

Item # 39

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

SUBJECT: BOAT DOCK ORDINANCE REQUEST TO ADVERTISE

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Donald S. Fisher <sup>MW</sup> <sub>DFS</sub> CONTACT: Matthew West <sup>MW</sup> EXT. 7353

Agenda Date 10/26/04 Regular ☒ Consent ☐ Work Session ☐ Briefing ☐  
Public Hearing – 1:30 ☐ Public Hearing – 7:00 ☐

**MOTION/RECOMMENDATION:**

Direct staff to advertise the attached ordinance to amend the land development code for the December 1, 2004, Planning and Zoning Commission meeting and the January 11 and 25, 2005, Board of County Commissioners meetings as outlined in the staff report.

Unincorporated Seminole County

Matthew West, AICP, Planning Manager

**BACKGROUND:**

Per direction of the Board at its meeting of November 18, 2003, staff drafted an ordinance which would clarify and make consistent language regarding boat docks throughout the Zoning Code. The ordinance also provides that boat docks shall be permitted as principal uses in RC-1, A-1, A-3, A-5 and A-10. Finally the ordinance places a consistent height limitation for Boathouses in all zoning categories. This final addition to the ordinance was recommended by the County Attorney's Office. A copy of the staff report from November 18, 2003, is attached for reference.

Reviewed by: VR  
Co Atty: VR  
DFS: \_\_\_\_\_  
Other: \_\_\_\_\_  
DCM: DFS  
CM: VR  
File No. rpdp01

COUNTY MANAGER'S BRIEFING

Mr. West asked for Board direction on preparing an Ordinance to amend the Land Development Code as it relates to the regulation of boat docks as a principal and/or accessory use and suggestions for improvements or clarifications to the Code with a tentative hearing scheduled for the December 9, 2003 meeting. He said he has drafted some language he is recommending to bring back in ordinance form. He reviewed a couple issues that were brought up since the staff report. One is the need to make further clarification that boat docks may not be leased to other parties and, secondly, there may not be the need for requiring to launch a boat on the body of water where the boat is located, if there is another launch that can be used.

Commissioner Van Der Weide said he thinks staff has put in significant safeguards.

Commissioner Maloy said he likes the change to make the zoning uniform and not have conflicting wording in the zoning categories.

**Motion** by Commissioner Van Der Weide, seconded by Commissioner Morris, to approve direction to staff to prepare an Ordinance to amend the Land Development Code as it relates to the regulation of boat docks as a principal and/or accessory use and suggestions for improvements or clarifications to the Code and advertise a public hearing scheduled for the December 9, 2003 meeting.

Districts 1, 2, 3, 4, and 5 voted AYE.

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**ECONOMIC IMPACT STATEMENT**  
**FOR THE**  
**“Boat Dock Ordinance-- 2004”**  
**AMENDMENT TO THE LAND DEVELOPMENT CODE OF SEMINOLE**  
**COUNTY, FLORIDA, 2004**

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**Describe Project/Proposal**

- The County is proposing to amend the Land Development Code of Seminole County which affects the regulations pertaining to boat docks in residential and agricultural zoning districts. The amendments are proposed to correct the existing regulations because they are inconsistent between zoning districts. Also, the amendments will permit boat docks as principal permitted uses in the agricultural zoning districts.

**Describe the Direct Economic Impact of the Project/Proposal upon the Operation of the County**

- There will be no additional economic impact to the County. The ordinance will permit the construction of boat docks before the construction of a single family home. The ordinance will protect lakefront property values by creating consistent regulations across all residential and agricultural zoning districts.

**Describe the Direct Economic Impact of the Project/Proposal upon the Property Owners/Tax Payers/Citizens who are Expected to be Affected**

- This ordinance is revenue neutral since it does not raise the cost of building a dock or increase any fees.
- The ordinance does not have any additional economic impacts on the taxpayer since boat docks are required to be permitted despite this ordinance.
- There is no economic impact to the property owner since the regulations do not increase the costs to construct a dock.

**Identify Any Potential Indirect Economic Impacts, Positive or Negative Which Might Occur as a Result of the Project/Proposal**

- The requested modifications will allow property owners to build a dock and utilize their property in the agricultural districts without having to build a house first. In this respect, the ordinance will have a positive impact since

lakefront property owners will be able to enjoy their property without having the costs of building a house.

This document was prepared by the Planning Division representing the Seminole County Planning and Development Department.

Revised 10/4/04

**PRIVATE PROPERTY RIGHTS ANALYSIS**  
**FOR THE**  
**“Boat Dock Ordinance – 2004”**  
**AMENDMENT TO THE LAND DEVELOPMENT CODE OF SEMINOLE**  
**COUNTY, FLORIDA, 2004**

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**Amendment to the Land Development Code of Seminole County**

- The County is proposing to amend the Land Development Code of Seminole County which affects the regulations pertaining to boat docks in residential and agricultural zoning districts. The amendments are proposed to correct the existing regulations because they are inconsistent between zoning districts. Also, the amendments will permit boat docks as principal permitted uses in the agricultural zoning districts.

**Zoning Standards**

- This proposed Ordinance change incorporates minor changes or alterations of the boat dock regulations so that they are consistent throughout the agricultural and residential zoning districts. This proposed Ordinance does not change the actual zoning map designation of a lot, parcel or parcels of land.
- The proposed Ordinance change provides for consistency definitions, regulations and interpretations of boat dock regulations.
- Development regulations regarding boat docks may be more easily understood, enabling improved planning for property owners and contractors for the future use of their property.

**Estimated Economic Impact on Individuals, Businesses or Government**

**Advantages:**

- With this proposed Ordinance, local government may experience a slight increase of revenues by providing by allowing boat docks to be constructed prior to the construction of a single family home. Therefore some vacant agricultural property may have a dock constructed sooner.
- Local government may experience reduced operating costs as a result of fewer appeals of the Planning Manager's interpretations.

**Disadvantages:**

- Some proposed boat docks may exceed the regulations contained in the ordinance, but it is unlikely that most will. In any event, a variance process is in place already.

#### **Anticipated New, Increased, or Decreased Revenues**

- With this proposed Ordinance, local government may experience increased revenues by permitting boat docks on vacant agricultural property.

#### **Estimated Impact upon Competition and the Open Market for Employment**

- There is no negative or positive impact upon competition and the open market for employment anticipated as a result of the proposed Ordinance.

#### **Data and Method Used in Determining Analysis**

- The proposed Ordinance was also reviewed by County staff after consulting with the Property Appraisers Office.

**COPY**

Item #

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** BOAT DOCK BRIEFING AND ORDINANCE

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Donald S. Fisher **CONTACT:** Matthew West **EXT.** 7353

**Agenda Date** 11/18/03 **Regular** ☐ **Consent** ☐ **Work Session** ☐ **Briefing** ☒  
**Public Hearing – 1:30** ☐ **Public Hearing – 7:00** ☐

**MOTION/RECOMMENDATION:**

Direct staff to prepare an ordinance to amend the land development code as recommended in this staff report, and bring said ordinance back for authorization to advertise by the Board of County Commissioners.

Unincorporated Seminole County

Matthew West, AICP, Planning Manager

**BACKGROUND:**

Per direction of the Board at its meeting of August 26, 2003, staff evaluated the County Zoning Code as it related to the regulation of boat docks as a principal and/or accessory use. Staff also conducted a survey of several other Counties and evaluated how those counties treated boat docks as a use. The purpose of this briefing is to discuss the status of the use regulations for boat docks and offer suggestions for improvements or clarifications to the code.

As the Board may recall, Mr. Dave Axel appealed the Planning Manager's decision to deny a boat dock permit on a vacant, waterfront property zoned A-3. The denial was based on the interpretation that boat docks were permitted only as an accessory use in A-3, A-5 and A-10, and that a principal use had to be established first. On August 26, 2003, the Board of County Commissioners overturned the interpretation of the Planning Manager and determined that boat docks were a permitted principal use in A-3, A-5, and A-10. There was much discussion and it was the consensus of staff and the Board that the code should be examined pertaining to this issue, and staff would report back to the Board. It was felt that the code language should be clarified and made consistent throughout.

**Reviewed by:**  
**Co Atty:** \_\_\_\_\_  
**DFS:** \_\_\_\_\_  
**Other:** \_\_\_\_\_  
**DCM:** \_\_\_\_\_  
**CM:** \_\_\_\_\_

**File No.** bpdp01

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Staff examined the zoning regulations and found that only RC-1 zoning clearly permits boat docks as a principal use and that all other zoning categories were either silent or had inconsistent language regarding the status of boat docks as a principal or accessory use. The following is a sample of the language found in the different zoning categories of the Land Development Code:

**A-3, A-5, A-10:** "Single-family residences and use accessory thereto, including one (1) guest house or cottage, boat docks and boathouses."

**A-1:** "Single family dwelling and customary accessory uses including one (1) guest house or cottage, docks or boat houses."

**RC-1:** "Boathouses and docks used for the shelter and storage of boats."

**R-1, R-1B, R-1BB:** "Any use permitted in the R-1A Single-Family Dwelling zoning classification, including the customary accessory uses."

**R-1A, R-1AA, R-1AAA, R-1AAAA:** "Single-family dwelling and their customary accessory uses."

The current regulations also require a public hearing and Board of County Commissioner approval for (1) any enclosed boathouse, (2) boat docks or unenclosed boathouses in the aggregate that exceed 1,000 square feet in area or (3) any boat docks or unenclosed boathouses that exceed 500 square feet in area on an Outstanding Florida Water.

Staff also conducted a survey of several other counties and found that said counties deal with boat docks and boat houses differently. Sarasota County is considering adoption of an ordinance on October 23, 2003, which will make boat docks a permitted principal use subject to the following conditions: the lot must have a minimum 30 feet of water frontage, the dock may not be rented and may only be used by the land owner or guests of the landowner, there must be adequate room to maneuver a boat into and out of the water on the property, and adequate off-street parking for two vehicles on the property. Alachua County allows boat docks as a principal use, but they are subject to site plan review and any dock exceeding 1,000 square feet in area must obtain a special use permit. Lake County will allow a boat dock as a principal use in agriculture only if a variance is approved by the Board. Attached is a table summarizing the results of the survey.

COPY

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Staff recommends that boat docks be permitted as principal uses in RC-1, A-1, A-3, A-5 and A-10 utilizing the following language under the permitted uses list for each zoning category, "One (1) dock and/or boathouse per lot, parcel or tract." Staff recommends that for all other zoning categories, docks and boathouses be listed as accessory uses under the permitted uses list of each district utilizing the following language, "One (1) dock or boathouse per lot, parcel or tract when accessory and incidental to the principal dwelling."

Also, please note, that the Land Development Code does not define "dock," "boat dock," "slip," "boat berth" or "boathouse." Staff has surveyed various definitions and recommends utilizing the following:

"Dock or Boat Dock" – Any structure, whether fixed or floating, secured on or by a piling, waterward of the mean high water line or seasonal high water line which is designed for or capable of being used to moor a water vessel, whether or not motorized.

"Slip or Boat Slip or Boat Berth" – A single parking space for a boat or other water vessel, whether motorized or not, forming part of a dock, boathouse or other mooring facility.

"Boathouse" – A roofed structure used for the storage of boats or other water vessels or boating equipment which is located waterward of the mean high water or seasonal high water line.

**COPY**

**STAFF RECOMMENDATION:**

Staff recommends preparing an ordinance to amend the land development code which will clarify the code and permit boat docks as a principal use in A-1, A-3, A-5, A-10 and RC-1 zoning and only as an accessory use in all other zoning categories. Where boat docks will be a permitted principal use, the lot must have a minimum 30 feet of water frontage, the lot must be legally created, the dock may not be rented and may only be used by the land owner or guests of the landowner, there must be adequate room to maneuver a boat into and out of the water on the property, and adequate off-street parking for two vehicles must be provided on the property. Staff also recommends including the suggested definitions provided in the background section for dock, slip and boathouse in the ordinance.

Attachments: Tables

O R D I N A N C E

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY SECTIONS 2.3, 30.102, 30.122, 30.162, 30.182, 30.202, 30.222, 30.1371; CREATING DEFINITIONS; CLARIFYING PERMITTED USES IN A-1, A-3, A-5, A-10, RC-1, R-1, R-1A, R-1AA, R-1AAA, R-1AAAA, R-1B, R-1BB AND R-2 ZONING CATEGORIES; CREATING BOAT DOCK AND BOATHOUSE REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, numerous navigable water bodies, including Lake Jessup, Lake Monroe and the St. John's River, are located in Seminole County; and

**WHEREAS**, many Seminole County residents live along the banks of its various water bodies; and

**WHEREAS**, many Seminole County residents and visitors use the water bodies of Seminole County for recreational purposes, including sailing, canoeing, kayaking, skiing, fishing, swimming and other activities; and

**WHEREAS**, the Board of Seminole County Commissioners deems it to be of great importance to balance the riparian rights of land owners to store and launch their watercraft with the general rights of Seminole County citizens and visitors to enjoy the natural beauty and recreational value of the County's rivers, lakes and ponds; and

**WHEREAS**, the Economic Impact Statement relating to this Ordinance has been prepared and made available for public review

in accordance with the requirements of the Seminole County Home Rule Charter; and

**WHEREAS**, the private property rights analysis relating to this Ordinance has been prepared and made available for public review in accordance with the requirements of the Seminole County Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** Chapter 2, Section 2.3, Land Development Code of Seminole County is hereby amended to add the following definitions:

**Sec. 2.3. Definitions.**

**Boathouse** - A roofed structure used for the storage of watercraft and water vessels, including boats and boating equipment, which is located waterward of the mean high water line or seasonal high water line.

**Boat Dock** - Any structure, whether fixed or floating, secured on or by a piling, waterward of the mean high water line or seasonal high water line which is designed for or capable of being used to moor watercraft.

**Section 2.** Chapter 30, Part 6, Section 30.102(a), Land Development Code of Seminole County is hereby amended, and Section 30.102(m) is hereby created, to read as follows:

**Sec. 30.102. Permitted uses.** Within any property assigned the A-10, A-5 or A-3 Rural Zoning Classifications, no building, structure, land or water shall be developed, except for the following uses:

(a) Single family residences and uses accessory thereto, including one (1) guest house or cottage, ~~boat docks and boathouses.~~

\* \* \* \*

(m) One (1) boat dock and one (1) associated boathouse per lot.

**Section 3.** Chapter 30, Part 7, Section 30.122, Land Development Code of Seminole County is hereby amended to read as follows:

**Sec. 30.122. Permitted uses.** Within the A-1 Agriculture Zoning Classification, no building, structure, land or water shall be used, unless otherwise permitted, except for ~~one (1) or more of~~ the following uses:

(q) Single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, ~~docks and boathouses.~~

\* \* \* \*

(u) One (1) boat dock and one (1) associated boathouse per lot.

**Section 4.** Chapter 30, Part 10, Section 30.162(c), Land Development Code of Seminole County is hereby amended to read as follows:

**Sec. 30.162. Uses permitted.** The following uses are permitted on property assigned the RC-1 zoning classification:

(c) ~~Boathouses and docks used for the shelter and storage of boats~~ One (1) boat dock and one (1) associated boathouse per lot.

**Section 5.** Chapter 30, Part 11, Section 30.182, Land Development Code of Seminole County is hereby amended to read as follows:

**Sec. 30.182. Uses permitted.** Within any R-1, R-1B and R-1BB Single-Family Dwelling zoning classification, no building, structure, land, or water shall be used, except for ~~one (1) or more of~~ the following uses:

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\*

\*

(d) One (1) boat dock and one (1) associated boathouse per lot when accessory and incidental to the principal dwelling.

**Section 6.** Chapter 30, Part 12, Section 30.202, Land Development Code of Seminole County is hereby amended to read as follows:

**Sec. 30.202. Uses permitted.** Within any R-1AAAA, R-1AAA, R-1AA, and R-1A Single Family Dwelling zoning classification, no

building, structure, land, or water shall be used except for ~~one~~  
~~(1) or more of~~ the following uses:

(b) ~~Boathouses and boat docks as accessory uses, providing~~  
~~the roof of said boathouse does not exceed ten (10) feet above~~  
~~the mean high water line~~ One (1) boat dock and one (1) boathouse  
per lot when accessory and incidental to the principal dwelling.

**Section 7.** Chapter 30, Part 13, Section 30.222, Land  
Development Code of Seminole County is hereby amended to read as  
follows:

**Sec. 30.222. Uses permitted.** Within an R-2 One- and Two-Family  
Dwelling zoning classification, no building, structure, land, or  
water shall be ~~used~~ permitted except for ~~one (1) or more of~~ the  
following uses:

\* \* \* \*

(d) One (1) boat dock and one (1) associated boathouse per  
lot when accessory and incidental to the principal dwelling.

**Section 8.** Chapter 30, Part 70, Section 30.1371, Land  
Development Code of Seminole County is hereby created to read as  
follows:

**Sec. 30.1371. Boat Dock Regulations.**

(a) Where boat docks or boathouses are a permitted use the  
following requirements must be met prior to issuance of any  
applicable permit:

(1) The lot upon which the structure will be developed must have a minimum thirty feet (30') of frontage on the subject water body.

(2) The lot upon which the structure will be developed must be a legal lot of record.

(3) The lot upon which the structure is located must have adequate off-street parking for at least two (2) vehicles.

(4) The applicant must demonstrate compliance with all local, State and federal regulations and permit requirements.

(b) No boat dock or boathouse may be rented or leased.

(c) The highest part of the roof of a boathouse may not be higher than ten (10) feet above the elevation of the mean high waterline. The Board of County Commissioners may permit a taller boathouse upon a determination that the view of the water body from neighboring properties will not be adversely affected.

**Section 9. Codification.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become, and be made a part of the Seminole County Land Development Code. The word "Ordinance" may be changed to section, article, or other appropriate word or phrase and the sections of this Ordinance may be assigned new numbering or lettering to accomplish such intention; providing, however, that Sections 9, 10, and 11 shall not be codified.

**Section 10. Severability.** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

**Section 11. Effective Date.** This Ordinance shall take effective upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners.

**ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA

\_\_\_\_\_  
MARYANNE MORSE,  
Clerk of the Board of  
County Commissioners of  
Seminole County, Florida

By: \_\_\_\_\_  
DARYL G. MCLAIN, Chairman

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09/16/04  
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