

Boat Dock Site Plans

There are two types of site plans under the Code. Title 25 identifies administrative site plans and land use commission approved site plans. Under Section 25-5-142, a land use commission approved site plan is required for a conditional use or for development in a Hill Country Roadway Corridor. As defined in Section 25-5-111, an administrative site plan is a site plan that does not require approval by the land use commission. Final approval is by the director of Planning and Development Review. An applicant may appeal the denial of an administrative site plan to the Land Use Commission. The Land Use Commission decision may be appealed to Council.

Based on the Code definitions, a site plan for a boat dock is an administrative site plan, albeit a special type of site plan that requires input from the Parks and Recreation Board (PARB). Under the Code, PARB approval is required: 1) for more than two slips on property zoned MF-1 or more restrictive; 2) for a structure to exceed 20% of the shoreline; 3) for a dock to extend more than 30 feet from the shoreline; and 4) for a structure to be constructed within 10 feet of a side property line. A site plan may not be approved that contains any of the four situations without Parks Board approval.

If the Parks Board does not approve the site plan, then the PDRD director may not approve the site plan because the site plan does not comply with the requirements of Title 25. Even if the PARB approves the site plan with a structure the exceed 20 percent of the shoreline, for example, the director would have to disapprove the site plan if the site plan failed to comply with some other Code requirement. Under Section 25-5-112, an applicant may appeal the disapproval of the site plan to the Land Use Commission. The Land Use Commission decision may be appeal to Council.

The Chart is not correct. An applicant would have to appeal to the Land Use Commission and then to Council before the applicant could bring a lawsuit against the City in district court.