level of service, to be exceeded by the proposed use.

Applicant's Response: None will be required.

Staff analysis: Applicant previously stated, water will be from a well. Wastewater will not be required for a dock permit.

Section 62-1901(c)(2)(f) The proposed conditional use must have existing or proposed screening or buffering, in terms of type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.

Applicant's Response: The property is the same type of property as the neighbors.

Staff analysis: The subject property is one of many developed single-family residential lots with docks located on the Sebastian River. The subject parcel is not developed with a single-family residence.

Section 62-1901(c)(2)(g) Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.

Applicant's Response: All lighting will be within regulations. No signs will be used.

Staff analysis: Any Lighting will need to meet Lighting Standards in section 62-2257. No signs will be needed.

Section 62-1901(c)(2)(h) Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.

Applicant's Response: Hours will be the same as neighboring properties.

Staff analysis: There are no restrictions on the hours of operation. The Board may choose additional restrictions.

Section 62-1901(c)(2)(i) The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than thirty-five (35) feet higher than the highest residence within 1,000 feet of the property line.

Note: A survey of building heights within 1,000 feet of the property lines should be furnished for applications requesting a CUP for additional building height.

Applicant's Response: The dock height will be compatible with the character and codes of the area.

Staff analysis: The new boat dock replacing the previous existing dock will be compatible with other existing boat docks in the area.

Section 62-1901(c)(2)(j) Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties.

Note: For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

Applicant's Response: None will be required. Any parking will be on the property. Parking will be used while accessing property.

Staff analysis: Owner will only be parking vehicle on parcel only be while boat is in use.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Aquifer Recharge Soils
- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters of the State
- Brevard County Manatee Protection Plan
- Land Clearing and Landscape Requirements
- Protected Species

Preliminary Transportation Concurrency

The subject property is closest to the concurrency management segment of Main Street, between Central Avenue and Highway US-1, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 14.12% of capacity daily. The maximum development potential from the proposed CUP does not increase the proposed trip generation on the corridor and will not create a deficiency in LOS which operates at 14.12% of capacity daily.

For Board Consideration

The Board may wish to consider the compatibility of the proposed CUP with surrounding development.

Since the request is a CUP, the Board may consider additional conditions to those identified in Section 62-1943.3, to help mitigate potential site impacts.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25Z00026**

Applicant: Thomas Neidert (Owners: Vincent and Sherry Goglia)

Zoning Request: CUP for accessory structure (dock) without primary structure

Note: Requesting waiver to 1000 ft requirement as dock was previously established

Zoning Hearing: 09/15/2025; **BCC Hearing:** 10/02/2025

Tax ID No.(s): 3008337 (vacant lot) & 3008071 (house)

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Aquifer Recharge Soils
- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters of the State
- Brevard County Manatee Protection Plan
- Land Clearing and Landscape Requirements
- Protected Species

Land Use Comments:

Hydric Soils

A portion of the subject parcel contains mapped hydric soils (Basinger sand); an indicator that wetlands may be present on the property. **A wetland delineation may be required prior to any land clearing activities, site plan design, or building permit submittal.**

Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **Per Section 62-3694(e), any wetland impact, authorized under this division, for residential use shall be limited to the structural building area requirements for the primary use as defined by the zoning code, on-site disposal system requirements, and the 100-year flood elevation requirement for first floor elevations, and necessary ingress and egress.** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require no net loss mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Aquifer Recharge Soils

This property contains Orsino fine sand, classified as an aquifer recharge soil. Basinger sand may also function as highly permeable soils. Additionally, the mapped topographic elevations show that the property falls within Type 3 Aquifer Recharge areas, which are subject to impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Coastal High Hazard Area

The eastern portion of this property is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute. Objective 7 of the Coastal Management Element aims to limit densities within the coastal high hazard area and direct development outside of this area.

Floodplain Protection

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Indian River Lagoon Nitrogen Reduction Septic Overlay

The property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Surface Waters of the State

The subject property is located on the Indian River Lagoon, designated as an Aquatic Preserve in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited unless approved through an active development order. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming and can be reached at 407-897-4101. The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.

Brevard County Manatee Protection Plan

The applicant proposes to install a floating boat storage dock for personal watercraft. Docking or launching for three or more vessels which are primarily propelled or powered by an internal combustion engine, and which are used or are capable of being used as a means of navigation or transportation on water is subject to the boat facility siting criteria in the Brevard County Manatee Protection Plan (MPP). The site is not documented in the MPP as an existing marina facility; therefore, the proposed project will require an MPP Commercial/Recreational Marina consistency review to determine the allowable number of slips and boat usage. (A Marina is defined as all boating facilities with three wet and/or dry slips.) The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.

Land Clearing and Landscape Requirements

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) tree preservation. Land clearing is not permitted without prior authorization by NRM. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Protected Species

Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.



FLORIDA DEPARTMENT OF Environmental Protection

Central District
3319 Maguire Blvd, Suite 232
Orlando, FL 32803-3767

Ron DeSantis
Governor

Alexis A. Lambert
Secretary

May 9, 2025

Vincent Goglia
9716 Riverview Drive
Micco, FL 32976
docksidebui34302@bellsouth.net

File No.: 0460313-001-EE, Brevard County

Dear Vincent Goglia:

On April 25, 2025, we received your request for verification of exemption to perform the following activities:

Construct a 504 square foot docking structure with mooring for one vessel. The docking structure is composed of a 160 square foot terminal platform and a 344 square foot main access walkway. The activity is located off 53.2 linear feet of shoreline within the Saint Sebastian River, a Class III Florida Waterbody, Aquatic Preserve, State Manatee Protection Zone, at 9716 Riverview Dr, Micco, FL 32976, Parcel ID: 30382650*5.01, Section 26, Township 30 South, Range 38 East, Brevard County.

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project qualifies for all three. However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

State water quality certification is waived for activities that are exempt under rule 62-330.051, F.A.C.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

If you have any questions regarding this matter, please contact Johanna Packer at the letterhead address or at Johanna.Packer@FloridaDEP.gov.

1. Regulatory Review – Verified

Based on the information submitted, the Department has verified that the activity as proposed is exempt under Chapter 62-330.051(5)(b), Florida Administrative Code, and under Section 403.813(1)(b), F.S. from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

2. Proprietary Review – Granted

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapters 253 and 258 of the Florida Statutes, and Chapters 18-20 and 18-21 of the Florida Administrative Code.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a letter of consent under Section 253.77, Florida Statutes, to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Special Consent Conditions

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the

provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.
6. No structure may be enclosed on more than three sides with walls and doors.
7. Structures may not be used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use.
8. The structure may not substantially impede the flow of water or create a navigational hazard.
9. Should more than 50 percent of a nonconforming structure fall into a state of disrepair or be destroyed as a result of any natural or manmade force, the entire structure shall be brought into full compliance with the current rules of the Board. This shall not be construed to prevent routine repair.
10. A floating turbidity apron/curtain shall be installed around the entire project site prior to construction and shall remain in place until construction is completed and turbidity within the work area has returned to background levels. The turbidity barrier shall be inspected at least daily to ensure that it is functioning properly.
11. The Standard Manatee Conditions for In-water Work (2011) shall be followed for all in-water activity.

General Conditions for Authorizations for Activities

All authorizations granted by rule or in writing under Rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (j) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee,

and shall be enforceable under Chapter 253 or 258, Part II, F.S.

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

(b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

(c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.

(d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

(e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

(f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.

(g) Structures or activities shall not create a navigational hazard.

(h) Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, F.S.

(i) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

(j) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

3. Federal Review –

3.1. SPGP Approved

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit VI-R1, and a **SEPARATE permit** or authorization **will not be required** from the U.S. Army Corps of Engineers. Please note that the Federal authorization expires on July 27, 2026. However, your authorization may remain in effect for up to 1

additional year, if provisions of Special Condition 15 of the SPGP VI-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP VI-R1 with all terms and conditions and the General Conditions may be found online in the Jacksonville District Regulatory Division Sourcebook (<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>).

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit", and Section 10 of the Rivers and Harbor Act of 1899.

3.2. Coastal Zone Management Presumed

The U.S. Army Corps of Engineers (Corps) or any designated federal, state or local agency administering general permits on behalf of the Corps under 33 C.F.R. Section 325.2(b)(2) may presume the verified exempt activities are consistent with the permitting Agency's authorities within the FCMP, provided the activity receives any applicable authorization to use and occupy state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S.

3.3. Water Quality Certification Waived

This permit also constitutes an *express waiver* of water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. Section 1341. Pursuant to Rule 62-330.062, F.A.C. State Water Quality Certification is waived for activities that are exempt under rule 62-330.051 or 62-330.0511, F.A.C.

Additional Information

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900

Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

EXECUTION AND CLERKING

Executed in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Teayann Duclos
Environmental Manager
Permitting and Waste Cleanup Program

Enclosures:

Chapter 62-330.051(5)(b), F.A.C.
Section 403.813(1)(b), F.S.
Special Conditions for Federal Authorization for SPGP VI-R1
General Conditions for Federal Authorization for SPGP VI-R1
JaxBO Checklist, 2 pages
SPGP Attachments
Project Drawings, 8 pages

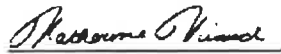
CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Johanna Packer, FDEP, Johanna.Packer@FloridaDEP.gov
Teayann Duclos, FDEP, Teayann.Duclos@FloridaDEP.gov
Jodah Bittle, Agent, jbittle@sbsengineers.com
Brevard County, LeeAnn.McCullough-Wham@brevardfl.gov
DEP Florida Coastal Office, ORCP_ManagedAreas@FloridaDEP.gov
Matthew Anderson, AP Manager, Matthew.R.Anderson@FloridaDEP.gov

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.


Clerk

May 9, 2025
Date

62-330.051 Exempt Activities.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:

1. The cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed the limitations in section 403.813(1)(b), F.S.;
2. No structure is enclosed on more than three sides with walls and doors;
3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and
4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406, 373.4131, 373.4145, 373.415, 403.813(1) FS. History—New 10-1-13, Amended 6-1-18.

403.813 Permits issued at district centers; exceptions.—

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(b) The installation and repair of mooring pilings and dolphins associated with private docking facilities or piers and the installation of private docks, piers and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity's activities +will not take place in any manatee habitat, any of which docks:

1. Has 500 square feet or less of over-water surface area for a dock which is located in an area designated as Outstanding Florida Waters or 1,000 square feet or less of over-water surface area for a dock which is located in an area which is not designated as Outstanding Florida Waters;
2. Is constructed on or held in place by pilings or is a floating dock which is constructed so as not to involve filling or dredging other than that necessary to install the pilings;
3. Shall not substantially impede the flow of water or create a navigational hazard;
4. Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and
5. Is the sole dock constructed pursuant to this exemption as measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

Nothing in this paragraph shall prohibit the department from taking appropriate enforcement action pursuant to this chapter to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph if the department can demonstrate that the exempted activity has caused water pollution in violation of this chapter.

Conditions for Federal Authorizations for SPGP VI-R1

1. Authorization, design and construction must adhere to the terms of the SPGP VI instrument including the General Conditions for All Projects, Special Conditions for All Projects, Applicable activity-specific special conditions, Procedure and Work Authorized sections.
2. Design and construction must adhere to the PDCs for In-Water Activities (Attachment 28, from PDCs AP.7 through AP.11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).
3. All activities must be performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. For all projects involving the installation of piles, sheet piles, concrete slab walls or boatlift I-beams (Reference Categories A, B and C of JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, page 86):
 - a. Construction methods limited to trench and fill, pilot hole (auger or drop punch), jetting, vibratory, and impact hammer (however, impact hammer limited to installing no more than 5 per day).
 - b. Material limited to wood piles with a 14-inch diameter or less, concrete piles with a 24-inch diameter/width or less, metal pipe piles with a 36-inch diameter or less, metal boatlift I-beams, concrete slab walls, vinyl sheet piles, and metal sheet piles.
 - c. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, page 86.).
 - d. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).
5. The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attachment 29).
6. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.

- a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245- 6333 and the Corps Regulatory Archeologist at 904-232-3270 to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7.
 - b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Archeologist at 904-232-3270 shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.
7. The Permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.
8. Mangroves. The design and construction of a Project must comply with the following (Reference: JAXBO PDCs AP.3 and AP.12.):
 - a. All projects must be sited and designed to avoid or minimize impacts to mangroves.
 - b. Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:
 - (1) Removal to install up to a 4-ft-wide walkway for a dock.
 - (2) Removal of mangroves above the mean high water line (MHWL) provided that the tree does not have any prop roots that extend into the water below the MHWL.
 - (3) Mangrove trimming. Mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree.
 - (a) Projects with associated mangrove trimming waterward of the MHWL are authorized if the trimming: (a) occurs within the area where the authorized structures are placed or will be placed (i.e., removal of branches that overhang a dock or lift),
 - (b) is necessary to provide temporary construction access, and (c) is conducted in a manner that avoids any unnecessary trimming.

(b) Projects proposing to remove red mangrove prop roots waterward of the MHWL are not authorized, except for removal to install the dock walkways as described above.

9. For Projects authorized under this SPGP VI in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
10. Notifications to the Corps. For all authorizations under this SPGP VI, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:
 - a. Commencement Notification. Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" form (Attachment 8).
 - b. Corps *Self-Certification Statement of Compliance* form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the "Self-Certification Statement of Compliance" form (Attachment 9) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
 - c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form (Attachment 10).
 - d. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.
 - (1) For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.
 - (2) For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2015-2575 on all submittals.
11. The District Engineer reserves the right to require that any request for authorization under this SPGP VI be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP VI does not automatically guarantee Federal authorization.

12. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.
13. Failure to comply with all conditions of the SPGP VI constitutes a violation of the Federal authorization.
14. The SPGP VI will be valid through the expiration date unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending expiration date, is not contrary to the public interest. The SPGP VI will not be extended beyond the expiration date but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP VI will be evaluated by the Corps.
15. If the SPGP VI expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP VI will remain in effect provided the activity is completed within 12 months of the date the SPGP VI expired or was revoked.

Special Conditions for Docks, Piers, Associated Facilities, and other Minor Piling- Supported Structures.

16. Chickees must be less than 500 ft² and support no more than 2 slips (Reference: JAXBO PDC A2.1.6.).
17. The design and construction of a Project over marsh (emergent vegetation) must comply with the following:
 - a. The piling-supported structure shall be aligned so as to have the smallest over- marsh footprint as practicable.
 - b. The over-marsh portion of the piling-supported structure (decking) shall be elevated to at least 4 feet above the marsh floor.
 - c. The width of the piling-supported is limited to a maximum of 4 feet. Any exceptions to the width must be accompanied by an equal increase in height requirement.
18. Mangroves. For pile-supported structures, the following additional requirements for mangroves found in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) shall apply:
 - a. The width of the piling-supported structure is limited to a maximum of 4 feet.
 - b. Mangrove clearing is restricted to the width of the piling-supported structure.

c. The location and alignment of the piling-supported structure should be through the narrowest area of the mangrove fringe.

19. Regarding SAV, the design and construction of a Project must comply with the following:

a. A pile supported structure

(1) that is located on a natural waterbody (i.e. outside an artificial waterway that was excavated for boating access and is bordered by residential properties); and

(2) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), but outside of the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida) will be constructed to the following standards:

(a) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then SAV is presumed present and the pile-supported structure must comply with, or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "*Construction Guidelines in Florida for Minor Piling- Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat*" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of SPGP, two uncovered boatlifts are allowed.

(i) If the pile supported structure is currently serviceable, repair and replacement may occur in the same footprint without completion of a benthic survey.

(ii) Boatlifts and minor structures in Monroe County may be installed within existing boat slips without completion of a SAV survey. Boatlift accessory structures, like catwalks, shall adhere to "*Construction Guidelines in Florida for Minor Piling- Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat*" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) if a SAV survey has not been completed.

(iii) A marginal dock may be constructed a maximum of 5 feet overwater, as measured from the waterward face (wet face) of the seawall).

(b) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), then the pile-supported structure must comply with, or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "*Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat*" U.S. Army Corps of Engineers/National Marine Fisheries Service updated

November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(i) If the pile supported structure is currently serviceable, repair and replacement may occur in the same footprint without completion of a benthic survey.

(ii) Boatlifts may be installed within existing boat slips without completion of a SAV survey.

(iii) A marginal dock may be constructed a maximum of 5 feet overwater, as measured from the waterward face (wet face) of the seawall).

(c) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent (including seagrass, tidal freshwater SAV and emergent vegetation), then no design restrictions are required and boatlifts may include a cover.

(d) A pile supported structure

(i) that is located on a natural waterbody (i.e. outside an artificial waterway that was excavated for boating access and is bordered by residential properties); and

(ii) that is within the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida) but not within Johnson's seagrass critical habitat will be constructed to the following standards:

(iii) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then seagrass is presumed present and the pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) with the sole exception of the number of allowable boat lifts. For the purposes of this permit, two uncovered boatlifts are allowed.

(e) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), THEN pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(f) If a survey is performed in accordance with the methods described in the procedure section of this document, section I.3, and SAV is absent (including seagrass, tidal freshwater SAV and emergent vegetation), THEN no design restrictions are required and boatlifts may include a cover.

(g) A pile supported structure located within Johnson's seagrass critical habitat will be constructed to the following standards:

(i) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then seagrass is presumed present and the pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) with the sole exception of the number of allowable boat lifts. For the purposes of this permit, two uncovered boatlifts are allowed.

(ii) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent and the project is

1. A dock replacement in the same footprint, no design restrictions are required.
2. A new dock or dock expansion THEN pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(iii) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), then pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

20. North Atlantic Right Whale. The attached North Atlantic Right Whale Information Form (Attachment 30) describes the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales. The FDEP or Designee will attach the North Atlantic Right Whale Information Form to their authorizations for any dock project (new construction, repair, or replacement) at a private residence located

within 11 nautical miles of an inlet that leads to areas within the known range of North Atlantic right whale. These zones, with an 11 nm radius, are described by the North Atlantic Right Whale Educational Sign Zones, Attachment 7 (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive). (Reference JAXBO PDC A2.4).

21. Educational Signs. For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, starting on page 112.):

a. For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at:

(<https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>).

The signs required to be posted by area are stated below:

<https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>

(1) All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.

(2) Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.

(3) On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.

22. Monofilament Recycling Bins. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below (Reference: The below replicates PDC A.2.3 within the table PDCs Specific to Activity 2 – Pile Supported Structures and Anchored Buoys, the PDC itself on page 113 of the JAXBO.):

a. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

(1) Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.

(2) Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.

23. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then

turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website:
<http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/> (Reference: JAXBO PDC A2.8.).

24. Construction Location. Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2.9.).
25. Aids to Navigation (ATONs). ATONs must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2.5.).
26. Aids to Navigation (ATONs) in Acropora critical habitat. The distance from ATONs to ESA-listed corals and Acropora critical habitat (Attachment 20) shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom (Reference: JAXBO PDC A2.10.).
27. Within Loggerhead sea turtle critical habitat (Reference: JAXBO PDC A2.15.):
 - (1) ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the Northwest Atlantic Distinct Population Segment (NWA DPS) of loggerhead sea turtle critical habitat.
 - (2) No other pile-supported structures are allowed in nearshore reproductive habitat.

General Conditions for All Projects:

1. The time limit for completing the work authorized ends on July 27, 2026.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form (Attachment 10) and forward a copy of the permit to this office to

validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or Construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.

- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.
7. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation or alteration.

Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion
Summary Checklist (Must be submitted with all projects)

Permitting Agency's Internal Use Only:

<input type="text"/>	Date checklist sent to NMFS (MM/DD/YY)	<input type="text"/>	Reviewer Last Name	<input type="text"/>	Application # (for Corps: SAI-XXXX-XXXXXX)	<input type="text"/>	Checklist Version ¹
<input type="text"/>	Indicate the agency issuing the permit/authorization						
<input type="radio"/> Yes	<input type="radio"/> No Is this a re-verification, edit, or modification to a consultation previously submitted under JaxBO?						
<input type="text"/>	If yes to above, enter date of previous Tier II consultation						
<input type="text"/>	If another NMFS programmatic BO was used for the proposed project, please select name of programmatic BO used						
<input type="text"/>	The Corps Project Manager or Delegated Authority has reviewed and confirmed that the proposed project meets all PDCs. It is the responsibility of the reviewer to ensure the proposed project complies with all the applicable PDCs. Please enter initials of reviewer.						

GOGLIA DOCK	Project Street Address	27.849315	Latitude (decimal degrees, centroid of the project)
MICCO	City	-80.496769	Longitude (decimal degrees, centroid of the project. Please include the negative symbol)
Florida	County (Florida)	N/A	Municipality (Puerto Rico & USVI)

Select all activities used for the entire proposed project:

☐ 1
 ☒ 2
 ☐ 3
 ☐ 4
 ☐ 5
 ☐ 6
 ☐ 7
 ☐ 8
 ☐ 9
 ☐ 10
 ☐ Superseding Process

Geographic Area	Is the project located in the geographic area?	Select DCH Unit	Are Essential Features Present?	If Essential Features are present, enter area of impact
Smalltooth Sawfish DCH Limited Exclusion Zones (AP.4)	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	N/A	N/A
Gulf Sturgeon DCH Migratory Restriction Zones (AP.4)	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	N/A	N/A
Atlantic Sturgeon DCH Exclusion Zone (AP.4)	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	N/A	No activities allowed here!
North Atlantic Right Whales Educational Sign Zones (AP.4)	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	N/A	N/A
U.S. Caribbean Sea Turtle Critical Habitat Restriction Zones (AP.4)	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	N/A	N/A
Bryde's Whale Exclusion Zone (AP.4)	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	N/A	No activities allowed here!
Smalltooth sawfish DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> LF of Red Mangroves <input type="text"/> SF of shallow euryhaline water
Gulf sturgeon DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
Loggerhead sea turtle (NWA DPS) DCH ²	<input type="radio"/> Yes <input checked="" type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
Green sea turtle (NA DPS) DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
Hawksbill sea turtle DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
Leatherback sea turtle DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
Staghorn and elkhorn (Acropora) coral DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No	No impacts to essential features allowed.
Johnson's seagrass DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
North Atlantic right whale DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
Atlantic sturgeon DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No		N/A	No activities allowed here!

No/No Is the Project in or near areas with mangroves, seagrasses, corals, or hard bottom habitat? Does it comply with PDCs for Mangroves, Seagrasses, Corals, and Hard Bottom for All Projects (AP.3)

Resource	Present in the project footprint?	Square Feet of Impact
Mangroves	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Nonlisted Seagrass	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Johnson's Seagrass	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Listed Corals	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Nonlisted Corals	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Hardbottom	<input type="radio"/> Yes <input checked="" type="radio"/> No	

504.00	SF of Overwater Impacts (area of structure over/above the water surface, e.g., docks or canopies)
25.00	SF of Total In-water Impacts (area of substrate that is permanently changed below MHW, e.g., by seawall, riprap, or cross-sectional area of piles)

☒ Yes Applicant agrees to adhere to PDCs for *In-Water Activities* (AP.1) as described in AP.7 through AP.11
☒ Yes Applicant agrees to perform all activities during daylight hours (AP.6)
☐ Yes ☒ No Is the project within the boundary of the Florida Keys National Marine Sanctuary (FKNMS)?
☐ Yes If within the boundaries of FKNMS, received NOAA authorization?

To be completed by applicant or agent if permit is issued by a delegated authority (FDEP, Miami-Dade, etc.) Please enter full name of applicant or applicant's representative

VINCENT GOGLIA The applicant or applicant's representative ensures the project complies with the PDCs and all information in this form and individual checklist(s) is correct

Comments:

Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion (JAXBO)

Activity 2: Pile Supported

Agency internal use:

Date checklist sent to NMFS (MM/DD/YY)	PM Last Name	Application #	Checklist Version
---	--------------	---------------	-------------------

Proposed Activity (Select all that apply):

- | | | | |
|--|--|---------------------------------------|--|
| <input checked="" type="checkbox"/> Dock New | <input type="checkbox"/> Mooring/Dolphin piles | <input type="checkbox"/> Chickees | <input type="checkbox"/> Temporary structures/buoys |
| <input type="checkbox"/> Dock Repair | <input type="checkbox"/> Mooring buoys | <input type="checkbox"/> ATONS/PATONS | <input type="checkbox"/> Other (Provide description in Comments box at bottom) |
| <input type="checkbox"/> Dock Replacement | <input type="checkbox"/> Mooring fields | <input type="checkbox"/> Boatlift | |

☐ Single-family ☐ Select the type/use of the structure

Enter information about the proposed activity:

<input type="checkbox"/> Total number of existing dry slips	<input type="checkbox"/> Total number of existing wet slips
<input type="checkbox"/> Total number of proposed dry slips	<input type="checkbox"/> Total number of proposed wet slips

Piling Installation Data: Enter data as appropriate for different pile types used. JAXBO does not cover installation of metal piles or sheet piles with impact hammer (AP 2; Section 2.2).

Pile Type 1	Pile Type 2	Pile Type 3	Pile Type 4
28	NA	NA	NA
Number of Piles	Number of Piles	Number of Piles	Number of Piles
1			
Size of each Pile (sq.ft.)	Size of each Pile (sq.ft.)	Size of each Pile (sq.ft.)	Size of each Pile (sq.ft.)
Wood			
Pile Material	Pile Material	Pile Material	Pile Material
Impact Hammer			
Installation Method	Installation Method	Installation Method	Installation Method

☐ Confined-Space ☐ Project in Open-Water or Confined-Space Environment (AP.2; Section 2.2)?

☐ Select Noise PDC Category (AP.2.) as detailed in (Section 2.2).

For commercial/multi-family/public facilities and marine events which of the following signs will be posted (A2.2.) Select all that apply:

- ☐ Save Sea Turtle/ Sawfish/ and Dolphin Sign ☐ Help Protect North American Right Whale ☐ Report Sturgeon ☐ U.S. Caribbean

☐ NA For commercial/multi-family/public docking facilities/monofilament recycling bins will be installed. (A2.3)

☐ NA North Atlantic Right Whale Educational Sign Zone: Is the North Atlantic right whales handout included as special condition of permit (A2.4.4)?

☐ No Does the project include a municipal or commercial fishing pier?

☐ No Is dock within visible distance of an ocean beach? ☐ If yes, is turtle-friendly lighting installed as required by JAXBO (A2.8)?

☐ Yes Will project construction take place from uplands or from floating equipment (e.g. barge) as required (A2.9)?

☐ A Dock Construction Scenario included as a special condition (A2.17)?

For projects located in Designated Critical Habitat; please complete applicable section below:

☐ No Is the project located in the geographic area of Smalltooth Sawfish Critical Habitat?

☐ Is project located in smalltooth sawfish limited exclusion zone?

☐ No Is the project located in the geographic area of Gulf Sturgeon Critical Habitat?

☐ Enter width of the area (e.g. channel/ bay) if in a the Gulf sturgeon critical habitat migratory restriction zone (Section 2.1.1.2)

☐ Select additional noise restrictions required as special condition in Gulf sturgeon critical habitat migratory restriction zones (A2.11)

☐ No Is the project located in the geographic area of Acropora Critical Habitat?

☐ Are essential features present?

☐ Is hardbottom present in project footprint? (AP.14).

☐ No Is the project located in the geographic area of Johnson's Seagrass Critical Habitat?

☐ Water depths (insert range of water depths where project will occur as minus MLW)

☐ Project includes a new marina or multifamily facility (A2.14)?

☐ Does the project include repair/replacement and reconfiguration of existing marinas or multi-family facilities?

If project is repair/replacement and reconfiguration of existing marinas or multi-family facilities then select all that apply under JAXBO (A2.14):

☐ Occurs within same overall footprint (out to the perimeter of the facility including the outer limits of the structure and permitted mooring locations).

☐ Does not increase the total aerial extent (i.e. area of coverage from the dock structures) of the existing facility.

☐ Does not affect Johnson's seagrass.

☐ No Is the project located in the geographic area of Nearshore Reproductive Habitat of NWA DPS of Loggerhead Sea Turtle Critical Habitat?

☐ Does the project include the installation of a structure other than ATONS (A2.15)?

☐ No Is the project located near sea turtle nesting beaches in the geographic area of U.S. Caribbean Sea Turtle Critical Habitat?

☐ Does the project include the installation of a structure other than ATONS near sea turtle nesting beaches (A2.16)?

Comments:

Please note this checklist does not contain all of the PDCs. Please refer to the Biological Opinion to confirm the project meets all PDCs prior to completing this checklist. Notes in parenthesis refer to corresponding section of JAXBO.



LOCATION MAP



PROPERTY OWNERS

VINCENT AND SHERRY GOGLIA
9716 RIVERVIEW DRIVE
MICCO, FL 32976

ADJACENT PROPERTY OWNERS

- 1.) EDWARD MECHELLA
9722 RIVERVIEW DRIVE
MICCO, FL 32976
- 2.) ROBERT AND EVAN MARTO
9710 RIVERVIEW DRIVE
MICCO, FL 32976

PURPOSE: CONSTRUCT A DOCK

DATUM: M.S.L.

IN: MICCO, FL 32976

AT: 9716 RIVERVIEW DRIVE

TAX ID: 30-38-26-50-*--5

COUNTY OF: BREVARD

STATE: FL

SHEET: 1 OF 7

DATE: 04/04/25



PROPERTY OWNERS
INGENT AND SHERRY GOGIA
9716 RIVERVIEW DRIVE
MICO, FL 32976
ADJACENT PROPERTY OWNERS
EDWARD MECHELLA
9722 RIVERVIEW DRIVE
MICO, FL 32976
2.) ROBERT AND EVAN MARTO
9710 RIVERVIEW DRIVE
MICO, FL 32976

MATCHLINE
A-A

PURPOSE: CONSTRUCT A DOCK
DATUM: M.S.L.
IN: MICO, FL 32976
AT: 9716 RIVERVIEW DRIVE
TAX ID: 30-38-26-50-4-5
COUNTY OF: BREVARD
STATE: FL
DATE: 04/04/05



PROPOSED
SITE PLAN



PROPOSED SITE PLAN



MATCHLINE
A-A



GENERAL NOTES:

- 1.) STAGING OF EQUIPMENT AND MATERIALS WILL BE ON THE LOT.
- 2.) THE CONTRACTOR WILL USE A 10'X20' BARGE AND USE JETTING OF THE PILES.
- 3.) THE DOCK WILL USE 25 PILINGS OF 8" PILINGS
- 4.) DOCK CONSTRUCTION IS ESTIMATED TO TAKE TEN DAYS WITH 5 PILES A DAY AVERAGE.
- 5.) THE ONLY NOISE FACTORS WILL BE POSSIBLE HAMMERING AND DRILL GUNS. NO PILE DRIVING OR ROCK CRUSHING IS EXPECTED FOR THIS SITE.
- 6.) THE PROJECT WILL ONLY BE COMPLETED DURING DAYLIGHT HOURS.
- 7.) ONLY ONE BARGE WILL BE USED FOR THE CONSTRUCTION OF THE SITE.
- 9.) A SPOTTER WILL BE USED TO PREVENT IMPACTS TO SEA TURTLES, SMALLTOOTH SAWFISH, ETC. USE JETTING OF THE PILES. THE A TURBIDITY CURTAIN WILL BE USED TO CONTROL TURBIDITY.
- 10.) MEAN HIGH WATER LINE (0.73' N.A.V.D.) ESTABLISHED THROUGH DOUGLAS THOMPSON BUREAU OF SURVEYING & MAPPING 'FDEP' ON 2/8/95.
- 11.) DOCK TO AVOID MANGROVES AND ALL INDIGENOUS WETLAND VEGETATION.
- 12.) NO SEAGRASSES ENCOUNTERED DURING SITE INVESTIGATION, PLATFORM TO BE CONSTRUCTED IN SANDY/MUDDY AREA
- 13.) ALL CONSTRUCTION SHALL BE IN CONFORMANCE WITH LOCAL, STATE, & FEDERAL RULES, PERMIT CONDITIONS OR EXEMPTIONS AS APPROPRIATE.
- 14.) TOTAL AREA OF THE DOCK IS: 504 SF DOCK
- 15.) CONSTRUCTION OF THE WALKWAY, DOLPHIN PILES & BOAT LIFT SHALL BE FROM BARGE & LAND, ACCESS AT LOT. THE PILES SHALL BE FROM BARGE & LAND, ACCESS AT LOT. THE PILES SHALL BE JETTED INTO PLACE.
- 16.) MAXIMUM PILING SPACING IS 10 FEET.
- 17.) THE DECKING IS 2" X 6" WITH 1/2" SPACING AFTER SHRINKAGE
- 18.) TURBIDITY WILL BE CONTROLLED WITH TURBIDITY CLOTH OR BOOMS.
- 19.) THE PROPOSED STRUCTURE WILL NOT SUBSTANTIALLY IMPEDE THE FLOW OF WATER OR CREATE A NAVIGATIONAL HAZARD.
- 20.) THE PROPOSED BOAT IS 25' IN LENGTH WITH 1.5' DRAFT.

DOCK PLAN

SCALE: N.T.S.

PROPERTY OWNERS

VINCENT AND SHERRY GOGLIA
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MICCO, FL 32976
- 2.) ROBERT AND EVAN MARTO
9710 RIVERVIEW DRIVE
MICCO, FL 32976

PURPOSE: CONSTRUCT A DOCK

DATUM: M.S.L.

IN: MICCO, FL 32976

AT: 9716 RIVERVIEW DRIVE

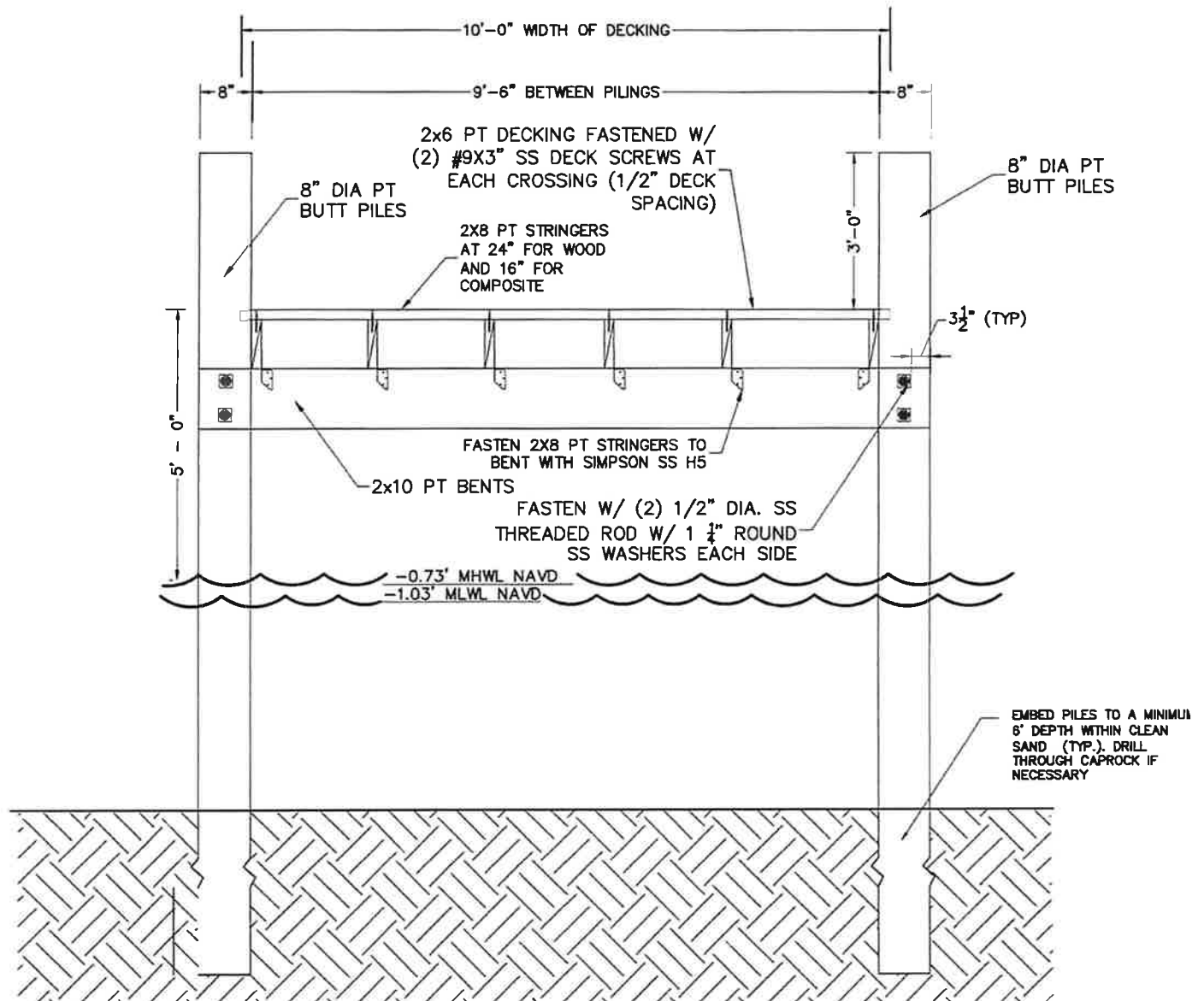
TAX ID: 30-38-26-50-*--5

COUNTY OF: BREVARD

STATE: FL

SHEET: 4 OF 7

DATE: 04/04/25



10' X 16' WIDE PLATFORM SECTION

PROPERTY OWNERS
VINCENT AND SHERRY GOGLIA
9716 RIVERVIEW DRIVE
MICCO, FL 32976

ADJACENT PROPERTY OWNERS
1.) EDWARD MECHELLA
9722 RIVERVIEW DRIVE
MICCO, FL 32976
2.) ROBERT AND EVAN MARTO
9710 RIVERVIEW DRIVE

PURPOSE: CONSTRUCT A DOCK
DATUM: M.S.L.

IN: MICCO, FL 32976

AT: 9716 RIVERVIEW DRIVE

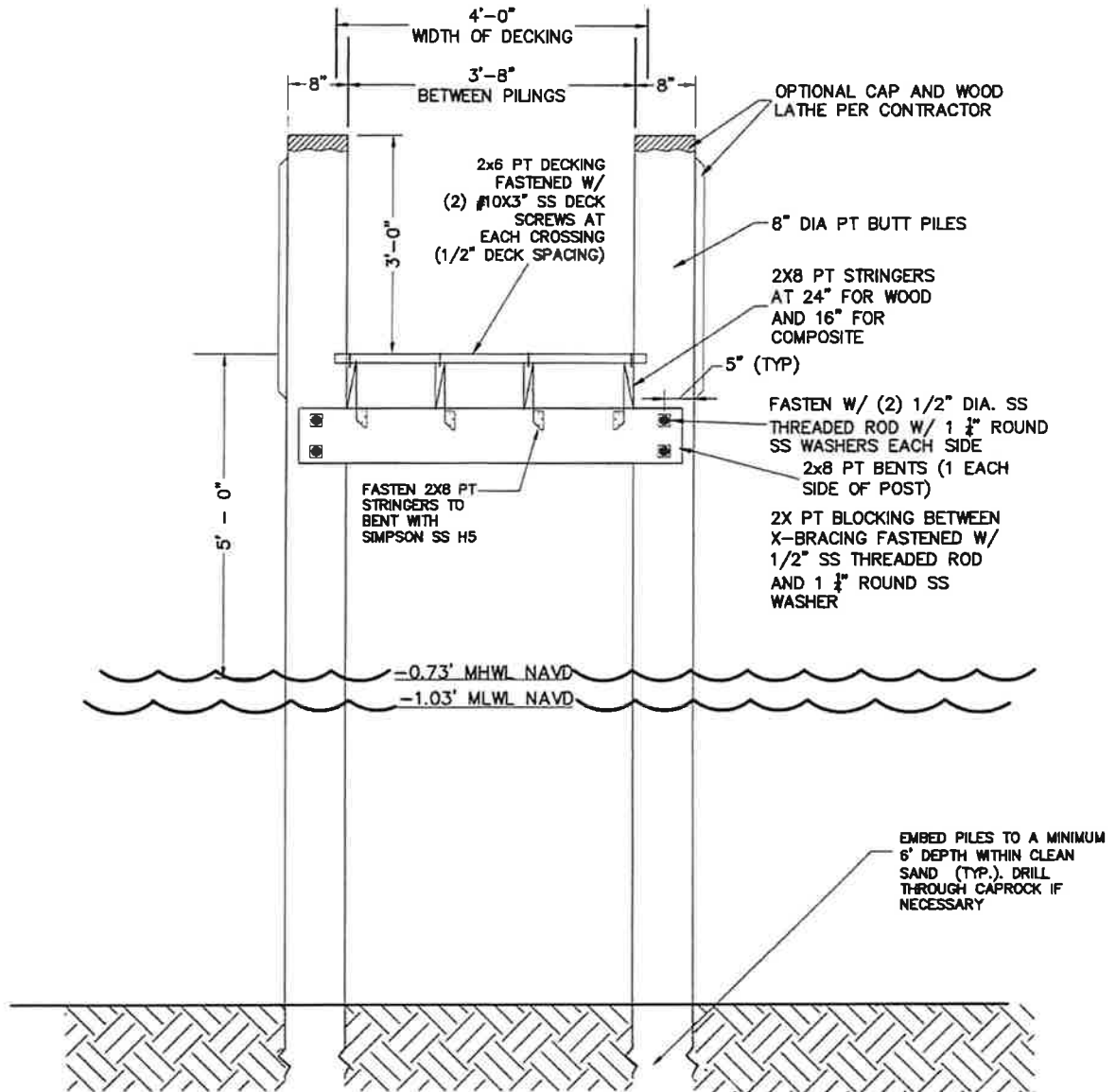
TAX ID: 30-38-26-50-*--5

COUNTY OF: BREVARD

STATE: FL

SHEET: 5 OF 7

DATE: 04/04/25



4' WIDE WALKWAY SECTION

PROPERTY OWNERS

VINCENT AND SHERRY GOGLIA
9716 RIVERVIEW DRIVE
MICCO, FL 32976

ADJACENT PROPERTY OWNERS

- 1.) EDWARD MECHELLA
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MICCO, FL 32976
- 2.) ROBERT AND EVAN MARTO
9710 RIVERVIEW DRIVE
MICCO, FL 32976

PURPOSE: CONSTRUCT A DOCK

DATUM: M.S.L.

IN: MICCO, FL 32976

AT: 9716 RIVERVIEW DRIVE

TAX ID: 30-38-26-50-*5

COUNTY OF: BREVARD

STATE: FL

SHEET: 6 OF 7

DATE: 04/04/25

STRUCTURAL DESIGN CRITERIA

327

CODES: - 2023 FLORIDA BUILDING CODE

D-2 DESIGN DEAD LOADS:

SELFWEIGHT

DESIGN LIVE LOADS:

SINGLE FAMILY DOCKS 40 PSF

D-3 ULTIMATE DESIGN WIND SPEED, Vult: 160 MPH (3 SECOND GUST)
NOMINAL DESIGN WIND SPEED, Vult: 124 MPH (3 SECOND GUST)

RISK CATEGORY: I

WIND EXPOSURE CATEGORY: D

HEIGHT, H: 5.0 FT

LATTICE FRAMEWORK (CLEAR WIND FLOW)

NET FORCE COEFFICIENT: CN = VARIES 1.3 TO 1.8

ASSUMPTIONS:

A. BUILDING IS ASSUMED TO BE A LATTICE FRAMEWORK STRUCTURE AS DEFINED BY ASCE 7-10

C. OWNER OR CONTRACTOR SHALL OBTAIN NECESSARY INSTALLATION SPECIFICATIONS AND INSPECTIONS REQUIRED TO COMPLY WITH MANUFACTURERS RECOMMENDATIONS FOR INSTALLATION OF COMPONENTS AND CLADDING FOR HURRICANE PRONE REGIONS.

D-4 SEISMIC: ZONE 0

D-5 GEOTECHNICAL REPORT

REQUIRED MAXIMUM POST LOAD 1700 POUNDS COMPRESSION.
SEE NOTE DF-2 FOR REQUIRED CAPACITY. PILES SHALL BE
INSTALLED TO A DEPTH TO ACHIEVE REQUIRED CAPACITY

GENERAL NOTES

G-1 REVIEW ALL PROJECT DOCUMENTS PRIOR TO FABRICATION AND START OF CONSTRUCTION. REPORT ANY DISCREPANCIES TO ARCHITECT OR STRUCTURAL ENGINEER PRIOR TO PROCEEDING WITH WORK.

G-2 IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROTECT EXISTING FACILITIES, STRUCTURES AND UTILITY LINES FROM ALL DAMAGE DURING CONSTRUCTION.

G-3 NO STRUCTURAL MEMBER SHALL BE CUT, NOTCHED OR OTHERWISE REDUCED IN SIZE OR STRENGTH WITHOUT PRIOR APPROVAL IN WRITING FROM THE STRUCTURAL ENGINEER.

G-4 COORDINATE STRUCTURAL AND OTHER DRAWINGS THAT ARE PART OF THE CONTRACT DOCUMENTS FOR ANCHORED, EMBEDDED OR SUPPORTED ITEMS WHICH MAY AFFECT THE STRUCTURAL DRAWINGS (I.E. MECHANICAL, ELECTRICAL, PLUMBING, DUCTWORK, ETC.)

G-5 ALL DETAILS AND SECTIONS ON THE DRAWINGS ARE INTENDED TO BE TYPICAL AND SHALL BE CONSTRUED TO APPLY TO ANY SIMILAR SITUATION ELSEWHERE ON THE PROJECT EXCEPT WHERE A SEPARATE DETAIL IS SHOWN.

G-6 THE INTENTION OF THE PLANS AND SPECIFICATIONS IS TO PROVIDE ALL NECESSARY DETAILS TO CONSTRUCT A COMPLETE STRUCTURE. WHEN SPECIFIC INFORMATION IS MISSING OR IS IN CONFLICT. THE CONFLICTS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT/ENGINEER.

G-7 THE ENGINEER SHALL NOT BE RESPONSIBLE FOR LAYOUT, DIMENSIONAL ERRORS OR DISCREPANCIES RESULTING FROM THE REPRODUCTION AND USE OF CONTRACT DRAWINGS FOR ERECTION AND SHOP DRAWINGS. USE OF CONTRACT DRAWINGS REPRODUCED IN WHOLE OR ANY PART IN SHOP DRAWINGS SHALL NOT RELIEVE THE CONTRACTOR NOR SUBCONTRACTORS FROM THEIR RESPONSIBILITY TO ACCURATELY LAYOUT, COORDINATE, DETAIL, FABRICATE AND INSTALL A COMPLETE STRUCTURE.

PROPERTY OWNERS

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G-8 REVIEW ALL SHOP DRAWINGS FOR CONFORMANCE WITH THE CONTRACT DOCUMENTS AND FOR COMPLETENESS AND ANSWER ALL CONTRACTOR RELATED QUESTIONS. STAMP AND INITIAL ALL SHEETS PRIOR TO SUBMITTING SHOP DRAWINGS TO ARCHITECT/ENGINEER FOR REVIEW. NON-COMPLIANCE WITH THIS REQUIREMENT WILL RESULT IN REJECTION OF SUBMITTAL.

WOOD

WD-1 ALL WOOD CONSTRUCTION AND CONNECTIONS SHALL CONFORM TO AITC "AMERICAN INSTITUTE OF TIMBER CONSTRUCTION" MANUAL, EDITION, AND THE "NATIONAL DESIGN SPECIFICATIONS" FOR WOOD CONSTRUCTION, 1991 EDITION, AND FLORIDA BUILDING CODE, CHAPTER 23.

WD-2 ALL TIMBER TO PRESSURE TREATED (2.5CCA PILES), (0.40ACQ FRAMING)

WD-3 DIMENSIONED LUMBER SHALL BE DRESSED S4S, AND SHALL BEAR THE GRADE STAMP OF THE MANUFACTURER'S ASSOCIATION.

WD-4 ALL LUMBER NUMBER 1 GRADE AND SHALL BE SOUND, SEASONED, AND FREE FROM WARP.

WD-5 ALL CONNECTION HARDWARE IN CONTACT WITH PRESSURE TREATED WOOD SHALL BE 316 SERIES STAINLESS STEEL, ALL OTHER CONNECTORS SHALL BE SUPPLIED BY SIMPSON STRONG-TIE CO., INC., OR APPROVED EQUIVALENT MANUFACTURER AND SHALL BE 316 SERIES STAINLESS STEEL. USE EQUIVALENT MATERIALS FOR NAILS AND SCREWS AS FASTENER.

WD-7 FRAMING MEMBERS SHALL BE FASTENED TOGETHER IN ACCORDANCE WITH SECTION 2306 OF THE FLORIDA BUILDING CODE, EXCEPT WHERE FASTENING SCHEDULES ARE MORE STRINGENT IN THESE PLANS.

WD-8 PROVIDE ADDITIONAL UPLIFT CONNECTORS TO RESIST UPLIFT LOADS IN ACCORDANCE WITH CONNECTORS SPECIFIED ON PLAN OR ON DETAILS.

DEEP FOUNDATION

DF-1 PILES SHALL BE
PRESSURE TREATED 8" OR 10" DIA BUTT PILES (2.5CCA)

DF-2 ALL PILES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE SOILS ENGINEER AND PROVIDE THE FOLLOWING CAPACITIES:
1.7 K KIPS COMPRESSION
0.50 KIPS LATERAL

DF-3 CONTRACTOR TO REVIEW GEOTECHNICAL REPORT FOR CONSTRUCTION, LENGTH, INSPECTION, AND TESTING REQUIREMENTS FOR PILES.

PURPOSE: CONSTRUCT A DOCK

DATUM: M.S.L.

IN: MICCO, FL 32976

AT: 9716 RIVERVIEW DRIVE

TAX ID: 30-38-26-50-*--5

COUNTY OF: BREVARD STATE: FL

SHEET: 7 OF 7 DATE: 04/04/25

LOCATION MAP

Vincent & Sherry Goglia
25Z00026



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

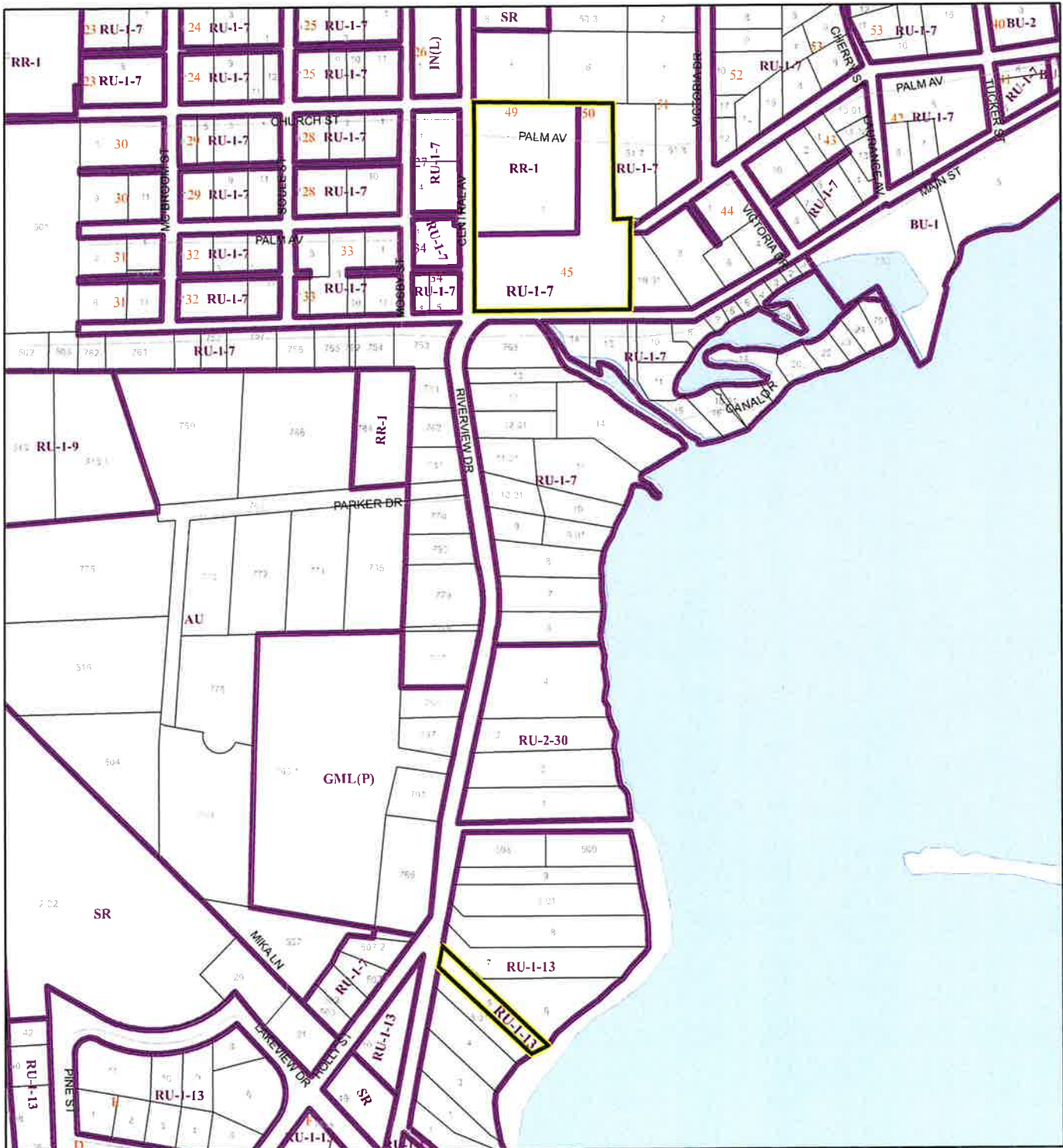
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 6/24/2025

- Buffer
- Subject Property

ZONING MAP

Vincent & Sherry Goglia
25Z00026



1:4,800 or 1 inch = 400 feet

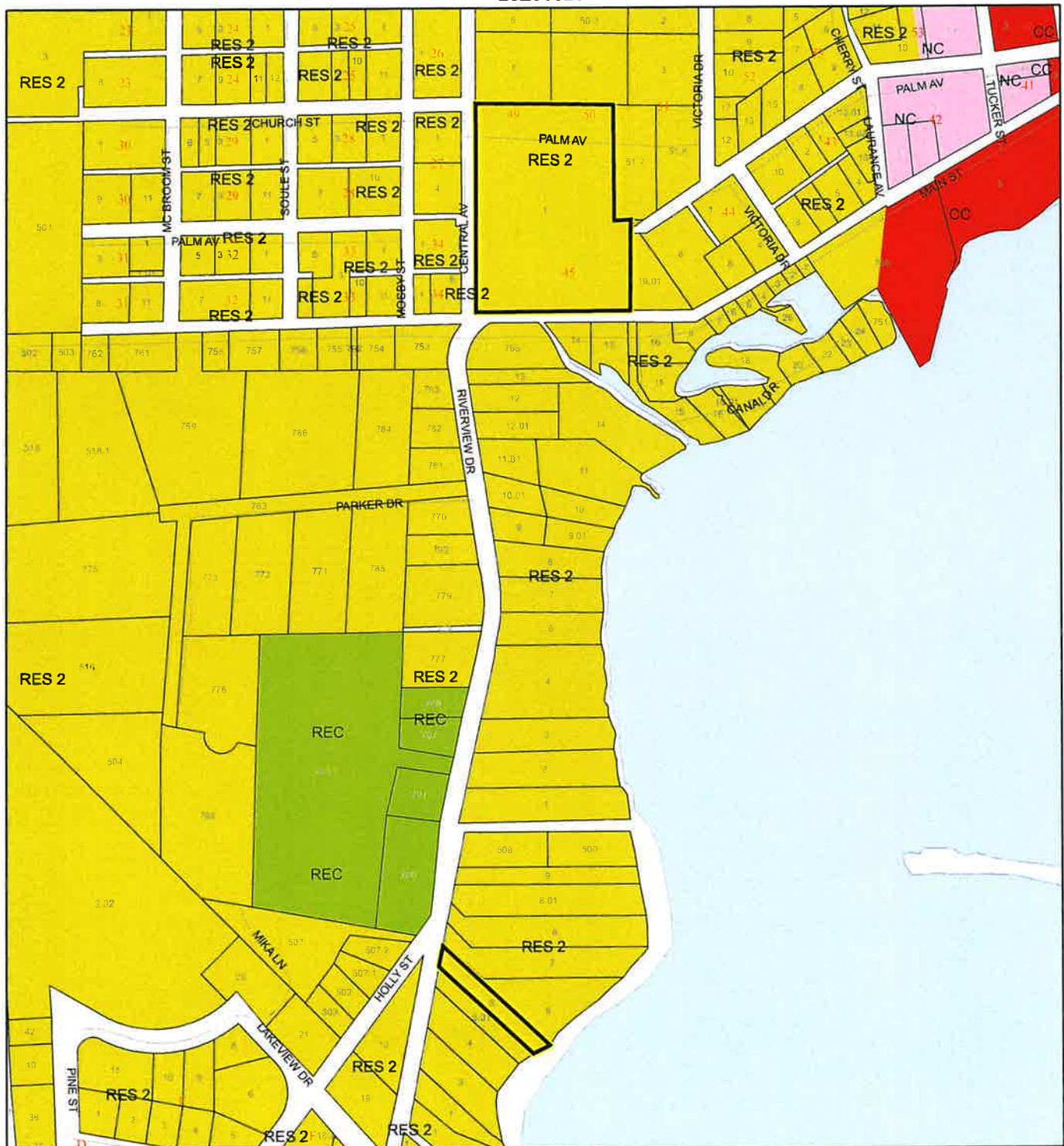
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 6/24/2025

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

Vincent & Sherry Goglia
25Z00026



1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

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Produced by BoCC - GIS Date: 6/24/2025

AERIAL MAP

Vincent & Sherry Goglia
25Z00026



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2025

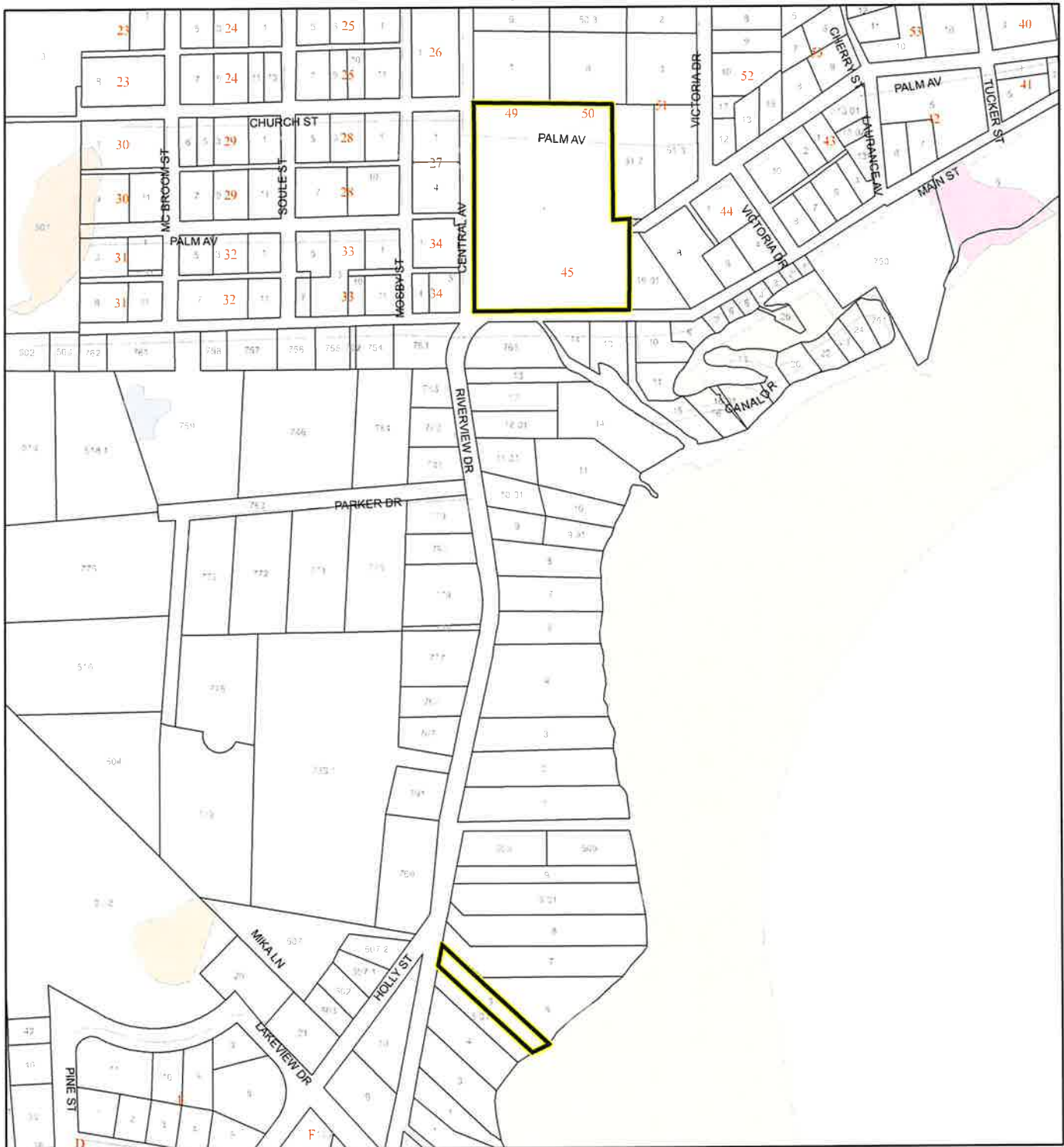
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 6/24/2025

— Subject Property
□ Parcels

NWI WETLANDS MAP

Vincent & Sherry Goglia
25Z00026



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/24/2025

National Wetlands Inventory (NWI)

Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
Freshwater Emergent Wetland	Other
Freshwater Forested/Shrub Wetland	Riverine
	Subject Property
	Parcels

Vincent & Sherry Goglia
25Z00026



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS WETLANDS

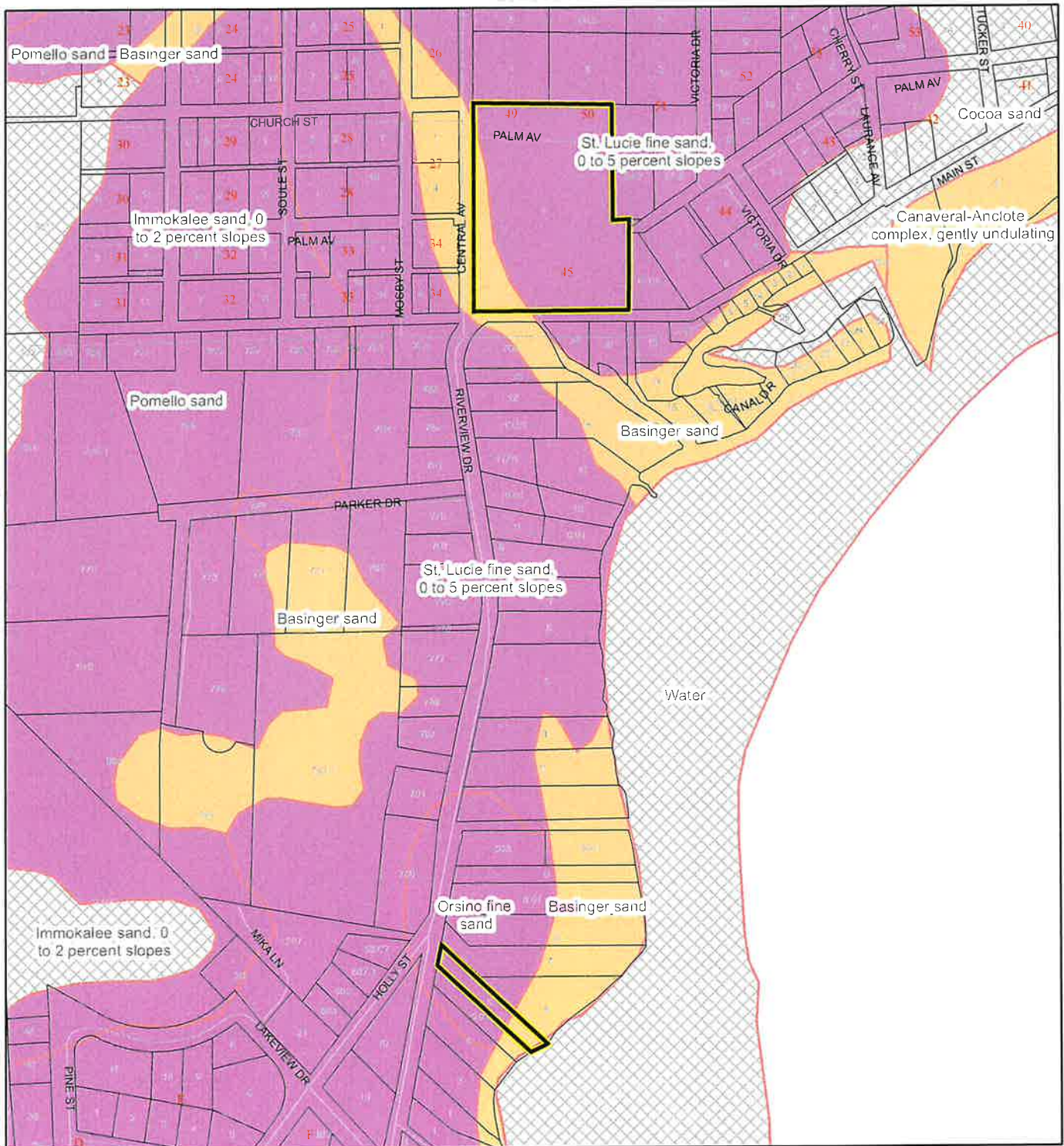
-  Wetland Hardwood Forests - Series 6100
-  Wetland Coniferous Forest - Series 6200
-  Wetland Forested Mixed - Series 6300
-  Vegetated Non-Forested Wetlands - Series 6400
-  Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

USDA SCSSS SOILS MAP

Vincent & Sherry Goglia
25Z00026



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/24/2025

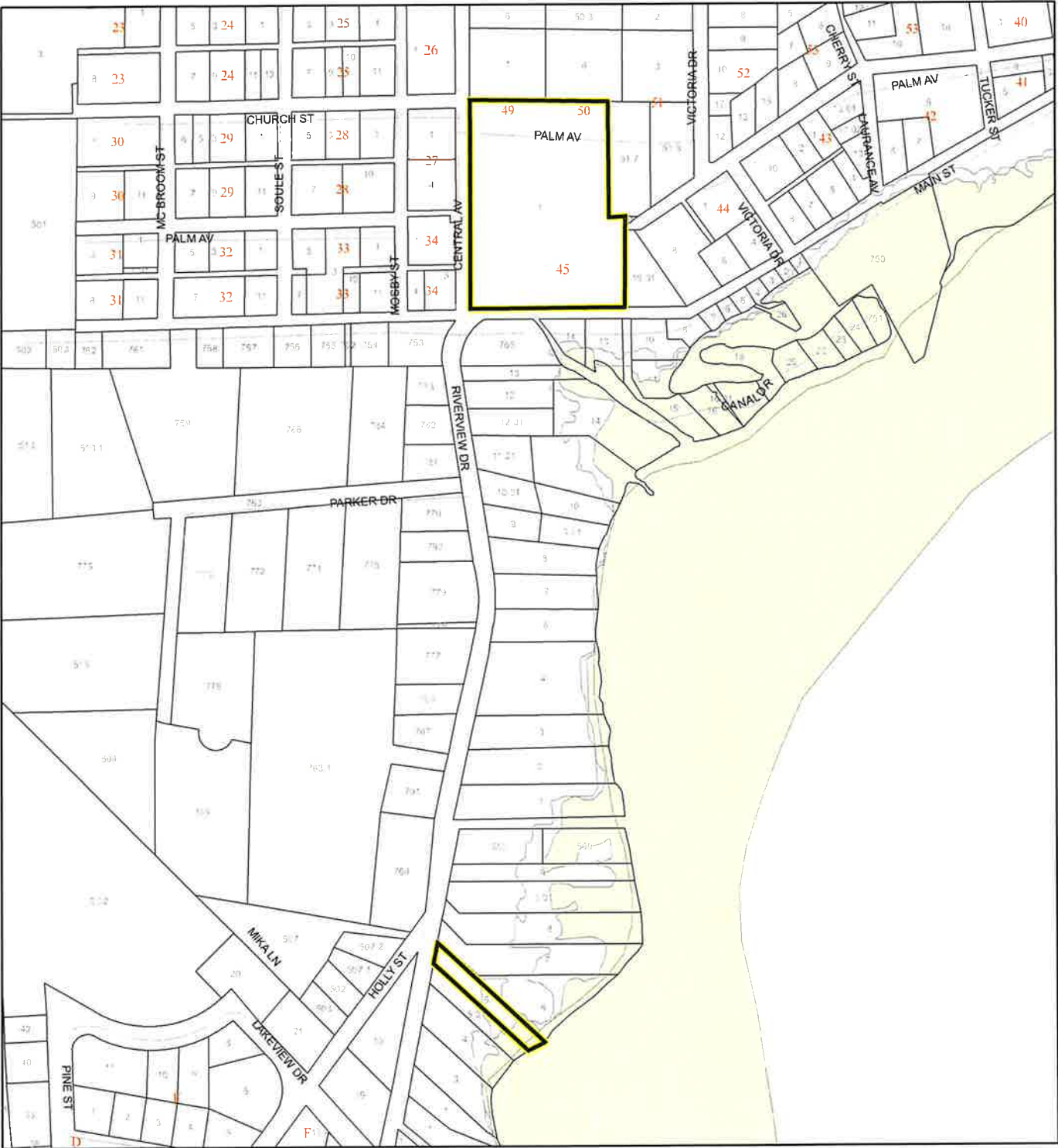
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

Vincent & Sherry Goglia
25Z00026



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/24/2025

FEMA Flood Zones		
A	AO	X
AE	Open Water	
AH	VE	
Subject Property		Parcels

COASTAL HIGH HAZARD AREA MAP

Vincent & Sherry Goglia
25Z00026



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 6/24/2025

 Subject Property

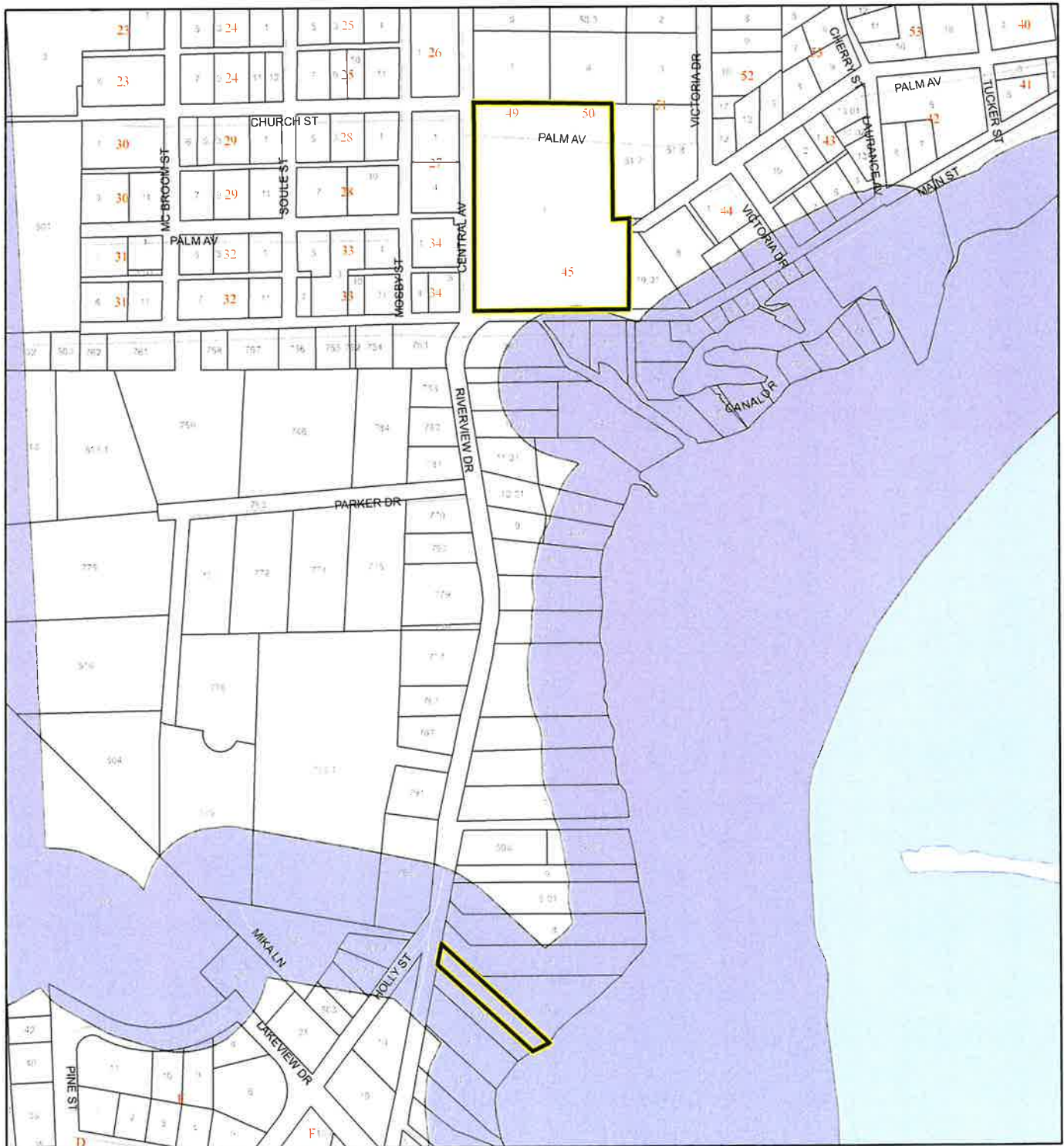
 Parcels

Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Vincent & Sherry Goglia
25Z00026



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/24/2025

— Subject Property

□ Parcels

Septic Overlay

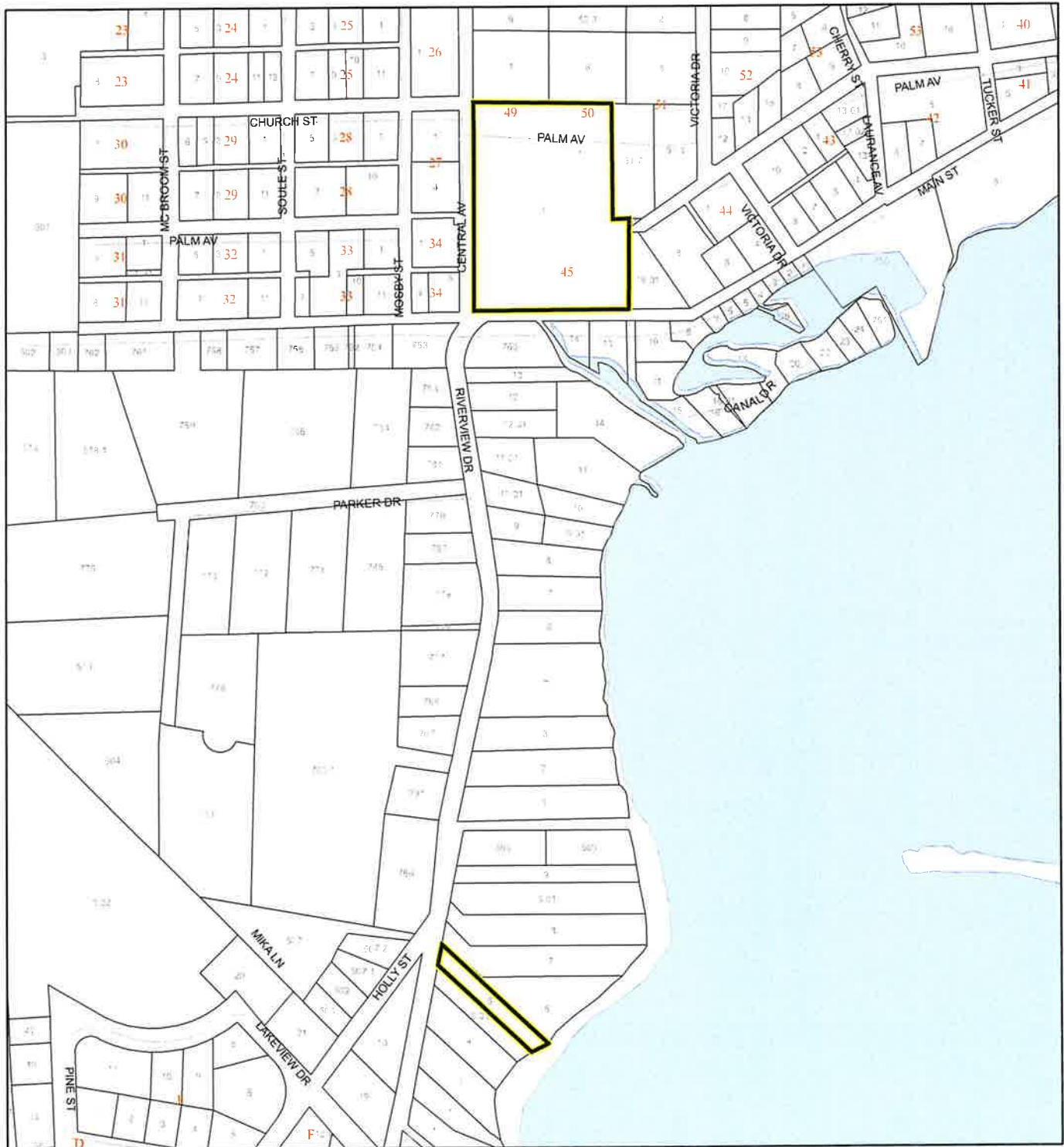
■ 40 Meters

■ 60 Meters

■ All Distances

EAGLE NESTS MAP

Vincent & Sherry Goglia
25Z00026



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/24/2025

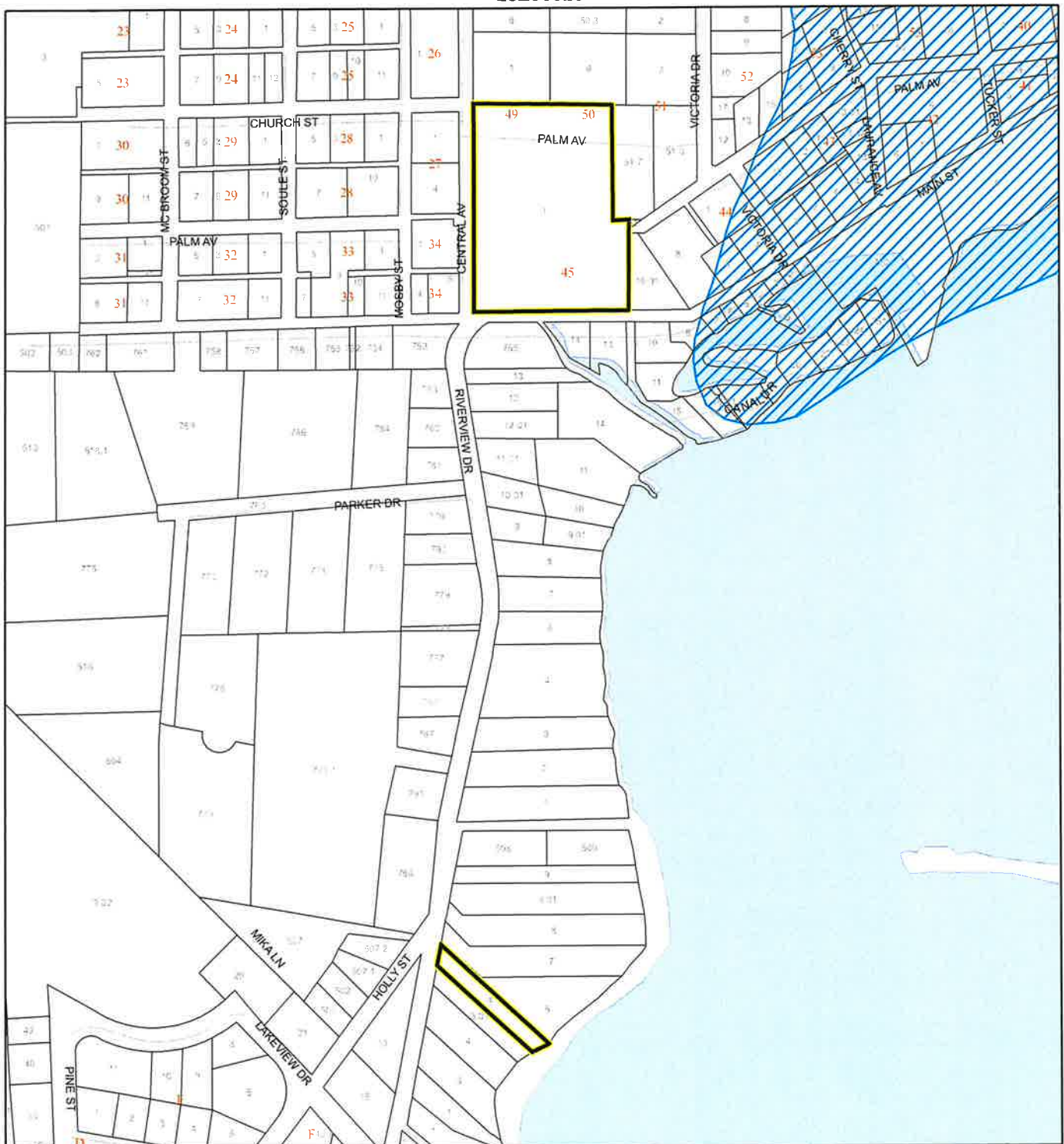
 Subject Property

 Parcels

 Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP




Vincent & Sherry Goglia
25Z00026



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/24/2025

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Vincent & Sherry Goglia
25Z00026



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/24/2025

SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, September 15, 2025**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Debbie Thomas (D4); Ron Bartcher (D2); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Robert Brothers (D5); Melissa Jackson (D5); Neal Johnson (D4); Robert Wise (D2); and Eric Michajlowicz (3).

Staff members present were Billy Prasad, Planning & Development Manager, Paul Body, Planner; Alex Esseeesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

EXCERPT OF COMPLETE AGENDA

H.6. Vincent Contino Goglia and Sherry Ann Goglia (Thomas Neidert) request a CUP for an accessory structure. (25Z00026) (Tax Account 3008337, 3008071) (District 3)

Mr. Body read the application into the record.

Thomas Neidert spoke to the application. He stated this is a very close family friend of mine and he's elderly and doesn't know how to take care of this sort of business. He bought a piece of property that has a nice dock on it for a boat, but because it doesn't meet the zoning, we can't have power for a boat lift, lighting, or a well pump to wash a boat. We're trying to get power to the dock. That's what we're asking for.

No Public Comment

Mr. Hopengarten inquired if the dock is still in operation.

Mr. Neidert responded yes.

Mr. Hopengarten continued with the graphics that I was provided with show it is missing, and I was looking on the website.

Mr. Neidert responded in 2004 the hurricanes took it out. It was rebuilt after the hurricanes without a permit. Recently we got it permitted and rebuilt in the last two years. So right now, the picture you have isn't the actual Google overlay of what that map is now. Right now, there's a brand-new dock on the property.

Mr. Hopengarten stated the other thing from the aerial that I noticed was that on the owner's property to the northeast, there's some boats stored on it. And on this property, there's some boats.

Mr. Neidert responded the boats now on this property are not stored on the property. They're in the water at the dock.

Mr. Hopengarten stated the aerial just showed me that they were sitting on land, not in the water.

Mr. Neidert stated that was prior. There are two boats in the water right now.

Mr. Hopengarten continued with okay, because there were five boats.

Mr. Neidert stated he didn't know what picture that is.

Mr. Hopengarten responded it was the one from the appraisal district.

Mr. Prasad stated I believe he's talking about the areal that happens to be on the Boulevard County Property Appraiser website currently.

Mr. Neidert stated the property to the south has a boat on a dock and the property to the west has property on a dock. On the west of the property across Holly Street, the guy has two boats.

Mr. Hopengarten stated he's talking about the owner's property.

Mr. Neidert responded his property on Main Street is five acres. He's got boats sitting on there, too. He has an old military boat that he's restoring, but that's inoperable and he's restoring that boat.

Mr. Hopengarten inquired if that was legal on that property.

Mr. Neidert responded yes. It's personal property residence. I mean it's his boat.

Mr. Hopengarten stated he just wanted to be clear. I didn't want to note that he has a business there that's restoring boats.

Mr. Neidert responded it's not storing boats. He's not storing boats.

Mr. Hopengarten replied alright. So, you're just trying to get an electric permit so you can put some davits in the lifts.

Mr. Neidert replied yes, and lighting and a boat. We already have a working well there. I just need power for the pump for a well for fresh water to wash the boat down.

Mr. Hopengarten inquired if these are all power boats.

Mr. Neidert responded yes, 20-foot center console. Very small boat. Nothing crazy.

Motion to recommend approval of item H.6. by Ron Bartcher, seconded by Eric Michajlowicz. Motion passed unanimously.

Mr. Prasad stated if I may, Mr. Chair, can I just clarify that that motion included the waiver to subsection 1 of 62-1943.3 because the dock pre-existed November 17, 2008. Just want to clarify that for the record.

Meeting adjourned at 3:47 p.m.

DRAFT



Board Meeting Date

10-2-25

Item Number: H.7 newman

Motion By: KA

Second By: KD

Nay By: _____

Commissioner	DISTRICT	AYE	NAY
Commissioner Delaney	1	✓	
Vice Chair Goodson	2	✓	
Commissioner Adkinson	3	✓	
Commissioner Altman	5		
Chairman Feltner	4	✓	