

ORDINANCE 3272-23

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING REGULATIONS" SECTION 58-87 "LAKEFRONT LOTS, CANALFRONT LOTS, STREAMFRONT LOTS, REPEALING THE REGULATIONS ON BOATHOUSES AND DOCKS AND AMENDING CHAPTER 114 "WATERWAYS" TO INCORPORATE AND UPDATE THE REGULATIONS CONCERNING DOCKS AND BOATHOUSES, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park deems it necessary for the purpose of providing environmental protections for the City in the management of construction on waterfront properties on lakes, canals and streams to clarify the authority and requirements of the appointed boards having jurisdiction in the review of waterfront construction and of docks, boathouses and gazebos and in furtherance of the protection of due process and the general welfare of the City as set forth in this Ordinance.

WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida and is intended to promote, enable and facilitate economic competition;

NOW THEREFORE, BE IT ENACTED by the City Commission of the City of Winter Park, Florida, after due notice and public hearing, that:

SECTION 1. That Chapter 58 "Land Development Code", Article III "Zoning Regulations, Section 58-87 "Lakefront lots, canalfront lots, streamfront lots, boathouses and docks" of the City of Winter Park Land Development Code is hereby amended as shown below to repeal the regulations for docks and boathouses in order to transfer such regulations as may be amended to Chapter 114 "Waterways". (~~stricken through~~ language are deletions):

- **ARTICLE III ZONING REGULATIONS.**
- **Sec. 58-87. - Lakefront lots, canalfront lots, streamfront lots, boathouses and docks other waterfront properties.**

~~(c) Docks and boathouses. The following minimum or maximum standards shall apply to all construction or renovation of docks and boathouses:~~

~~(1) Before a building permit is issued, the plans for docks and boathouses shall be approved by the lakes and waterways board after review of comments from city staff and notification of the adjacent lakefront property owners.~~

~~(2) The total area of docks and boathouses built at the water's edge over land and water shall not exceed 600 square feet. In the case of canalfront lots (other than~~

~~boathouse lots on canals as set forth in subsection (f) hereafter), the maximum total area of docks, boathouses, decks, stairs and any other attachments shall be based on the length of the canal frontage as follows:~~

- ~~a. Seventy-five feet or less of frontage, 450 sq. ft.~~
- ~~b. Seventy-six feet to 100 feet of frontage, 500 sq. ft.~~
- ~~c. Over 100 feet of frontage, 550 sq. ft.~~
- ~~d. The maximum width of canal boathouses shall be 20 feet.~~

~~(3) All new docks and boathouses shall be constructed ten feet from a side lot line. This side setback can be reduced to five feet if written approval is presented from the adjacent property owners.~~

~~(4) All new docks and boathouses shall not extend over 30 feet into the water from the elevations specified in this section. However, on Lake Killarney the maximum distance may be 50 feet.~~

~~(5) The highest point of a boathouse or gazebo roof or any railing shall not exceed 11 feet and the roofs must be pitched so as to eliminate flat roofs and use of such areas as sundecks. The height shall be measured from the surface of the dock or floor to the highest point of the roof or railing. In addition, the surface of any dock, sundeck or floor of any boathouse, gazebo, etc., shall not be more than two feet above the elevations specified in this subsection.~~

~~(6) In order that all docks or boathouses be utilized only for boating and other recreational activities and not as living space, there shall be no bathrooms or cooking facilities permitted in them, nor as an improvement to any existing boathouse. There also shall not be any enclosed rooms over water except for storage rooms limited in size to a maximum of 80 square feet.~~

~~(7) Only one boathouse shall be permitted for each lakefront property owner. In the case of common ownership of lakefront property such as in a condominium arrangement or property owned by a subdivision, there shall only be one boathouse permitted.~~

~~(8) The sale or lease of a portion of lakefront after January 1, 1980, shall be construed as a subdivision and shall not enable the owners to make application for a dock and boathouse unless that subdivision has received the approval of the city commission.~~

~~(9) Canal boathouses shall be located so as not to interfere with navigation and to result in the minimum loss of existing large oak, pine or cypress trees. Electric service shall be provided via underground wiring. On lots that are divided by a public street, landscape buffering shall be required to substantially cover 50 percent of the structure as viewed from the street. Boathouses shall only be painted or have exterior covering of a color that blends in with and does not~~

~~detract from the natural surroundings. Off-street parking areas shall remain without asphalt, concrete, brick, gravel, grass paver or other improved surface.~~

~~(10) As a condition for a permit to build or repair any lakefront dock or boathouse, the lakefront water area along shorelines that do not meet the vegetation standards of subsection [114-6\(a\)](#) of this Code 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.~~

~~(f) *Boathouse lots on canals.* The boathouse lots which exist along the canals interconnecting the lakes within the city were platted and accepted by the city under the premise that these lots would serve as lake access for the residents of that subdivision. As such, the purpose and intention of these boathouse lots is to serve as accessory lots to the main residential properties within that subdivision. In accordance with the policies contained within the comprehensive plan, the following regulations shall apply:~~

~~(1) The buildability and use of all canal boathouse lots, which are determined to be accessory lots, shall be restricted to the owners of real property within the subdivision in which these accessory boathouse lots were platted.~~

~~(2) Canal boathouse lots which are held January 1, 1981, by property owners residing outside of the subdivision for which they are platted shall be nonconforming boathouse lots which may still be used for constructing a boathouse and for lake access. However, any canal boathouse lots owned by real property owners on January 1, 1981, in the subdivision for which they were platted, shall only be buildable and used to serve the lake access needs of residents of that subdivision.~~

~~(3) Minimum lot widths shall be 50 feet.~~

~~(4) Canal boathouses shall be constructed a minimum of five feet from side lot line. There shall be no front setback.~~

~~(5) The highest point of a canal boathouse shall be no more than ten feet above the ordinary high-water elevation of the closest lake as detailed in this section.~~

~~(6) Canal boathouses shall not exceed 400 square feet in size for all areas of boathouses, stairs, and decking.~~

~~(7) Canal boathouses shall be located so as not to interfere with navigation and to result in the minimum of loss of existing large oak, pine or cypress trees. Electric service shall be provided via underground wiring. Landscape buffering shall be required to substantially cover 50 percent of the structure as viewed from the street. Boathouses shall only be painted or have exterior covering of a color that blends in with and does not detract from the natural surroundings. Off-street~~

~~parking areas shall remain without asphalt, concrete, brick, gravel, grass paver or other improved surface.~~

SECTION 2. That Chapter 114 "Waterways", is hereby amended by establishing a new Section 114-31 in order to transfer the existing regulation of boathouse and docks from the Chapter 58, "Zoning Regulations" to the Chapter 114, "Waterways" Section 114-31 as shown below as amended. (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 114-31 – Regulations for boathouses, docks and other waterfront structures.

(a) Boathouses, docks and other waterfront structures. It is the intent of this section to insure that boathouses, docks, gazebos and any other structures on the waterfront of properties including canalfront lots, lakefront lots and streamfront lots are constructed or placed such that no boating hazards will be created, that views of water from adjoining waterfront properties will not be unduly impaired; that existing trees shall be preserved to the degree reasonably possible and that the appearance of the property and the shore when viewed from the water will be kept as natural as reasonably possible. The city's lakes, canals and streams are among the city's greatest assets, and it is in the public interest to require that their aesthetic appeal. The following minimum or maximum standards and procedures shall apply to all construction or renovation of boathouses, docks and other waterfront structures.

(1) Board approval required: Before a building permit is issued, the plans for boathouses, docks and any other waterfront structures shall be approved by either the Lakes and Waterways Board or Lake Killarney Board, pursuant to their jurisdictions. This shall be done at a public hearing after review of comments from city staff and notification of the adjacent waterfront property owners. Applicants are encouraged to provide plans to the adjacent waterfront neighbors in order for them to provide consent or objection to such applications. However, review and approval of boathouses, docks and gazebos shall not be required if the structure is replacing an existing boathouse, dock or gazebo and is in the same location and is meeting the code requirements set forth in this section. The review and approval by the Lakes and Waterways Board or Lake Killarney Board is only required when variances are requested or when there is not an existing boathouse, dock or gazebo on the property/water or when the location of the boathouse, dock or gazebo is being changed by more than five feet from the current location.

(2) Application submission requirements: Applications for docks, boathouses, gazebos or any other construction over the water must contain the following information and references thereto of "dock" shall also include boathouses, gazebos and any other construction over the water:

(a) The original signature(s) of the property owner(s) of the upland portion of the parcel where the dock is to be constructed;

(b) The original signature(s) of the applicant(s), on an application form and payment of any fees, as provided for by the city, and if the applicant is not the property owner, an authorization to apply on their behalf;

(c) Satisfactory evidence of title such as an instrument or property appraiser information indicating ownership extends to the shoreline or legal permission to construct or modify a dock and use of the submerged lands;

(c) A copy of a survey of the real property that accurately depicts current conditions including any trees within the shoreline area proposed for the construction or within 15 feet of such construction;

(d) A site plan based upon the survey depicting the exact location of the proposed dock including proposed setbacks as measured on the land and from the projection of the property line in a straight line following the angle of the property line out into the water for the distance of the dock and which includes the following:

1. An arrow indicating the northerly direction of the sketch and scale of the drawing and the name of the water body (surface water) that the dock structure is to be located;

2. The exact distance between the existing shoreline measured from the OHWE to the furthest point where the dock is to be constructed or is currently located;

3. The exact setback distance from the closest property line measured on the land and the projected property line out into the lake to all portions of the dock and setback thereto;

(e) Floor plan, elevations, deck and roof height above OHWE and construction materials of the dock;

(f) The current water depth at the end of the dock and at all proposed mooring locations;

(g) The length of the dock, as measured from the OHWE to the point most waterward of the OHWE;

(h) The location of any conservation easement area or wetland, if applicable, within twenty (20) feet from any portion of the dock;

(i) A description of submerged and emergent vegetation types occurring within the area proposed for construction.; and a mitigation plan offsetting adverse impacts to the vegetative areas if applicable;

(j) If the request includes a variance from any of the terms of this section regarding the setbacks, height or size of a structure, then a signed letter or email of no objection from the abutting or affected shoreline property owner(s). The letter or email of no objection must identify the variance request on the site plan for the proposed dock and a copy of the site plan and site plan must be attached to the letter.

(3) Development standards: The total area of boathouses, docks and any other waterfront structure built over land and/or water shall not exceed six hundred (600) square feet. In the case of canal-front lots (other than the Venetian Canal boathouse lots as set forth in subsection (b) hereafter), the maximum total area of docks, boathouses, decks, stairs and any other attachments shall be based on the length of the canal frontage as follows:

- (a) Seventy-five feet or less of frontage, 450 sq. ft.
- (b) Seventy-six feet to 100 feet of frontage, 500 sq. ft.
- (c) Over 100 feet of frontage, 550 sq. ft.
- (d) The maximum width of canal boathouses shall be 20 feet.

(4) All new docks and boathouses shall be constructed no closer than ten (10) feet from a side lot line, as measured on the land and may not extend beyond the property line extended into the lake for that distance of the structure. This side setback can be reduced to five (5) feet if written approval is presented from the adjacent property owners, but may not extend beyond the projected property line extended. In order to mitigate or avoid impediments to navigation at the entrances and exit of canals, within streams, within narrow areas of lakes, or proximate to weirs, dams and drainage structures, the applicable Lake Board conducting the reviews of proposed docks and boathouses shall have the authority to condition approval on: (i) the reduction of ~~limit~~ the width and size of docks/ and boathouses; (ii)-the alteration of the location of dock and boathouses; (iii) alteration of the configuration of docks and boathouses; or (iv) any combination thereof; ~~such that those structures do not create any impediments to navigation at the entrances and exit of canals-~~ in such determination the applicable Lake Board may, among other relevant factors of safe navigation, consider ~~recognizing~~ the logistics of cues of boats awaiting clearance as well as the features of weirs, dams, drainage structures and stream drainage for any waterfront property. The applicable Lakes Board shall also have the authority to condition approval on-~~compel~~ the ~~realteration~~ of the location of a dock/ and boathouses when untypical property lines would create a situation of a new dock/ and/or boathouse being located directly behind a single-family residential dwelling

unit (as the two side walls of the house are extended from the rear of the house to the shoreline/waterline) in front of on an adjacent property regardless of the affected property owners objection or lack of objection to such a chosen location.

(5) All new docks and boathouses shall not extend over thirty (30) feet into the water from the elevations specified in this article. However, on Lake Killarney the maximum distance may be fifty (50) feet.

(6) The highest point of a boathouse or gazebo roof or any railing shall not exceed eleven (11) feet and the roofs must be pitched with a minimum 2:12 slope on all sides of the peak, so as to eliminate flat roofs and use of such areas as sundecks. The height shall be measured from the surface of the dock or floor to the highest point of the roof or railing. In addition, the surface of any dock, sundeck or floor of any boathouse, gazebo, etc., shall not be more than two (2) feet above the elevations specified in this subsection.

(7) In order that all boathouses or other waterfront structure, be utilized only for boating and other recreational activities and not as living space, there shall be no bathrooms or cooking facilities permitted in them, nor as an improvement to any existing boathouse. There also shall not be any enclosed rooms over water except for storage rooms limited in size to a maximum of eighty (80) square feet.

(8) Only one (1) boathouse shall be permitted for each lakefront or waterfront property owner. In the case of common ownership of lakefront property such as in a condominium arrangement or property owned by a subdivision, there shall only be one (1) boathouse permitted. However, based upon the relative lake frontage of a multi-family residential the respective board may consider that factor in the consideration of variances.

(9) The sale or lease of any portion of lakefront or waterfront, shall be construed as a subdivision and shall not enable the owners to make application for a dock and boathouse unless that subdivision has received the approval of the City Commission.

(10) Canal boathouses shall be located so as not to interfere with navigation and which result in the minimum loss of existing large oak, pine or cypress trees. Electric service shall be provided via underground wiring. In situations where canal-front or waterfront lots are separated by a public street from the principal structure, landscape buffering shall be required to substantially cover fifty (50%) percent of the structure as viewed from the street. Boathouses shall only be painted or have exterior covering of a color that blends in with and does not detract from the natural surroundings. Off-street parking areas shall remain without asphalt, concrete, brick, gravel, artificial turf, grass paver or other types of impervious surface.

(11) As a condition for a permit to build or repair any lakefront dock or boathouse, the lakefront water area along shorelines that do not meet the vegetation standards

of this Code shall be required to be planted so that no more than fifty (50) feet, or fifty (50%) percent (whichever is less) of the shoreline remains clear of vegetation.

(12) The dock or boathouse must not adversely affect the rights of other persons or other property owner's use of, and access to, the surface water or constitute a navigation hazard.

(b) *Boathouse lots on the Venetian Canal and Kraft Gardens.* The Kronenberger subdivision boathouse lots which exist along the Venetian Canal interconnecting Lake Osceola and Lake Maitland or that exist on Lake Maitland adjacent to Kraft Gardens were platted and accepted by the city under the premise that these lots would serve as lake access and accessory uses only for the residents of that subdivision. As such, the purpose and intention of these boathouse lots is to serve as accessory lots to the main residential properties within that subdivision. In accordance with the policies contained within the comprehensive plan, the following regulations shall apply to these properties:

(1) The buildability and use of all canal boathouse lots, which are determined to be accessory lots, shall be restricted to the owners of real property within the Kronenberger subdivision in which these accessory boathouse lots were platted.

(2) Such canal or lake boathouse lots which are held January 1, 1981, by property owners residing outside of the subdivision for which they are platted shall be nonconforming boathouse lots which may still be used for constructing a boathouse and for lake access. However, any such canal or lake boathouse lots owned by real property owners on January 1, 1981, in the subdivision for which they were platted, shall only be buildable and used to serve the lake access needs of residents of that subdivision.

(3) Minimum lot widths shall be fifty (50) feet.

(4) Canal boathouses shall be constructed a minimum of five (5) feet from side lot line. There shall be no front setback.

(5) The highest point of a canal boathouse shall be no more than ten (10) feet above the ordinary high-water elevation of the closest lake as detailed in this section.

(6) Canal boathouses shall not exceed four hundred (400) square feet in size for all areas of boathouses, stairs, and decking. Lake lots shall be permitted the typical lake dimensions.

(7) Canal boathouses shall be located so as not to interfere with navigation and to result in the minimum of loss of existing large oak, pine or cypress trees. Electric service shall be provided via underground wiring. Landscape buffering shall be required to substantially cover fifty (50%) percent of the structure as viewed from the street. Boathouses shall only be painted or have exterior covering of a color that blends in with and does not detract from the natural surroundings. Off-street parking

areas shall remain without asphalt, concrete, brick, gravel, pavers, or other improved surface. The remainder of the boathouse lot shall remain composed entirely of landscape materials which shall preclude gravel, fire pits, patios, sheds, storage bins or any other accessory structure or use, other than landscaped area.

(c) Dock/Boathouse maintenance and repair, minor modifications.

(1) Docks and boathouses must be maintained in a safe and useable condition. All maintenance and repair activities must maintain the original design and original footprint of the dock, as approved in the boat dock construction permit. If the design and footprint of the dock or boathouse will change as a result of a maintenance or repair activity, approval of a minor modification or a new permit will be required. Best management practices must be used during all maintenance and repair activities to prevent soil erosion and water quality violations in the project area.

(2) The owner(s) of property where a dock is located must promptly repair, replace, or remove a dock structure, or part(s) of the structure, that because of dilapidation, deterioration, decay, faulty construction, is deemed structurally deficient or is in deteriorated sufficient to indicate such as evidenced by rotten or missing wood, peeling paint, missing shingles and the like.

(d) Retaining walls or seawalls. The construction of retaining walls within fifteen (15) feet of the ordinary high-water elevation or seawalls shall be done in accordance with the Lakeshore Protection regulations within this Code of Ordinances.

SECTION 3. CODIFICATION. Sections 1 and 2 of this Ordinance shall be incorporated into the City of Winter Park Code of Ordinances.

SECTION 4. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or division of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 5. CONFLICTS. In the event of a conflict between this Ordinance and any other ordinance of the City of Winter Park, this Ordinance shall control to the extent of such conflict.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect on upon its passage and adoption in accordance with Florida law. Any project which has applied for or received

an approval from the Lakes and Waterways Board or Lake Killarney Board prior to that date or has submitted application for an approval by either of those boards prior to that date shall be vested under the previous code related to waterfront lots.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida held in City Hall, Winter Park, on this 14th day of June, 2023.

Phillip M. Anderson, Mayor

ATTEST:

Rene Cranis, City Clerk