

39 not to be included in the calculation of access walkway width if no part of the accessory extends
40 below the normal high water elevation.

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

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

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

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

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

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

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

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

71 *Principal structure* means the building or structure in which the principal use of the parcel
72 or lot is conducted. A dock cannot be the principal structure on a parcel or lot unless the parcel
73 or lot is within a residential subdivision and has been designated as recreation or a similar
74 common area or open space tract on the plat, commercial, institutional, or is government-owned
75 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
79 principal structure, no building permit will be required to establish the principal use, however, a
80 building 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
89 with commercial establishments and activities and governmental or non-governmental
90 institutions are included in the definition of “public dock.”

91 *Riparian rights* means the right of a landowner whose property borders on a body of
92 navigable waters to make reasonable use of the water equal to the rights of other owners of land
93 bordering 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
109 other waters or bodies of water, whether natural or artificial, located within the boundaries of the
110 City 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
113 chapter 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
129 endanger 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,
132 and 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
146 manner 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
156 to be located, and a permanent object or marker (e.g., house, tree, USGS
157 benchmark) to be used as a reference point;
 - 158 d. The exact setback distance from adjacent property lines and projected property
159 lines to all portions of the dock;
 - 160 e. Floor and roof elevations of the proposed dock structure connected to the dock,
161 and floor and roof elevations of any existing dock, including any structures
162 currently or proposed to be connected the dock;
 - 163 f. The current water depth at the end of the dock and at all proposed mooring
164 locations and the approximate depth of navigable waters beyond the dock and
165 mooring 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.
179 house, tree, or United States Geological Survey benchmark) to be used as a
180 reference point;
 - 181 m. The location of any conservation easement area or wetland within twenty (20) feet
182 from any portion of the dock and a description of submerged and emergent
183 vegetation types occurring within the conservation easement area;
 - 184 n. A description of submerged and emergent vegetation types occurring within the
185 area
- 186 (2) Satisfactory evidence of title;
- 187 (3) Documentation showing the riparian rights of the property, such as an instrument
188 indicating ownership extends to the shoreline or legal permission to use the submerged
189 lands to construct or modify a dock on which the dock is located or proposed;

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

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

- 200 (1) Minimum side setbacks. Private docks on lots or parcels having a shoreline frontage of
201 one hundred (100) feet or less, including designated mooring areas, must have a
202 minimum side setback of ten (10) feet from any property line or projected property
203 line. Private docks on lots or parcels having a shoreline frontage of greater than one
204 hundred (100) feet, including designated mooring areas, must have a minimum side
205 setback of fifteen (15) feet from any property line or projected property line. Semi-
206 private and public docks, including designated mooring areas, must have a minimum
207 side setback of twenty-five (25) feet from any property line or projected property line.
208 Except as otherwise provided below docks and associated structures shall have a
209 minimum side setback of 15 feet from the projected side property line of abutting
210 shoreline owners. A dock may encroach up to five feet into the 15-foot side setback if
211 the applicant submits as part of the application an original notarized letter of no
212 objection from the owner of the property on the side or sides within which such
213 encroachment occurs. The letter of no objection must identify the site plan and
214 construction plan for the proposed dock, and a copy of the site plan and construction
215 plan must be attached to the letter submitted to the city. For purposes of this
216 determination, and in the absence of property lines that already project into the water
217 body, the projected property line of abutting shoreline owners shall be construed to
218 mean a line projecting from the shoreline into the water 90 degrees from the abutting
219 property owner's shoreline.
- 220 (2) Length of docks. No dock shall extend further into a water body than where a
221 reasonable water depth for a single vessel mooring and navigable water is achieved,.
222 A reasonable water depth may be defined by a determination that the dock does not
223 extend further than the nearest permitted docks (within three hundred (300) feet or
224 three (3) abutting lots) or a maximum of five (5) feet of water depth as measured from
225 the NHWE, unless the natural conditions of the surface water necessitate a greater dock
226 length for water depth to achieve reasonable mooring conditions. The dock length
227 necessary to achieve a reasonable water depth must not create a navigation hazard. and
228 in no event shall such depth exceed five feet during normal hydrological conditions
229 unless existing natural conditions of the water body necessitate a greater water depth to
230 allow safe mooring conditions. No dock shall be constructed or extended to a length
231 more than 25 percent of the navigable corridor or to a length that would adversely
232 impact the rights of other persons use of and access to the water body. In no
233 circumstance shall a dock be constructed or extended nor shall a vessel be moored at a

234 dock in such a manner as would cause the navigable width of the water body at the
235 location of the dock to fall below 25 feet as measured from the most waterward point
236 of the dock or moored boat to the nearest permanent obstruction to navigation.

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

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

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

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

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

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

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

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

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

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

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

287 (c) *Application procedures.*

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

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

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

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

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

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

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

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

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

345 (d) *Variances.*

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

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

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

- 361 c. The effects the dock will have on navigation and safety of boaters;
- 362 d. The overall general welfare of the neighborhood;
- 363 e. Whether special conditions exist such that strict compliance with the provisions of
- 364 this article would impose a unique and unnecessary hardship on the applicant;
- 365 f. The effect of the proposed variance on abutting shoreline property owners;
- 366 g. Whether the granting of the variance would be contrary to the intent and purpose
- 367 and this article; and
- 368 h. A variance may be granted if it is necessary to reach a water depth suitable for
- 369 boating, but in no event shall a dock be extended in length beyond where the
- 370 water depth will exceed five feet as measured from the normal high water
- 371 elevation.

372 (3) The city council shall receive the planning and zoning board's recommendation and
373 shall make a final decision on the variance application after consideration of the same
374 factors described in paragraph (d)(2), above.

- 375 (e) *Compliance checks.* Once a permit has been issued for the construction of a dock by either
- 376 the city engineer or the city council, the permit holder and/or designated agent must submit
- 377 a notice of completion to the city engineer or designee within 30 days of completion of the
- 378 construction of the dock so that a compliance check may be performed by the city engineer.
- 379 The compliance check shall determine if the dock was built according to the permit issued
- 380 by the city.
- 381 (f) *Building permit.* Following the approval of a dock application, either by the city engineer or
- 382 by city council, the applicant is also required to obtain a building permit prior to
- 383 commencing construction. In the event electricity is run to the dock, the proper electrical
- 384 permit must also be obtained. All construction must be commenced and completed within
- 385 the guidelines established by the city and any other agency having jurisdiction. The
- 386 applicant is responsible for all fees associated with the procurement of necessary permits.
- 387 (g) *Maintenance and repair.* Routine maintenance and repair of docks may be conducted on
- 388 any dock for which a dock permit was obtained from the city provided that no portion of the
- 389 dock shall be expanded, enlarged, or enclosed as a result of such maintenance or repair
- 390 activity.
- 391 (h) Approval of a dock permit by the City of Edgewood will not eliminate the application of
- 392 any other government requirements or the necessity for any other governmentally required
- 393 permit(s).

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

- 395 (a) The purpose of this article is to regulate the construction of docks such that the navigation
- 396 of water bodies is not unreasonably impeded.
- 397 (b) An intent of the city council is to protect and enhance the city's water bodies so that the
- 398 public can continue to enjoy the traditional recreational uses of those waters such as
- 399 swimming, boating, and fishing.

400 (c) It is further the intent of the city council to apply these regulations in a manner sensitive to
401 the riparian and littoral rights and other property rights of the applicant, riparian and littoral
402 rights and other property rights of the waterfront property owners, and the right of the
403 public to the traditional uses and enjoyment of water bodies in the city.

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

- 405 (a) No dock shall be constructed in the city without first seeking and obtaining a dock permit.
406 Applications are available in the office of the city clerk.
- 407 (b) By resolution, the city council may from time to time establish fees to be applicable to all
408 permits, variances, appeals, or other regulatory activities authorized in this article. Payment
409 of any application fees shall in no way guarantee issuance of a dock permit, and such fee is
410 nonrefundable.

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

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

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

424
425 **Section 6:** This ordinance shall take effect immediately upon its adoption.

426
427 **PASSED AND ADOPTED** this _____ day of _____, 2022, by the City Council
428 of the City of Edgewood, Florida.

429
430 PASSED ON FIRST READING: _____

431
432 PASSED ON SECOND READING: _____

433
434
435
436
437 _____
Richard A. Horn, Council President

438 *ATTEST:*
439
440 _____
441 Sandy Riffle
442 City Clerk