

ORDINANCE 3231-22

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ARTICLE I, CHAPTER 114, OF THE CITY CODE OF ORDINANCES TO MODIFY THE SHORELINE REVETMENT SLOPE REQUIREMENT; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

RECITALS

WHEREAS, the numerous lakes and waterways, including the lakes which comprise the Winter Park Chain of Lakes, are located within jurisdictional boundaries of the City of Winter Park ("City"); and

WHEREAS, the City Code of Ordinances conditionally authorizes waterfront property owners to construct shoreline revetments to dissipate wave energy as necessary to minimize the impacts of wave erosion and shoreline loss; and

WHEREAS, the City Code of Ordinances currently requires such shoreline revetments be constructed with a 3:1 slope, horizontal to vertical; and

WHEREAS, on July 13, 2021, the Winter Park Lakes and Waterways Board reviewed the City's existing revetment slope requirement and found the State of Florida currently requires a 2: 1 slope, that most municipalities follow the State's slope requirements, that the City's 3:1 slope requirement was hazardous to boats, and that the City's 3:1 slope requirement made it difficult for property owners to abide by the City's plant code; and

WHEREAS, based on these findings, the Winter Park Lakes and Waterways Board unanimously recommended approval for the City Commission to adopt an ordinance amending the City's revetment slope requirement from 3:1 to 2:1; and

WHEREAS, the revetment slope requirements enacted pursuant to this Ordinance are necessary to ensure the public health, safety, and welfare of the residents of the City of Winter Park;

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance as legislative findings.

Section 2. City Code Amendment. Sections 114-1 and 114-6 of the City of Winter Park Code of Ordinances are hereby amended and modified as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions;

provisions and sentences not included are not being amended; stars *** indicate separations between sections or subsections and do not represent Code amendments):

CHAPTER 114-WATERWAYS

Sec. 114-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boat means all rafts, skiffs, dredges, canoes, dinghies, dugouts, rowboats, sailboats, motorboats, personal watercraft and every other device used or capable of being used as a means of transportation on water.

City boats means boats owned by residents of the city.

Clearance means the alteration of or removal of vegetation by the deposit of sand, dirt or other material or by uprooting and removal by mechanical or nonmechanical means or by chemical treatment.

Fill means the addition of materials, including but not limited to dirt, sand, gravel, stone, crushed stone, cement, cement rubble, mulch, wood or railroad ties, which results in changes to the topography or vegetation that exists on the shoreline and waterfront areas of waterfront properties.

Motorboat means any boat powered by an internal combustion engine.

No city boats means boats owned by nonresidents of the city.

Operator means any person in charge of or having immediate control over a boat, whether such person is the owner, a permittee or an unauthorized user.

Personal watercraft means a class A inboard vessel, as defined by the United States Coast Guard, which uses an internal combustion engine powering a water jet pump as its primary source of motive propulsion and which is designed to be operated by a person sitting, standing or kneeling on the product, rather than in the conventional manner of boat operation.

Retaining wall means the same as seawall.

Revegetation means the planting and establishment of terrestrial and aquatic grasses and plants, both emergent and nonemergent, associated with waterfront and shoreline environments.

Revetment means any sloped structure with a horizontal to vertical slope of $3:1$ $2:1$ or greater that is constructed of rock, other aggregate material or geotextile fabric that is intended to protect the shoreline against erosion or water action.

Seawall means any structure involving stone, brick, concrete, metal or wood intended to stabilize the shoreline as protection against erosion or water action.

Shoreline means the land area which exists between the normal high-water elevation during typical hydrological conditions and the point measured ten feet landward of such normal high-water elevation. (Reference normal high- water elevations for the major lakes in the zoning ordinance.)

Waterfront means the water area or occasional land area which exists between the normal high-water elevation during typical hydrological conditions and the point measured 30 feet out seaward of the normal high- water elevation.

Waterfront vegetation means vegetation which grows or exists at or below the normal high-water elevation and includes terrestrial and aquatic plants, both emergent and nonemergent, associated with wetlands.

Waterway means any water, lake, canal, stream, lagoon or connecting waters, whether natural or manmade, partially or wholly within the boundaries of the city

Sec. 114-6. Lakeshore protection.

- (b) The construction of retaining walls, seawalls or revetments on any lakefront, canal front, streamfront, etc., shall be prohibited except when done in accordance with law and after obtaining a permit from the city.

- (3) Applications for seawalls or revetments should be considered favorably only when the structure is a dire necessity to stem erosion and loss of shoreline that is markedly different from that experienced in general. On lakefronts, vertical seawalls shall be disallowed in favor of sloped riprap revetments (minimum slope $3:1$ $2:1$, horizontal to vertical) that allow waveenergy dissipation and allow shoreline vegetation to propagate. Vertical sheet pile, with a nonvertical riprap face, may be allowed on a case-by-case

basis to minimize turbidity, or vegetation disturbance during construction provided that the entire face of the vertical component is covered by the sloped riprap component, the finished face meets the ~~3:1~~ 2:1 minimum slope requirement, and the elevation of the vertical component does not exceed the natural ground elevation. Vertical seawalls may be allowed on a case-by-case basis in canals or other altered water bodies where sloped revetments could interfere with navigation, or where conditions make the construction of sloped revetments impractical. Construction for cosmetic reasons is not sufficient justification. The review by the city advisory boards and city commission shall include the environmental ramifications of the request, its relationship to the ecology of the lake or stream as a whole and the specific shoreline characteristics of the property involved. Approvals of any shoreline modification shall be the minimum necessary to allow relief. As a condition of the seawall/revetment permit, shorelines that do not meet the vegetation standards of this section (subsection 114-6(a)) shall be required to be planted so that no more than 50 feet, or 50 percent (whichever is less) of the shoreline remains clear of vegetation.

Section 3. Codification. Section 2 of this Ordinance will be incorporated into the WinterPark City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other Ordinance or provision of law, this Ordinance governs and controls to the extent of any such conflict.

Section 6. Directions to City Staff. City Staff under the direction of the City Manager are directed and authorized to take such actions as are necessary and advisable to effect and carryout this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective immediately after its adoption by the City Commission of the City of Winter Park, Florida.

First Reading held on January 12, 2022


Second Reading held on January 26, 2022

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 27th day of January, 2022.



Mayor Phillip M. Anderson

ATTEST:



Rene Cranis, City Clerk