

37 Access walkway means that portion of a dock that commences on the upland parcel and
38 terminates at the junction with the terminal platform. Dock accessories, including kayak and canoe
39 storage racks, or other cantilevered structures designed to store non-motorized craft, are not to be
40 included in the calculation of access walkway width if no part of the accessory extends below the
41 normal high water elevation.

42 ~~*Boats* means all rowboats, sailboats, canoes, dingies, skiffs, rafts, dugouts, dredges and other~~
43 ~~vehicles of transportation for use on water, including inboard and outboard motorboats, unless~~
44 ~~otherwise indicated; and any and all objects tied to or connected therewith while being propelled~~
45 ~~through the water. Refer to Vessel.~~

46 *Dock* means any permanently fixed or floating structure extending from the upland into the
47 water, capable of use for vessel mooring and other water-dependent recreational activities. The
48 term "dock" also includes any floating structure, boat lift or mooring piling, detached from the
49 land, capable of use for mooring vessels and/or for other water-dependent recreational activities.
50 The term "dock" also includes any area adjacent to the dock designated for mooring purposes when
51 a mooring feature, including but not limited to a piling or buoy anchored to the lake bottom, is
52 utilized to moor a vessel of any type. This term ~~does not include~~ excludes any vessel that is not
53 permanently docked, moored, or anchored.

54 Dock accessory means an item that is added to an access walkway or terminal platform that
55 makes the dock more useful, versatile, or attractive, including but not limited to bumpers, brackets,
56 mooring arms, lighting, kayak racks, benches, stairs, or canoe racks. A dock accessory does not
57 substantially preempt the use of the water or shoreline and is not included in the calculation of the
58 access walkway width or terminal platform size if no part of the accessory (excluding stairs)
59 extends below the normal high water elevation.

60 Dock accessory structure means an item that preempts the use of the water or shoreline,
61 including but not limited to floating vessel platforms, personal watercraft lifts, shore stations, or
62 any recreational item.

63 *Inboard motorboat* means any boat which is propelled by any stationary or built-in
64 mechanical device or means of power.

65 *Littoral rights* means rights incident to ownership of property abutting a lake, canal, or other
66 waters.

67 Mooring area means an area adjacent to any permanently fixed or floating structure where a
68 vessel may be secured.

69 Normal high water elevation (NHWE) means the landward edge of any natural surface water
70 during normal hydrological conditions as determined ~~normal high water elevation for a water body~~
71 ~~as established by Orange County, Florida.~~

72 Principal structure means the building or structure in which the principal use of the parcel or
73 lot is conducted. A dock cannot be the principal structure on a parcel or lot unless the parcel or
74 lot is within a residential subdivision and has been designated as recreation or a similar common
75 area or open space tract on the plat, commercial, institutional, or is government-owned property.

76 Principal use means a use of the upland parcel for residential, commercial, institutional, or
77 governmental purposes. At a minimum, a principal use must be established by the issuance of a
78 building permit for a principal structure. For the exception where a dock is allowed as the principal

79 structure, no building permit will be required to establish the principal use, however, a building
80 permit must be obtained prior to any construction of the dock.

81 *Outboard motorboat* means any boat which is propelled by any mechanical device or means
82 of power which is not stationary or built-in.

83 *Principal use* means a use of the upland parcel for residential, commercial or governmental
84 purposes. At a minimum, a principal use shall be established by the issuance of a building permit
85 for a principal structure.

86 *Private dock* means a dock that may be used only by those persons living in a single-family
87 residence on the upland parcel and their usual and customary guests.

88 *Public dock* means a dock that is accessible by members of the public. Docks associated with
89 commercial establishments and activities and governmental or non-governmental institutions are
90 included in the definition of “public dock.”

91 *Riparian rights* means the right of a landowner whose property borders on a body of navigable
92 waters to make reasonable use of the water equal to the rights of other owners of land bordering
93 on the same waters.

94 *Routine maintenance and repair* means those tasks necessary to keep a dock in a safe and
95 useable condition consistent with the original design specifications and shall include replacement
96 of the any walking surface but shall not include replacement of any structural load-bearing
97 components.

98 *Semi-private dock* means a dock that may be used by a group of residents living in a
99 subdivision or multi-family development and their usual and customary guests or by the
100 membership of a private club or organization and their usual and customary guests. Semi-private
101 docks must not be used by the general public.

102 *Terminal platform* means that portion of a dock designed and used for the storing, mooring,
103 and launching of water vessels or other water-dependent activities.

104 *Vessel* is synonymous with boat, as referenced in section 1(b), article VII of the Florida
105 Constitution and includes every description of watercraft, barge, and airboat used or capable of
106 being used as a means of transportation on water. The term vessel does not distinguish between
107 motorized and non-motorized. “Vessel” does not include a seaplane located on the water

108 *Water bodies* means and includes lakes, streams, waterways, bays, inlets, canals, and all other
109 waters or bodies of water, whether natural or artificial, located within the boundaries of the City
110 of Edgewood.

111 **Sec. 14-2. Responsibility of owner.**

112 The registered owner of a boat as well as others is responsible for all violations of this chapter
113 by operators of any boat carrying his registered license.

114 **Sec. 14-3. Damaging or disturbing boats and setting hazardous objects adrift prohibited.**

115 It shall be unlawful for any person without the consent of the owner to set adrift any object
116 which may constitute a hazard to the safe operation of any boat or person skiing.

117 **Sec. 14-4. Damage from wake or bow waves; speed limits near shorelines.**

118 Care shall be taken by the operators of all motorboats to prevent damage from their wake or
119 bow wave or from objects towed by such boats to persons, beaches, moored boats, docks, piers
120 and boathouses. It shall be unlawful to operate boats in excess of ten miles per within 150 feet of
121 any shoreline except when taking off or landing with a skier in tow.

122 **Sec. 14-5. Finding boats and hazardous objects adrift.**

123 Any person finding a boat or hazardous object adrift shall secure it at a safe moorage and
124 report such finding to the police department as soon as possible.

125 **Sec. 14-6. Rights-of-way.**

126 Canoes, rowboats and sailboats shall have the right-of-way when approached, passed or
127 overtaken by motorboats or boats under power. It shall be unlawful for such boat under power to
128 operate in the near proximity of or at such speed as to create a wash or wave which would endanger
129 the occupants of boats not under power.

130 **Sec. 14-7. Operation of motorboats near fishing boats.**

131 Motorboats or boats under power shall operate at a safe, reduced speed in the vicinity of, and
132 stay clear of by at least 50 feet, any boat anchored or used for fishing and shall at all times be
133 operated in such manner as will not endanger life and property.

134 **Sec. 14-8. Life preservers and fire extinguishers on boats.**

135 All boats shall carry at least one U.S. Coast Guard-approved life preserver for each person
136 aboard and all inboard motorboats shall carry at least one U.S. Coast Guard-approved fire
137 extinguisher.

138 **Sec. 14-9. Boat lights required.**

139 It shall be unlawful to operate any motor-driven boat at night unless provided with properly
140 mounted, functioning red and green running lights or a combination red and green running light.
141 All other boats in use after sunset shall carry flashlights or other adequate light for showing in
142 emergency.

143 **Sec. 14-10. Deposit of refuse or lowering level of lakes and canals.**

144 It shall be unlawful for any person to permit any refuse such as grass, logs or other debris to
145 be released or thrown into the lakes and canals covered by this chapter, or to in any way or manner
146 cause or permit the unlawful lowering of the water level in such lakes and canals.

147 **Sec. 14-11. Dock construction rules and regulations.**

148 (a) Applications submitted for new docks and alterations to existing docks ~~must~~ shall include all
149 of the following:

- 150 (1) Three copies of a site plan drawn to scale which depicts the exact location of the dock
151 and which includes the following:
- 152 a. An arrow indicating the northerly direction and the scale to which the plans were
153 prepared;
 - 154 b. The name of the water body upon which the dock is to be located;
 - 155 c. The exact distance between the existing shoreline, at the point where the dock is to
156 be located, and a permanent object or marker (e.g., house, tree, USGS benchmark)
157 to be used as a reference point;
 - 158 d. The exact setback distance from adjacent property lines and projected property lines
159 to all portions of the dock;
 - 160 e. Floor and roof elevations of the proposed dock structure connected to the dock, and
161 floor and roof elevations of any existing dock, including any structures currently or
162 proposed to be connected the dock;
 - 163 f. The current water depth at the end of the dock and at all proposed mooring locations
164 and the approximate depth of navigable waters beyond the dock and mooring
165 locations;
 - 166 g. The NHWE;
 - 167 h. The location of any lifts, hoists, mooring pilings, ~~or~~ mooring areas, and dock
168 accessory structures;
 - 169 i. The exact dimensions of the dock, including the terminal platform and access
170 walkway, and the specific individual dimensions of the terminal platform, access
171 walkway, and any roof structures; the length of the dock shall be measured from
172 the NHWE to the point of the dock furthest waterward from the NHWE;
 - 173 j. A survey of the property that accurately depicts current conditions; and
 - 174 k. The width of the water body at the location of the dock as measured from the
175 NHWE at the location where the dock is constructed or proposed to the NHWE
176 directly opposite the water body from such location.
 - 177 l. The exact distance between the existing shoreline at the point where the dock is to
178 be constructed or is currently located, and a permanent object or marker (e.g. house,
179 tree, or United States Geological Survey benchmark) to be used as a reference point;
 - 180 m. The location of any conservation easement area or wetland within twenty (20) feet
181 from any portion of the dock and a description of submerged and emergent
182 vegetation types occurring within the conservation easement area;
 - 183 n. A description of submerged and emergent vegetation types occurring within the
184 area
- 185 (2) Satisfactory evidence of title;
- 186 (3) Documentation showing the riparian rights of the property, such as an instrument
187 indicating ownership extends to the shoreline or legal permission to use the submerged
188 lands to construct or modify a dock on which the dock is located or proposed;

- 189 (4) A statement indicating whether any portion of the docks are is to be located on abutting
190 properties; and
- 191 (5) Three copies of engineered construction plans;
- 192 (6) A mitigation plan offsetting adverse impacts to conservation easement areas or wetlands
193 resulting from the construction or modification of the terminal platform access walkway
194 as may be required pursuant to this article; and
- 195 (7) A description of sediment and erosion control measures to be used during the
196 construction or modification of the dock. These measures must be depicted on the site
197 plan;

198 (b) To obtain a dock permit, the following criteria, at a minimum, must be satisfied:

199 (1) Minimum side setbacks. Private docks on lots or parcels having a shoreline frontage of
200 one hundred (100) feet or less, including designated mooring areas, must have a
201 minimum side setback of ten (10) feet from any property line or projected property line.
202 Private docks on lots or parcels having a shoreline frontage of greater than one hundred
203 (100) feet, including designated mooring areas, must have a minimum side setback of
204 fifteen (15) feet from any property line or projected property line. Semi-private and
205 public docks, including designated mooring areas, must have a minimum side setback
206 of twenty-five (25) feet from any property line or projected property line. Except as
207 otherwise provided below docks and associated structures shall have a minimum side
208 setback of 15 feet from the projected side property line of abutting shoreline owners. A
209 dock may encroach up to five feet into the 15-foot side setback if the applicant submits
210 as part of the application an original notarized letter of no objection from the owner of
211 the property on the side or sides within which such encroachment occurs. The letter of
212 no objection must identify the site plan and construction plan for the proposed dock, and
213 a copy of the site plan and construction plan must be attached to the letter submitted to
214 the city. For purposes of this determination, and in the absence of property lines that
215 already project into the water body, the projected property line of abutting shoreline
216 owners shall be construed to mean a line projecting from the shoreline into the water 90
217 degrees from the abutting property owner's shoreline.

218 (2) Length of docks. No dock shall extend further into a water body than where a reasonable
219 water depth for a single vessel mooring and navigable water is achieved;. A reasonable
220 water depth may be defined by a determination that the dock does not extend further
221 than the nearest permitted docks (within three hundred (300) feet or three (3) abutting
222 lots) or a maximum of five (5) feet of water depth as measured from the NHWE,
223 whichever is greater, unless the natural conditions of the surface water necessitate a
224 greater dock length for water depth to achieve reasonable mooring conditions. The dock
225 length necessary to achieve a reasonable water depth must not create a navigation hazard.
226 and in no event shall such depth exceed five feet during normal hydrological conditions
227 unless existing natural conditions of the water body necessitate a greater water depth to
228 allow safe mooring conditions. No dock shall be constructed or extended to a length
229 more than 25 percent of the navigable corridor or to a length that would adversely impact
230 the rights of other persons use of and access to the water body. In no circumstance shall
231 a dock be constructed or extended nor shall a vessel be moored at a dock in such a manner
232 as would cause the navigable width of the water body at the location of the dock to fall

233 below 25 feet as measured from the most waterward point of the dock or moored boat to
234 the nearest permanent obstruction to navigation.

235 (3) *Enclosed structures.* Other than for repair or reconstruction of existing structures, no
236 structures having enclosed sidewalls are permitted. Enclosed shall be defined as, by way
237 of example but not by limitation, screen houses, chain link fencing, lattice fencing and
238 any form of paneling. In the case of existing enclosed structures or grandfathered
239 structures, reconstruction, renovation, and repair shall be permitted as long as the
240 footprint of the existing structures is maintained, the structure is not expanded as
241 documented by the applicant, and adjacent property owners consent thereto in writing.
242 Examples of such documentation may include but not be limited to surveys,
243 photographs, contractors', engineers', or site plans.

244 (4) *Height of docks.* The minimum height of docks shall place them one foot above the
245 NHWE of the applicable water body. The maximum allowable roof height shall be ~~13~~
246 fifteen (15) feet above the NHWE of the applicable water body.

247 (5) *Square footage of docks.* The maximum allowable square footage of the terminal
248 platform ~~is the calculation of shall not exceed the square footage of ten~~ twelve 12 times
249 the linear shoreline frontage, ~~for the first 75 feet of shoreline and five times the linear~~
250 ~~shoreline frontage for each foot in excess of 75 feet, not to exceed a maximum of~~ not to
251 exceed one thousand (1,000) square feet. Access walkways shall not be included in the
252 maximum square footage calculation. Roof eaves that do not extend more than three feet
253 beyond the terminal platform shall not be included within the maximum square footage
254 calculation.

255 (6) *Access walkways.* Access walkways shall not exceed five feet in width. Impacts to
256 wetlands and surface waters must be avoided to the greatest extent practicable. Access
257 walkways traversing any wetland must be elevated a minimum of three (3) feet above
258 the ground surface. The city may require an access walkway be elevated above the
259 minimum elevation to further minimize impacts to wetlands. Portions of access
260 walkways over wetlands or surface waters shall be designed no higher than the nearest
261 permitted docks (within three hundred (300) feet or three (3) abutting lots), unless the
262 natural conditions of the surface water necessitate a greater walkway height to achieve
263 reasonable access to the terminal platform. Access walkways may not extend over or
264 across coves, bays, or canals unless there are no practicable alternatives that allow access
265 to the terminal platform or navigable water.

266 (7) *Docks prohibited in easements.* No work shall be within areas which are legal easements
267 for ingress or egress, drainage, or utilities.

268 (8) One dock shall be allowed on each water body to which a residential lot has frontage
269 when there is no navigable connection between the water bodies. In no other
270 circumstances shall more than one dock per residential lot be allowed.

271 (9) ~~Under no circumstances shall a dock be utilized for residential purposes.~~ Docks and
272 dock accessory structures are prohibited for non-water dependent activities. Dock
273 accessory structures are prohibited within wetlands.

274 (10) Board spacing on the structure should ensure light penetration underneath the structure.

275 (11) Docks must be designed to accommodate vessel use without bottom scouring or
276 propellor dredging.

277 (12) There must not be any dredging or filling associated with construction of the dock other
278 than that required for the installation of the dock pilings;

279 (13) On Outstanding Florida Waters, a reasonable demonstration that dock pilings will not
280 cause degradation of ambient water quality consistent with Rules 62-302.300 and
281 62.302.700, F.A.C. Acceptable measures include but are not limited to: wrapping pilings
282 or using polymer coated pilings that have been installed or treated in a manner that will
283 prevent the leaching of constituents contained in treated wood, or using alternative
284 materials such as concrete or recycled plastic pilings.

285 (c) *Application procedures.*

286 (1) The dock permit application and application fee shall be submitted to the city clerk's
287 office. Any question regarding the dock permit application will be answered by that
288 department, the city engineer, or city building official. The city clerk shall forward the
289 application and all pertinent documents to the city engineer for his/her review and
290 recommendation. Unless a variance from the provisions hereof is requested or required,
291 the city engineer is authorized to approve such applications meeting the requirements of
292 this article following the receipt of a complete application.

293 (2) *Notices to neighboring shoreline property owners.* Upon receiving the application, the
294 clerk shall send notices by first-class mail to the owners of the properties abutting the
295 property, other property owners who could be affected by the new dock because of any
296 unusual configuration of the shoreline as determined by the city engineer or designee,
297 and any other shoreline property owners within 300 feet of the property on which the
298 dock is to be located. All such notices shall require that written comments on the
299 proposed dock permit application be sent to the clerk within 15 calendar days from the
300 date such notices are sent. If no written objections are returned by property owners
301 receiving notice, such owners shall be deemed to have given consent and to have waived
302 their right to object to the construction of the dock. If notices sent by first-class mail to
303 nearby properties are returned to the city, or if the city has reason to believe that the
304 notice is undeliverable as addressed, the city shall use its best efforts to determine the
305 current address of any neighboring property owners entitled to notice herein and shall
306 use its best efforts to notify such current neighboring property owners of the proposed
307 dock.

308 (3) *Approval by the city engineer.* Except as provided by paragraph (c)(5), below, the city
309 engineer is authorized to approve such applications after 15 calendar days from the date
310 notices are sent so long as the minimum criteria are met and the application is complete
311 in all other respects pursuant to this article.

312 (4) *Appeal of city engineer's decision.* The applicant or any person entitled to notice under
313 this article may appeal a decision of the city engineer regarding the interpretation of the
314 contents of the application or the minimum criteria set forth in this section. City council
315 shall consider such appeal at its next available regularly scheduled meeting.

316 (5) *Decision by city council.* The city engineer is not authorized to approve any applications
317 where there are objections from any shoreline property owner within 300 feet of the

318 property or other property owner entitled to notice under subsection (c)(2) above, or
319 where the city engineer or building official, in his or her discretion, believes the
320 application should be decided by city council.

321 a. When city council must decide the application for a dock permit, city council shall
322 approve, deny, or approve with conditions the application to construct the dock at
323 its next available regularly scheduled meeting. Notices of the hearing before city
324 council shall be sent to the applicant and any person entitled to notice under this
325 article. In determining whether to approve, deny, or approve with conditions the
326 application, city council shall determine whether the application has been
327 satisfactorily completed and whether the minimum criteria set forth above for
328 issuance of the dock permit have been met. In addition, city council shall consider
329 the following factors:

- 330 1. Possible obstruction to navigability;
- 331 2. Unreasonable impairment of lake view visibility from abutting properties;
- 332 3. Hazardous conditions; and
- 333 4. Whether the proposed structure unreasonably interferes with the riparian or
334 littoral rights of other property owners. "Unreasonable interference" shall
335 include but not be limited to: (a) proximity of docks of abutting property
336 owners; (b) access for boaters and swimmers; and (c) any unusual
337 configuration of the shoreline which would cause the proposed dock to restrict
338 access to sections of the waterway.

339 b. The decision of the city council shall be in writing and shall indicate the date of the
340 decision. Copies of the decision shall be sent by regular mail to the applicant and
341 to those who previously filed written objections to the application. The decision of
342 city council shall be final.

343 (d) *Variances.*

344 (1) An application for variance from the requirements of this article may be submitted to the
345 city. When a variance is requested, the applicant shall submit to the city clerk's office
346 nine site plans and three sets of engineered construction plans in addition to the required
347 application fee. At a minimum, the applicant shall identify the paragraphs of this article
348 from which the applicant seeks a variance and the extent of the requested variance. An
349 application for a variance may be processed at the same time or prior to an application
350 for a dock permit. Notice of all hearings on a requested variance, including hearings
351 before the planning and zoning board and city council, shall be provided to the applicant
352 and any person entitled to receive notice under this chapter as provided in subsection 14-
353 11(c)(2).

354 (2) The planning and zoning board shall hear and make a recommendation to the city council
355 on any application for variance. To recommend to the city council such variance, the
356 following factors shall be considered:

- 357 a. Average length of other docks in the surrounding 300-foot area;
- 358 b. The reasonable use of the property by the owner;

- 359 c. The effects the dock will have on navigation and safety of boaters;
360 d. The overall general welfare of the neighborhood;
361 e. Whether special conditions exist such that strict compliance with the provisions of
362 this article would impose a unique and unnecessary hardship on the applicant;
363 f. The effect of the proposed variance on abutting shoreline property owners;
364 g. Whether the granting of the variance would be contrary to the intent and purpose
365 and this article; and
366 h. A variance may be granted if it is necessary to reach a water depth suitable for
367 boating, but in no event shall a dock be extended in length beyond where the water
368 depth will exceed five feet as measured from the normal high water elevation.
- 369 (3) The city council shall receive the planning and zoning board's recommendation and shall
370 make a final decision on the variance application after consideration of the same factors
371 described in paragraph (d)(2), above.
- 372 (e) *Compliance checks.* Once a permit has been issued for the construction of a dock by either
373 the city engineer or the city council, the permit holder and/or designated agent must submit a
374 notice of completion to the city engineer or designee within 30 days of completion of the
375 construction of the dock so that a compliance check may be performed by the city engineer.
376 The compliance check shall determine if the dock was built according to the permit issued by
377 the city.
- 378 (f) *Building permit.* Following the approval of a dock application, either by the city engineer or
379 by city council, the applicant is also required to obtain a building permit prior to commencing
380 construction. In the event electricity is run to the dock, the proper electrical permit must also
381 be obtained. All construction must be commenced and completed within the guidelines
382 established by the city and any other agency having jurisdiction. The applicant is responsible
383 for all fees associated with the procurement of necessary permits.
- 384 (g) *Maintenance and repair.* Routine maintenance and repair of docks may be conducted on any
385 dock for which a dock permit was obtained from the city provided that no portion of the dock
386 shall be expanded, enlarged, or enclosed as a result of such maintenance or repair activity.
- 387 (h) Approval of a dock permit by the City of Edgewood will not eliminate the application of any
388 other government requirements or the necessity for any other governmentally required
389 permit(s).

390 **Sec. 14-12. Dock regulation: intent and purpose.**

- 391 (a) The purpose of this article is to regulate the construction of docks such that the navigation of
392 water bodies is not unreasonably impeded.
- 393 (b) An intent of the city council is to protect and enhance the city's water bodies so that the public
394 can continue to enjoy the traditional recreational uses of those waters such as swimming,
395 boating, and fishing.
- 396 (c) It is further the intent of the city council to apply these regulations in a manner sensitive to
397 the riparian and littoral rights and other property rights of the applicant, riparian and littoral

398 rights and other property rights of the waterfront property owners, and the right of the public
399 to the traditional uses and enjoyment of water bodies in the city.

400 **Sec. 14-13. Permits required; fees.**

401 (a) No dock shall be constructed in the city without first seeking and obtaining a dock permit.
402 Applications are available in the office of the city clerk.

403 (b) By resolution, the city council may from time to time establish fees to be applicable to all
404 permits, variances, appeals, or other regulatory activities authorized in this article. Payment
405 of any application fees shall in no way guarantee issuance of a dock permit, and such fee is
406 nonrefundable.

407 **Section 3:** Conflicts. All ordinances or parts thereof in conflict herewith are hereby
408 repealed to the extent of such conflict.

409
410 **Section 4:** Severability. If any section, paragraph, subsection, sentence, clause, phrase or
411 portion of this ordinance is for any reason held invalid or unconstitutional by any court of
412 competent jurisdiction, such portion shall be deemed a separate, distinct, and independent
413 provision and such holding shall not affect the validity of the remaining portions hereof.

414
415 **Section 5:** Codification. The provisions of this Ordinance shall be codified as and become
416 and be made a part of the *Code of Ordinances of the City of Edgewood*. The Sections of this
417 Ordinance may be renumbered or relettered to accomplish such intention and the word
418 “Ordinance”, or similar words, may be changed to “Section,” “Article”, or other appropriate word.
419 The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

420
421 **Section 6:** This ordinance shall take effect immediately upon its adoption.

422
423 **PASSED AND ADOPTED** this _____ day of _____, 2022, by the City Council
424 of the City of Edgewood, Florida.

425
426
427 PASSED ON FIRST READING: _____

428
429 PASSED ON SECOND READING: _____

430
431
432
433 _____
434 Richard A. Horn, Council President

435 *ATTEST:*

436 _____
437 Sandy Riffle
438 City Clerk

439