

## **ORDINANCE NO. O-19-22**

AN ORDINANCE AMENDING THE WINTER HAVEN CODE OF ORDINANCES, CHAPTER 21, ARTICLE II, DIVISION 6, SECTION 21-103(b), BOAT SLIPS/RAMPS, DOCKS, BOAT HOUSES, AND FISHING PIERS, FOR THE PURPOSE OF UPDATING THE CITY'S MARINE STRUCTURES REQUIREMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, CODIFICATION, AND THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a proposed amendment to the Winter Haven Code of Ordinances, including Chapter 21 (Unified Land Development Code), has been studied, documented, advertised, and heard by the Winter Haven Planning Commission; and

WHEREAS, the City Commission of the City of Winter Haven, Florida, finds that it is expedient to revise language contained in Chapter 21, Article II, Division 6, Section 21-103(b) relating to marine structures requirements within the City.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER HAVEN, FLORIDA, AS FOLLOWS:

1. That Chapter 21, Article II, Division 6, Section 21-103(b), of the Code of Ordinances of the City of Winter Haven, Florida is hereby amended to read as shown in Exhibit "A", attached hereto and made a part hereof.

2. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this ordinance full force and effect.

3. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

4. It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City; and that sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter," "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, section of this ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

5. This ordinance shall become effective immediately upon passage on second reading.

INTRODUCED on first reading this 14<sup>th</sup> day of October, 2019.

PASSED on second reading this 28<sup>th</sup> day of October, 2019.



ATTEST:

Vanessa Castillo  
CITY CLERK

CITY OF WINTER HAVEN, FLORIDA

[Signature]  
MAYOR-COMMISSIONER

Approved as to form:

[Signature]  
CITY ATTORNEY

Exhibit "A"  
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New text is underlined and deleted text is ~~stricken through~~.

Sec. 21-103. Accessory uses.

(b) Marine Structures ~~Boat slips/ramps, docks, boat houses and fishing piers.~~ These uses are permitted in all zoning districts as an accessory use, and provided, however, that any such structure shall meet the following requirements.

(1) Intent. It is the intent of this subsection to ensure that neighboring uses of lakefront property do not conflict with each other and to preserve and restore the ecological integrity of the City's lake and water resources by regulating the location, size and impact of marine structures and their associated uses. Further, it is the intent of this subsection to ensure the proper construction and maintenance of marine structures and to encourage and improve public accessibility to the City's lake and water resources. City owned docks used for public access to lakes are exempt from the requirements of these provisions.

(2) Definitions.

- a. Marine Structure. A structure generally related to the use of water, such as, but not limited to, a dock, pier, access walkway, boat house, fishing pier, a structure used primarily for mooring of vessels or other watercraft, a structure used primarily for providing access to water or a structure used primarily for providing access to devices which allow or facilitate mooring, storage or launching of vessels or other watercraft.
- b. Slip. That portion of a marine structure that allows boats, personal watercraft, seaplanes or other vessels to be moored, stored, hoisted or tied to the structure. A slip generally will allow space for only one vessel.
- c. Seawall. A structure, usually vertical and made of metal, plastic, concrete or other hard surface, to separate and otherwise prevent water from entering land.
- d. Lake Interconnecting Canal. A canal that connects one lake to another, allowing public access between lakes. (Generally such a canal would be maintained by the Lake Region Lakes Management District).
- e. Personal Watercraft. A vessel less than 16 feet in length which uses an inboard motor powering a water jet pump, as its primary source of power and which is designed to be operated by a person sitting, standing, or kneeling

on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

- f. Guardrails. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.
- g. Handrails. A horizontal or sloping rail intended for grasping by the hand for guidance or support.
- h. Riparian Rights. Those rights incident to land bordering upon navigable waters. They are rights of ingress, egress, boating, bathing, and fishing and such others as may be or have been defined by law. Such rights are not of a proprietary nature. They are rights inuring to the owner of the riparian land but are not owned by him or her. They are appurtenant to and are inseparable from the riparian land. The land to which the owner holds title must extend to the ordinary high watermark of the navigable water in order that riparian rights may attach. Conveyance of title to or lease of the riparian land entitles the grantee to the riparian rights running therewith whether or not mentioned in the deed or lease of the upland.

(3) All construction of marine structures shall ~~conform to~~ comply with the requirements of the current edition of the Florida Standard Building Code and City building regulations. Floating docks which are attached to shore or to a fixed ~~deck~~ marine structure are allowed and encouraged.

(4) All marine structures constructed for use by a single-family residential property owner shall conform to the following regulations:

a. ~~Length~~

a. ~~4.~~ The maximum distance that a deck, pier or boathouse marine structure may extend from the shoreline of any lake, except stressed lakes, shall be seventy-five (75) feet. Where there is not two (2) feet of water depth at seventy-five (75) feet from the shoreline, a marine structure may be extended to that distance in which two (2) feet of vertical water depth is attained, but shall not exceed the distance of 100 feet from the shoreline, provided the average lake water level elevation is within the normal range as determined by the City's Natural Resources Division.

b. ~~Location~~ Docks, piers and boathouses ~~Marine structures shall be constructed~~ are only allowed in the following locations:

- i. For waterfront lots with less than or equal to 100 feet of waterfront frontage, marine structures may be located at any point within the center

one-third (1/3) of the waterfront lot frontage and ~~no closer than two hundred (200) feet from the centerline of a lake-interconnecting canal;~~

ii. For waterfront lots with greater than 100 feet of waterfront frontage, marine structures may be located at any point along the waterfront frontage not within 33 feet of an adjacent property line.

c. The main access pier walkway from the shore to the ~~dock, terminus, platform area or boathouse~~ marine structure shall not exceed six (6) feet in width. Handrails shall be ~~provided~~ constructed on at least one (1) side of any ~~part of a dock or pier~~ main access walkway ~~which is two (2) feet or less less than three (3) feet in width.~~

d. The maximum surface area of ~~all single-family residential~~ marine structures shall be the amount of waterfront frontage in feet multiplied by a factor of 20, but may not exceed a total of one thousand (1,000) square feet, which includes the main access pier walkway, platforms and roof area as measured along a horizontal plane. However, terminal platform area shall not exceed two hundred fifty (250) square feet, and Further, total roof area shall not exceed five hundred (500) square feet.

e. No more than two (2) boats and two (2) personal watercraft may be moored, stored, hoisted, or tied ~~at any such a single-family residential marine structure. Up to two additional personal watercraft may be substituted for one of the allowed boats.~~

f. Only one marine structure per single family lot is allowed unless provided for in other sections of this code.

(5) All marine structures constructed for use by ~~non-single~~ multi-family residential property owners, homeowners associations, neighborhoods, commercial uses, boating or other organizations shall conform to the following regulations:

a. The maximum distance that a marine structure shall extend from the shoreline of any lake shall be 125 feet.

b. Marine structures shall be constructed at any point within the center one-third (1/3) of the waterfront frontage of the waterfront lot or be located a minimum of 50 feet from an adjacent property line if the lot has more than 150 feet of waterfront frontage.

c. Lots with less than 150 feet of waterfront frontage must meet the length and area requirements for single-family residential marine structures.

d. Handrails and guardrails shall be provided on at least one (1) side of any part of an access walkway.

e. The surface area of marine structures shall not exceed a total of 1,250 square feet including the main access walkway, platforms, and roof area as measured along a horizontal plane. Further, total roof area shall not exceed 625 square feet.

f. All ~~docks, piers and boathouses~~ marine structures ~~to be used for tenants of for~~ multi-family residential units such as apartments, townhouses, ~~piers~~, condominiums, ~~subdivisions~~, hotels or motels, or for members of organizations or clubs, ~~including homeowners associations~~, shall be limited to:

i. On lakes of one hundred (100) acres or more: one (1) slip per ten (10) living units (or thirty (30) members if an organization or club).

ii. On lakes less than one hundred (100) acres: one (1) slip per twenty (20) living units (or sixty (60) members if an organization or club).

g. No more than 10 slips are allowed at any marine structure. At least 2 feet of water is required at low water management levels for each slip.

h. Sites may have more than one marine structure per property if the following requirements are met:

i. Each individual marine structure meets all requirements of this section.

ii. Marine structures must be separated by at least 300 feet.

iii. No more than a cumulative total of 30 slips are allowed for a development, waterfront property, or location.

i. All marine structures must receive the proper state and/or federal permits from appropriate State and/or Regional and/or Federal agencies prior to issuance of a City permit. All such State and/or Regional and/or Federal permits as issued by such agencies must be attached to any application required hereunder for consideration by the City.

(6) All marine structures including but not limited to those constructed for use by a single-family residential property owner and those constructed for use by multi-family residential property owners, homeowners associations, neighborhoods, commercial uses, boating or other organizations shall conform to the following regulations:

a. Marine structures located near or within lake interconnecting or navigable canals must conform to the following restrictions:

i. ~~Such~~ Marine structures and other structures, equipment, and devices which allow or facilitate the mooring or launching of boats are not permitted in or alongside lake-interconnecting canals. Boats or other watercraft shall not be launched from the side of a lake-interconnecting canal.

ii. Marine structures located within 200 feet from the end of a lake-interconnecting canal shall not extend past the area contained within a triangle drawn from the end of the canal seawall to a distance of 200 feet perpendicular to the edge of the canal seawall along the lakeshore, out to a distance of 125 feet into the lake and back to the ending seawall of the canal, representing the visibility triangle that boats can travel along the lakeshore without interference from marine structures. Visibility triangles shall be drawn by the City's Natural Resources Division or Engineering Services Division and shall be reviewed by the Lake Region Lakes Management District. All marine structures constructed within any visibility triangle must be lighted at night to ensure visibility. No vessels or watercraft are allowed to be moored or stored lakeward of any visibility triangle.

iii. In no case shall structures in non-lake interconnecting canals extend from a canal bank or bulkhead beyond 25 percent of the canal's average width along the property fronting the canal.

iv. ~~Docks, piers, and boathouses~~ Marine structures constructed in residential dead-end non-lake interconnecting canals may not be closer than 25 feet from another such structure.

~~2. On a "stressed lake," defined as a lake which has been determined to be fluctuating below low management levels as determined by the city's lakes management division, such a structure may not extend seventy-five (75) feet of the minimum low management elevation.~~

~~3. An inventory of stressed lakes and their minimum low management elevations will be maintained by the city's lakes management division.~~

b. ~~Where there is not less than two (2) feet of vertical water depth at seventy-five (75) feet distance from the shoreline, or from the minimum low lake elevation on stressed lakes, a floating dock may be attached to the marine structure and may extend to that distance at which two (2) feet of vertical water depth is attained, provided the average lake water level elevation is outside of the normal range as determined by the City's Natural Resources Division. In no case shall any extensions be permitted that might cause navigational problems as indicated by the size of the lake, location of canals, and neighboring marine structures.~~

c. ~~All docks and piers~~ marine structures shall be constructed so as to be visible to marine traffic in times of high water by being equipped with a device or structure which is clearly visible at least six (6) feet above the water's surface at all times (e.g., orange flag, reflectors). Such device or structure shall be installed at the lakeward end of the structure and elsewhere along the structure, spaced no further than twenty-five (25) feet apart.

d. The sides of any marine structure shall remain open except that see-through screening material shall be permitted. The vertical distance between the lowest roof elevation and the deck ~~elevation~~ surface shall not exceed ~~ten (10)~~ eleven (11) feet.

e. Living quarters and other non-water dependent structures are prohibited on marine structures or in vessels over the water.

f. Marine structure permits will be issued only to those lakefront lots demonstrating riparian rights to access the water.

g. No fish cleaning stations, restroom facilities, boat repair facilities, or fueling facilities are allowed on a marine structure. In addition, no overboard discharges of trash, human or animal waste, or fuel shall occur from any marine structure.

h. Storage lockers on marine structures shall not be used to store boat maintenance equipment, boat repair equipment, boat repair materials, fuel, fueling equipment, hazardous materials, or wastes.

i. Marine structures shall be maintained in good repair and in a safe and useable condition. In no circumstance shall debris from a marine structure be allowed to float into a lake such that a navigational hazard occurs. Structure pilings or other submerged structures must be completely removed to prevent navigational hazards.

j. Properties fronting on more than one lake may have marine structures on each lake if all other requirements are met.

k. All marine structures must receive the proper state and/or federal permits from appropriate State and/or Regional and/or Federal agencies prior to issuance of a City permit. All such State and/or Regional and/or Federal permits as issued by such agencies must be attached to any application required hereunder for consideration by the City.

l. *Nonconforming Uses; Rebuilding.* An existing marine structure, not in current compliance with this code, that is damaged beyond 50 percent (50%) of its reasonable replacement value may only be rebuilt in accordance with current regulations.



- o. Unless otherwise provided herein, only one marine structure may be built on any given parcel of property.
- (7). Boat Ramps and Launches. Private boat ramps are allowed under the following conditions:

  - a. Ramps must receive State permits, if required, prior to issuance of a City permit. State permits must be attached to any application required hereunder for consideration by the City.
  - b. Boat ramps shall not exceed 10 percent of a lot's waterfront frontage.
  - c. Ramps for single-family homes shall not be greater than 12 feet in width.
  - d. Ramps for other uses shall not exceed 15 feet in width; provided however that ramps used for a marina operation may exceed the maximum width requirement by an additional 15 feet upon receipt of all applicable permits required by State and Federal agencies, including, but not limited to a dredge and fill permit.
  - e. Ramps must be set back 5 feet from the property line, including an extension of the property line into the water.