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3 **ORDINANCE NO. 2015-11**

4 **AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA,**
5 **PERTAINING TO BOATHOUSES AND BOAT DOCKS; PROVIDING**
6 **CLARIFICATION REGARDING THE TOWN’S ADOPTION BY**
7 **REFERENCE OF ORANGE COUNTY’S ORDINANCES REGULATING,**
8 **RESTRICTING AND ADDRESSING BOATHOUSES AND BOAT DOCKS**
9 **THAT SUCH ADOPTION PROVIDES CONCURRENT JURISDICTION**
10 **FOR THE TOWN AND ORANGE COUNTY TO ENFORCE SUCH**
11 **REGULATIONS WITHIN THE TOWN; REVISING CERTAIN**
12 **REQUIREMENTS PERTAINING TO BOATHOUSES AND BOAT**
13 **DOCKS; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN**
14 **EFFECTIVE DATE.**

15
16 *Whereas*, on August 9, 2014, the Town of Windermere adopted Ordinance No. 2014-09
17 under which the Town adopted, by reference, Orange County’s ordinances regulating, restricting
18 and addressing boat dock construction.

19
20 *Whereas*, Orange County currently issues permits and enforces its boat dock regulations
21 throughout the County, including the incorporated area of the Town of Windermere, and by
22 adopting Ordinance No. 2014-09 the Town did not intend to change this process.

23
24 *Whereas*, the Town wants to clarify that the purpose of adopting Ordinance No. 2014-09
25 is for the Town to adopt the same construction standards as the County and unless otherwise
26 specified in the Town’s code, to provide for consistency between the County and Town
27 standards with respect to dock construction.

28
29 *Whereas*, there are other issues that the Town desires to specifically address regarding
30 boat dock construction, including allowing boat docks to be located in front yard, and to specify
31 that the side setback line for boat docks is to be measured from the projected property line.

32
33 **BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE**

34
35 **Section 1. Amendments to the Town of Windermere’s Land Development Code.** Section
36 7.01.06 of the Town of Windermere’s Land Development Code is hereby revised as indicated by
37 the following underlined and strike-through language:

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39 **Sec. 7.01.06. Boathouses and docks.**

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41 The town hereby adopts, by reference, Orange County’s ordinances regulating,
42 restricting and otherwise addressing boat dock construction, as such ordinances
43 may be amended from time-to-time. This Section does not preempt Orange
44 County’s jurisdiction within the town for purposes of Section 704 of the Orange
45 County Charter, and the ~~The~~ town shall have concurrent jurisdiction with Orange
46 County to enforce all county ordinances pertaining to boat dock construction

47 within the town. Notwithstanding the foregoing, the following shall apply to
48 boathouses and docks constructed in the town:
49

- 50 (1) Boathouses shall not exceed a height of 14½ feet above the normal high-
51 water level of the water body.
52 (2) Boathouses and docks shall ~~not be closer than~~ have a minimum side-
53 setback of 16 feet to a side from the upland property line and the projected
54 property line. For purposes of this section, projected property line means
55 a continuation of, and extension to, the upland property line. In cases of
56 privately owned bottomland, that is, non-sovereignty submerged lands
57 underlying a water body, the projected property line is the actual property
58 line. For purposes of this section, upland property line means the actual
59 property line lying landward of the established Normal High Water
60 Elevation.
61 (3) Applicants shall submit applications for boathouse and dock construction
62 to the town on forms approved by the town, and the town manager shall
63 issue construction permits.
64 (4) Boathouses and docks may be located in a front yard.
65 (5) Any other applicable requirements of the town's Land Development Code
66 shall apply.
67

68 **Section 2. Severability.** If any provision or portion of this ordinance is declared by a court of
69 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining
70 provisions and portions of this ordinance shall remain in full effect.
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72 **Section 3. Codification.** The provisions of this Ordinance shall become and be made a part of
73 the Town of Windermere's Land Development Code.
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75 **Section 4. Effective Date.** This Ordinance takes effect immediately upon its enactment.
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77 **ENACTED** this 10th day of November, 2015, at a regular meeting of the Town Council of
78 the Town of Windermere, Florida.
79

80
81 Town of Windermere, Florida
82 by: Town Council

83
84
85 by: 
86 Gary Bruhn, Mayor

87 Attest:

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89 
90
91 Dorothy Burkhalter, CMC
92 Town Clerk



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94 First reading: October 13, 2015
95 Second reading: November 10, 2015