

- (7) Adequate parking for cars and trailers at any semi-private boat ramp facility site must be provided. Parking on adjoining streets is prohibited.
- (8) The parking of any car or trailer at any semi-private boat ramp facility site by individuals other than those authorized to use the boat ramp facility site is expressly prohibited. At least one sign informing the public of the foregoing restriction and one "Tow-Away" warning sign, as required by the applicable state statute, shall be required at each semi-private boat ramp facility site. All parking areas shall be landscaped in accordance with this chapter. A landscape buffer of at least ten feet or, in the alternative, a five-foot high masonry wall shall be required between parking areas that are adjacent to residential areas. The number of parking spots permitted at a semi-private boat ramp facility shall be limited to a maximum of six vehicle and trailer spaces.
- (9) No semi-private companion boat mooring dock shall exceed the length of the boat ramp (measured from the normal high water mark to the waterward end of the ramp) or exceed a width of four feet.
- (10) Boathouses and other similar sheltered structures proposed to be built in conjunction with a companion boat mooring dock are prohibited.
- (11) No portion of any boat ramp or any type of boat ramp facility shall be closer than 25 feet from the projected property line of abutting shoreline owners.
- (12) No boat ramp or any type of boat ramp facility may be located on any lot or parcel that is smaller than 70 feet wide by 100 feet deep (or equivalent perimeter in the event of irregularly shaped lots). Except in the case of a private boat ramp facility, any such boat ramp or boat ramp facility shall be considered the principal use of any such lot or parcel.
- (13) A developer's agreement between the applicant and city shall be required as a

condition of approval of any commercial or semi-private boat ramp facility, which agreement shall be recorded at the applicant's expense and shall: (a) allocate to the applicant and its successors and assigns the responsibility for maintenance and costs arising from use of the boat ramp facility including, but not limited to, costs for increased water safety enforcement and maintenance, which costs shall not exceed ten percent of the assessed value of the boat ramp facility site; (b) set forth any applicable restrictions on the use of such boat ramp facility; (c) authorize that the semi-private boat ramp facility site may be liened in the event that the boat ramp facility site is not properly maintained; and (d) require the applicant to post a one-year irrevocable letter of credit, in favor of the city, in the amount of ten percent of the assessed value of the boat ramp facility site in favor of the city to secure the foregoing costs.

For the purposes of this subsection, "maintenance" shall mean keeping the boat ramp facility and site in a condition which is:

- i. Compliant with applicable land development and safety regulations;
 - ii. Consistent with the standard of upkeep of the majority of lots of the subdivision (or surrounding neighborhood if the boat ramp facility site is not located within a subdivision) wherein the boat ramp facility site is located; and
 - iii. Safe and functional.
- (14) The city shall have the authority to clean, clear, fence and otherwise block access to any boat ramp facility site that is not properly maintained until such site has been restored and repaired to the satisfaction of the city and the city has been reimbursed for the costs of cleanup.
 - (15) Overnight mooring, beaching or storage of boats shall be prohibited at any semi-private boat ramp facility site.

- (16) Restrooms at semi-private boat ramp facilities are encouraged.
- (17) There shall be no more than one boat ramp per subdivision or, if there is no subdivision, planned development.
- (18) All semi-private boat ramp facilities shall have at least one trash receptacle with a capacity of at least 33 gallons.
- (19) All parking, refuse and restrooms shall be designed in a manner consistent with the surrounding land uses.
- (20) Landscaping, screen walls and any other available measures to reduce and mitigate unreasonable noise impacts shall be a part of the design of all boat ramp facilities.
- (21) A "No Wake" sign shall be posted at all boat ramp facilities requiring no wake within a 100-foot radius of the boat ramp facilities, regardless of whether a skier, wakeboarder, or other person and/or object intended to be towed by a boat is being dropped off or picked up.

(c) *Minimum design criteria.* Any public or commercial boat ramp facility shall, in addition to the foregoing, be subject to the following minimum design criteria:

- (1) *Boat ramp size:*
 - i. *Width:* Single lane, 12 to 15 feet in width. For additional lanes, use multiples thereof; for example, a double lane boat ramp would be 30 feet in width.
 - ii. *Length:* The surface of the ramp should be paved down to an elevation of five feet below the lowest recorded water elevation and two feet above the normal high water elevation.
- (2) *Boat ramp slope:* A minimum of ten degrees and maximum of 15 degrees.
- (3) *Number of lanes:* A minimum of one lane for every 50 boats per day for which the boat ramp facility is designed.

- (4) *Miscellaneous boat ramp criteria:*
 - i. All boat ramps shall have a wheel stop to prevent the boat trailer from backing off of boat ramp.
 - ii. All shoreline alterations shall be stabilized. For purposes of this article, a stabilized shoreline shall include, but not be limited to, the following: Rock revetment, aquatic vegetation planting or sod, each of which must be staked in place.
 - iii. The wetted part of a boat ramp should be paved with 3,000 psi concrete.
- (5) *Companion boat docks:* One companion boat dock shall be required to be constructed in conjunction with each boat ramp lane which is part of a commercial or public boat ramp facility. Each such companion boat dock shall extend out into the water basin and have a minimum boarding length of 50 feet for each boat ramp lane and conform to the requirements imposed under division 10 of this chapter unless stated otherwise herein or modified by an appropriate variance.
- (6) *Maneuverability:*
 - i. Boat ramps shall have an approach area for maneuvering and backing, extending at least 40 feet from the landward end of the boat ramp.
 - ii. The approach area shall be designed to allow a vehicle to approach the boat ramp at a horizontal angle no greater than 30 degrees from center line of the boat ramp.
- (7) *Parking:*
 - i. No more than: (a) 30 vehicle and trailer spaces; and (b) three vehicle only spaces shall be allowed on one acre of a boat ramp facility site. Regardless, two vehicle only spaces may be substituted for any one of the "vehicle and trailer" spaces permitted under this provision.
 - ii. Parking spaces shall be depicted on the site plan submitted by the applic-

cant and must demonstrate that there is reasonable space allowed for safe circulation of the maximum number of vehicles and connected trailers proposed to be parked at the boat ramp facility site.

- (8) *Locational criteria:* In order to minimize scouring of sediments and destruction of littoral zones, navigable water access must exist at all times from the submerged end of the boat ramp.

(d) *Review criteria.* Boat ramp applications shall be processed by the building department and the engineering department with additional review to be conducted by the planning and zoning department. City staff shall review permit applications and, in addition to ensuring that all other applicable requirements are met, shall issue the permit with or without conditions or otherwise deny the permit, after considering the shoreline configuration, depth, surface area, and topographic condition of the water body whereon the boat ramp facility is proposed, in conjunction with the following criteria:

- (1) The potential number of additional users of the waters that would result from approval of the boat ramp facility;
- (2) The number of existing boat ramps and similar recreational uses on the waters and the extent to which such existing boat ramps and similar recreational uses to the waters are available to the public;
- (3) Noise impacts on residents living directly adjacent to the waters;
- (4) The impact that the proposed semi-private boat ramp facility will have on the adjacent area (it is the intent of this subsection that strong preference be given to proposed semi-private boat ramp facilities located on internal lots, as opposed to corner lots in a subdivision);
- (5) Whether the fish, wildlife, flora and fauna, including endangered or threatened species (as those threatened or endangered species may be defined from time to time

by the applicable local, state or federal laws and regulations) or their habitats will be adversely affected;

- (6) Whether the boat ramp facility will adversely affect navigation, water quality, water flow, or cause harmful erosion, shoaling, or sediment resuspension;
- (7) Whether there exists a navigable passage from the boat ramp facility to the waters;
- (8) Whether the ecological balance of the waters will be adversely affected;
- (9) Whether the boat ramp facility will adversely affect significant historical and archaeological resources as defined by state law;
- (10) Whether the boat ramp facility will pose a hazard to normal vehicular traffic as a result of trailering vehicles leaving or entering roads;
- (11) Whether the boat ramp facility will pose a hazard to boating traffic on the waters, or otherwise adversely affect public safety, given the number of people using the waters, as well as the size, depth and shoreline configuration and natural contours (i.e., existence of a cove, blind spot, etc.) of the subject waters;
- (12) If there is existing unrestricted public access to the waters where the boat ramp facility is proposed, the applicant must further demonstrate the need for additional access to the waters considering in part:
 - i. The number of existing boat ramps on the subject waters;
 - ii. The number of existing boat ramps on any adjoining waters connected to the subject waters by any waters capable of passage by any watercraft; and
 - iii. The distance from the proposed boat ramp facility to any existing boat ramp on the same waters.
- (13) Whether the proposed boat ramp facility would adversely affect areas of special concern including, but not limited to, out-

standing Florida waters, wetlands areas which provide habitat for endangered species or threatened species (as those endangered or threatened species may be defined by applicable local, state or federal law or regulations) and conservation areas as defined by, and in accordance with, the city comprehensive plan.

(14) Interrelationship and organization of multiple uses of the water body that is the site of the proposed boat ramp facility, including:

- i. Whether portions of the lake surface have been designated for different activities;
- ii. The type of boating permitted on the water body (e.g., whether only nonpower boating has been authorized);
- iii. Whether certain uses of the lake have been restricted to certain times of the day;
- iv. Whether no-wake areas have been established around shoreline fishing areas;
- v. The location of swimming areas or other existing or permitted boat ramps.

(e) *Notice.* Notice to neighboring property owners. Upon receipt of an application the city shall send notices by first class mail to the owners of the property in the general neighborhood (typically but not limited to 300 feet). All such notices shall require that written comments on the proposed boat ramps be sent to the city within 15 days from the date the notices were sent.

(Ord. No. 11-20, § II, 9-21-11)

Secs. 118-1327—118-1329. Reserved.

DIVISION 12. SHORELINE ALTERATION

Sec. 118-1330. Findings, purposes and objectives.

(a) Shoreline vegetation is necessary for the health and viability of a lake system. Sediments and nutrients, contributed both by stormwater

runoff and recirculation within the lakes' waters, are removed by shoreline vegetation and associated areas by means of filtration and recycling through the shoreline vegetation.

(b) Both wave action and stormwater runoff will cause extensive erosion of nutrient-laden soils, particularly where those soils have been destabilized by removal of shoreline vegetation.

(c) Shoreline vegetation both protects and improves water quality and should be protected from substantial clearing.

(d) The city is authorized, pursuant to general law, to regulate and control conservation and beach erosion control programs. The city is authorized to regulate and control all lakes, canals, streams, waterways, inlets, bays, and their alteration by dredging, filling, pumping and otherwise altering the shoreline, land contours and/or water areas in the interest of public rights, public welfare, protection of public riparian property rights, and preservation of the natural beauty and attractiveness of the lakes, canals, streams, waterways, inlets and bays.

(e) In order to protect the public health, safety and welfare, preserve the natural beauty and attractiveness of waters of the city, and maintain lake water quality and reduce nutrient loading in public lakes, this division is hereby enacted as a measure to protect the legitimate public interest by restricting the amount of clearing or removal of shoreline vegetation.

(Ord. No. 11-20, § III, 9-21-11)

Sec. 118-1331. Definitions.

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

Clearance means the alteration of or removal of shoreline vegetation by chemical treatment, mechanical or non-mechanical uprooting or removal or the removal or addition of soil above a shoreline.

Reestablish means the regrowth of shoreline vegetation, where the average height of growth

measures more than 14 inches above the exposed shore or normal high water elevation, as appropriate.

Shoreline alteration shall mean and refer to the alteration of a shoreline, including the dredging, filling, and trenching of land located along the shore of a body of water.

Shoreline vegetation means aquatic or wetland vegetation naturally occurring in the waters and shoreline environments of Florida, including, but not limited to, those plants listed in F.A.C. § 62-301.400(2) and (3).

(Ord. No. 11-20, § III, 9-21-11)

Sec. 118-1332. Permit; appeals.

(a) Unless exempted from these regulations, all those persons desiring to perform or cause to be performed any clearance of a shoreline shall be required to obtain a permit conforming to the procedures and standards set forth in this division.

(b) Each applicant must address and include the following information in an application submitted to the city (applications shall be made available through the community development department—building division) and abide by the following rules:

- (1) The percentage of shoreline vegetation proposed to be removed and/or soil to be removed or added;
- (2) Two copies of a plan clearly illustrating the locations of the work requested with respect to the applicant and other affected persons, water levels, lake bottom elevations, and elevations of requested work above and below water and the legal description of subject property. The plans shall include a copy of a current certified survey of the property;
- (3) The proposed means of minimizing, mitigating, and controlling erosion;
- (4) The proposed method for filtering runoff;
- (5) The proposed method for reducing the nutrient concentration in both surface runoff and lake waters;

- (6) The proposed means of stabilizing soils at and below the normal high water elevation;
 - (7) The justification for any replacement vegetation to be used and whether and how such vegetation will protect and improve water quality;
 - (8) The location of any existing conservation easements;
 - (9) Certification of the applicant or his authorized agent in the form of his/her signature;
 - (10) A list of names and addresses of adjacent property owners and any other property owners who are reasonably expected to be significantly affected by the proposed alterations;
 - (11) An applicant cannot propose clearing and filling for the purpose of creating new sandy beach areas or expanding any sandy beach areas existing before the effective date of this division. Any application intended therefore or that will have such net effect will be denied; and
 - (12) All mechanically cleared or trimmed vegetation shall be removed from the lake and the normal high water elevation within 24 hours of clearing or trimming. Failure to do so will constitute a violation of this division.
- (c) *Exemptions.* This division and the requirement to obtain a shoreline alteration permit hereunder shall not apply to the following:
- (1) Any person or property owner clearing less than 20 percent or 30 feet, whichever is greater, of lands at or below the normal high water elevation, where the following species of shoreline vegetation are not present in the area to be cleared and will not otherwise be affected or disturbed:
 - i. Tree species listed in F.A.C. § 62-401.400(2) and (3);
 - ii. Any aquatic species which is listed by the Florida Department of Agricultural and Consumer Services as threatened, endangered or commer-

- cially exploited pursuant to F.S. § 581.185, as may be amended or replaced.
- (2) Emergency repairs on public or private projects necessary for the preservation of life, health or property, where taken to implement and accomplish the beneficial purposes of these regulations as set forth herein under such circumstances where it would be impractical to obtain approval from the city prior to making such emergency repairs.
- (3) Maintenance of publicly or privately owned portions of a structural stormwater or drainage control system that does not constitute major construction or rebuilding.
- (4) Mowing of terrestrial sod grasses that may incidentally become established on lake bottom (below the normal high water elevation) from adjacent lawns. The shoreline and lake bottom areas that can be mowed must not be inundated, and the exposed soils must be dry enough to support the mower so that incidental shoreline alteration does not occur. Disking (turning the soil with blades to uproot vegetation) is excluded from this exemption.
- (5) A property owner whose shoreline has previously been cleared where the clearing is continuously maintained. If shoreline vegetation is reestablished, this exemption from permitting shall not apply.
- (6) Any activities otherwise exempt pursuant to Florida law.
- (d) *Notice.* Upon receipt of an application, the city shall send notices by first class mail to the owners of properties located within 300 feet of the parcel associated with the proposed shoreline alteration. All such notices shall require that written comments concerning the proposed alterations be sent to the city within 15 days following the date the notices were sent.
- (e) *Appeals.*
- (1) *Permits.* The applicant or any person entitled to notice under this division may appeal the approval or denial of an application for a permit to the city commission by filing a petition within ten days of such approval or denial. Such petition shall be submitted to the city manager or his/her designee in writing and set forth the reasons and evidentiary basis for overturning the approval or denial of the requested permit. A timely filed appeal shall be heard by the city commission within 30 days of the date such appeal is filed with the city.
- (2) *Variances and special exceptions.* Decisions of the planning and zoning board concerning variances and special exceptions related to the subject matter contained in this division may be appealed to the city commission in accordance with section 98-31 of this Code.
- (3) *Appeals from decisions of the city commission.* Appeals from the decisions of the city commission shall be made in accordance with section 98-32 of this Code.
- (f) *Penalties; enforcement.* If the city determines that clearing or alteration is occurring without prior approval or not in accordance with these regulations, it shall promptly issue a written notice of violation to the offending person. The notice of violation shall include a description of the site where the violation has occurred, cite the provisions that have been violated, and set forth the required remedial action to be taken as deemed reasonable and necessary by the city. Such remedial action may include restoration of damaged topography; revegetation of the site to comply with these regulations, general or special laws; replacement of affected wildlife; payment of all permit and inspection fees, and other actions consistent with the intent of these regulations, general or special laws or as they may be amended from time to time.

(Ord. No. 11-20, § III, 9-21-11)

Secs. 118-1333—118-1335. Reserved.

ARTICLE VII. PERFORMANCE STANDARDS*

Sec. 118-1336. Applicability.

(a) Under this chapter, any use established or changed and any building, structure or land developed, constructed or used for any permitted principal use or any use permissible as a special exception or any accessory use shall comply with all of the performance standards set forth in this article for the district involved.

(b) If any existing use, building or other structure is extended, enlarged, or reconstructed, the performance standards for the district involved shall apply with respect to such extended, enlarged, or reconstructed portion of such use, building, or other structure.

(c) All uses, buildings, or other structures shall comply with the performance standards set forth in this article for the district involved.

(Code 1988, § 24-126)

Sec. 118-1337. Administration and enforcement.

(a) *Intent.* Determinations necessary for administration and enforcement of performance standards set forth in this article range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this article that:

- (1) Where determination can be made by the building inspector, using equipment normally available to the city or obtainable without extraordinary expense, such determinations shall be made before notice of violation is issued.
- (2) Where technical complexity or extraordinary expense makes it unreasonable for the city to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections

*Cross reference—Businesses, ch. 22.

of apparent violations of performance standards; for protecting individuals from arbitrary, capricious and unreasonable administration and enforcement of this article; and for protecting the general public from unnecessary costs for administration and enforcement.

(b) *Corrective action.* If the building official finds, after making determinations in the manner set forth in this article, that there is violation of performance standards, he shall take or cause to be taken lawful action to cause correction to within the limits set by such performance standards.

(Code 1988, § 24-127)

Cross reference—Administration, ch. 2.

Sec. 118-1338. Compliance.

All uses within the city shall conform to the performance standards set forth in this article.

(Code 1988, § 24-128)

Sec. 118-1339. Noise.

(a) *Method of measurement.* For the purpose of this chapter, sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-1944, American Standards Association, Inc., New York, and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards Association, Inc., New York, New York).

(b) *Locational requirement for measurement.* Sound levels shall be measured along the boundaries of the site.

(c) *Permitted sound levels.* Permitted sound levels shall be as follows:

MAXIMUM SOUND PRESSURE LEVEL
(in decibels 0.0002 dyne per square centimeter)

<i>Octave Band (cycles per second)</i>	<i>Along Residential District Boundaries</i>	<i>Along Commercial and Industrial District Boundaries</i>
0—75	69	79
75—150	54	74
150—300	47	66
300—600	41	59
600—1,200	37	53
1,200—2,400	34	47
2,400—4,800	31	41
Above 4,800	28	39

(d) *Applicability of standards.* These standards shall apply to all noises, due to intermittence, beat frequency or shrillness.

(Code 1988, § 24-128(1))

Cross reference—Noise generally, § 38-151 et seq.

Sec. 118-1340. Smoke and particulate matter.

(a) *Requirements.* Under this chapter, all uses shall be controlled to prevent the emission or discharge of any smoke or particulate matter, from any source whatever to a density greater than the density as described as no. 1 on the Ringelmann Chart, provided that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal but not darker than no. 2 on the Ringelmann Chart for a period aggregating four minutes in any 30 minutes.

(b) *Method of measurement.* For the purpose of grading the density of smoke, the Ringelmann Chart, as published and used by the U.S. Bureau of Mines, which is made a part of this chapter, shall be the standard.

(c) *Locational requirements for measurement.* Smoke and particulate matter will be measured at its point of emission into the atmosphere or at the point of discharge from an area of confinement, storage or display.

(Code 1988, § 24-128(2))

Sec. 118-1341. Odors.

(a) *Requirements.* All uses in this chapter shall be controlled to prevent the emission of odorous gases or other matter in such quantities as to be offensive at the specified points of measurement.

(b) *Method of measurement.* A noxious concentration shall be deemed to be the point at which the measurement of the threshold of smell can be achieved.

(c) *Locational requirements for measurement.* Noxious odors shall be measured as specified at a point 25 feet from the point of origin.
(Code 1988, § 24-128(3))

Sec. 118-1342. Toxic gases, fumes, vapors and matter.

(a) *Requirements.* All uses in this chapter shall be controlled to prevent the discharge of any toxic gases or matter in such quantity that may endanger the public health, safety or welfare or cause damage or injury to other property or uses.

(b) *Locational requirement.* Measurement shall be made at point of discharge into the atmosphere.

(Code 1988, § 24-128(4))

Sec. 118-1343. Vibration.

(a) *Requirements.* All uses in this chapter shall be controlled to prevent the transmission of any vibration, from any source or at any time whatever, that exceeds the maximum displacement set forth in subsection (d) of this section.