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ORDINANCE NO. 93-23

AN ORDINANCE IN ORANGE COUNTY, FLORIDA PERTAINING TO BOAT RAMPS AND RELATED FACILITIES; ADDING ARTICLE XIV OF CHAPTER 15 OF THE ORANGE COUNTY CODE TO PROVIDE CRITERIA AND OTHERWISE REGULATE BOAT RAMPS IN THOSE PORTIONS OF ORANGE COUNTY NOT WITHIN THE BOUNDARIES OF ANY MUNICIPALITY UNLESS ORANGE COUNTY HAS DREDGE AND FILL JURISDICTION WITHIN A MUNICIPAL AREA PURSUANT TO SPECIAL ACT OR INTERLOCAL AGREEMENT; PROVIDING A SHORT TITLE; PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR PERMIT PROCEDURES AND CRITERIA TOO NUMEROUS TO MENTION; PROVIDING FOR EXEMPTIONS; PROVIDING FOR REVIEW AND DESIGN CRITERIA TOO NUMEROUS TO MENTION; PROVIDING FOR NOTICE OF PUBLIC HEARING; PROVIDING FOR PUBLIC HEARING; PROVIDING FOR RIGHT OF APPEAL; SPECIFYING ENFORCEMENT AND PENALTIES; PROVIDING EXEMPTIONS; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Short Title. The regulations established herein shall be known and may be cited as the "Orange County Boat Ramp Ordinance."

Section 2. Findings.

A. It is the intent of this Ordinance to regulate Boat Ramp Facilities within those portions of Orange County not located within the boundaries of any municipality (unless

1 there is a special act or interlocal agreement which gives  
2 Orange County dredge and fill jurisdiction within a  
3 municipality) in order to minimize the adverse impacts of  
4 such activities upon the natural resources of Orange County.

5 B. It is the intent of this Ordinance to apply these  
6 regulations in a manner sensitive to the property rights of  
7 the applicant, the property rights of lakefront property  
8 owners, and the rights of the citizens of Orange County to  
9 enjoy the benefits of their natural resources.

10 C. It is recognized that at some point recreational use  
11 of waters may reach a saturation level, with overuse of the  
12 waters resulting in a decline in the recreational value of  
13 the lake and diminution of the overall quality of a given  
14 water body.

15 D. The Board is authorized pursuant to its home rule  
16 powers and general law to regulate and control all waters  
17 located within those portions of Orange County not within the  
18 boundaries of any municipality, and those portions of Orange  
19 County located within a municipality where Interlocal  
20 Agreements or Special Acts so allow.

21 E. In order to protect the public health, safety and  
22 welfare, preserve the natural beauty and attractiveness of  
23 waters in said portions of Orange County, and maintain lake  
24 quality, the Orange County Boat Ramp Ordinance is hereby  
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1 enacted as one measure to protect said legitimate public  
2 interest.

3 Section 3. Definitions. Unless specifically defined  
4 below, words or phrases used in this ordinance shall be  
5 interpreted so as to give this ordinance its most reasonable  
6 liberal application and to effectuate the intent of this  
7 Ordinance described above:

8 A. *Board* - Board of County Commissioners of Orange  
9 County, Florida.

10 B. *Boat Ramp Facility* - The Boat Ramp, and any other  
11 improvements which may be required by state or local  
12 regulations or this Ordinance to be built in conjunction with  
13 a particular type of Boat Ramp.

14 C. *Boat Ramp* - Any structure or clearing that extends  
15 to or waterward of the normal high water elevation or any  
16 structure or clearing upon which, trailerable watercraft can  
17 be launched or retrieved. Provided, however, that,  
18 notwithstanding the foregoing, this definition shall not  
19 apply to a homeowner who clears land which is the site of his  
20 personal residence, in compliance with applicable  
21 regulations, without building any structure or dredging or  
22 filling, for the sole purpose of launching and retrieving his  
23 or her personal watercraft.

1           D.   *Boat Ramp Facility Permit* - A permit issued by the  
2 Orange County Environmental Protection Department, upon  
3 authorization by the Board, pursuant to the regulations  
4 contained herein, which permit, in conjunction with the  
5 required building permit(s), authorizes construction of a  
6 Boat Ramp Facility. The permit shall automatically expire  
7 and reapplication shall be required in the event that  
8 construction of the Boat Ramp Facility is not completed  
9 within one (1) year of issuance of such a permit.

10           E.   *Boat Ramp Facility Sites* - A duly platted lot or  
11 parcel of record which is the location of any Boat Ramp  
12 Facility.

13           F.   *Commercial Boat Ramp Facility* - A Boat Ramp and any  
14 improvements required by state or local regulations to be  
15 built in conjunction therewith, the use of which is  
16 fee-based, open to equal public access, and intended to  
17 profit its owner, not including: (1) fees paid by any  
18 homeowner or condominium association for maintenance of  
19 common elements; or (2) fees imposed by any governmental or  
20 quasi-governmental entity. A Commercial Boat Ramp Facility  
21 shall also include any Boat Ramp used in connection with any  
22 commercial establishment where the Boat Ramp is used as an  
23 enhancement to the principal function of the basic facility,  
24 whether or not use of the Boat Ramp Facility itself is  
25 fee-based or profit motivated, or both.  
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1           G.    *Companion Boat Mooring Docks* - A single mooring boat  
2 dock required to be built in conjunction with any Boat Ramp,  
3 except for a Private Boat Ramp. A Companion Boat Mooring  
4 Dock may be permitted as part of the Boat Ramp Facility  
5 Permit and shall not require a Boat Dock Permit. However,  
6 the Companion Boat Mooring Dock shall require a separate  
7 building permit.

8           H.    *Person* - Any individual, firm, partnership,  
9 corporation, or other entity not including the State of  
10 Florida.

11           I.    *Private Boat Ramp Facility* - A Boat Ramp and, if  
12 applicable, any improvements required by state or local  
13 regulations to be constructed in conjunction therewith, other  
14 than a Commercial Boat Ramp, which Boat Ramp and improvements  
15 are not the subject of Unrestricted Public Access to waters,  
16 and which are intended to be used, and are, in fact, used  
17 only by those persons living in the single-family residence  
18 located at the Boat Ramp Facility Site and their usual and  
19 customary guests who are either in the company of the  
20 resident or using the resident's watercraft. It is intended  
21 that this type of facility be limited in scope of use. It is  
22 further intended that any application for a Private Boat Ramp  
23 Facility or Semi-Private Boat Ramp Facility which is approved  
24 as such, but is in fact routinely used by individuals other  
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1 than usual and customary guests of a private resident who are  
2 either in the resident's company or using the resident's  
3 watercraft, shall be considered an illegal use and be subject  
4 to revocation upon majority vote by the Board of County  
5 Commissioners.

6 J. *Projected Property Line* - A straight line  
7 continuation of, and extension to, the upland property line.

8 K. *Prop Clean Off Area* - Area designated for removal of  
9 aquatic plants from boat motors and trailers, which area  
10 shall have a receptacle for depositing plant fragments or  
11 other aquatic debris.

12 L. *Public Boat Ramp Facility* - A Boat Ramp and any  
13 improvements required by state or local regulations to be  
14 constructed in conjunction therewith, which are the subject  
15 of Unrestricted Public Access to waters.

16 M. *Semi-Private Boat Ramp Facility* - A Boat Ramp  
17 Facility (other than a Commercial, Public or Private Boat  
18 Ramp) along with a Companion Boat Dock and any other  
19 improvements required by state or local regulations to be  
20 constructed in conjunction therewith, which are intended for  
21 the use of, and are in fact used by, a group of residents  
22 living in a subdivision or multi-family development, as the  
23 case may be, wherein a Boat Ramp Facility is located or their  
24 usual and customary guests, but only if in the company of  
25 such residents.  
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1 N. *Unrestricted Public Access* - (1) Open to any member  
2 of the general public at reasonable hours, free of charge; or  
3 (2) operated by any governmental entity, including, but not  
4 limited to, Orange County.

5 O. *Waters* - Including, but not limited to, rivers,  
6 lakes, streams, waterways, bays, springs, impoundments,  
7 inlets, canals, and all other waters or bodies of water,  
8 whether natural or artificial, located in any unincorporated  
9 areas of Orange County.

10 Section 4. Exemptions. These regulations and the  
11 requirement to obtain a permit hereunder shall not apply to  
12 the following:

13 A. Any Boat Ramp, the construction and use of which  
14 commenced prior to the Effective Date of this ordinance  
15 which is otherwise in compliance with any applicable local,  
16 state, or federal laws existing prior to the effective date  
17 of this ordinance.

18 B. The maintenance or minor repairs to any currently  
19 usable structure which is part of a properly permitted Boat  
20 Ramp or Boat Ramp Facility, as defined under this Ordinance,  
21 so long as such maintenance or minor repairs is done in a  
22 manner consistent with the intent of this Ordinance and to  
23 the extent reasonably necessary in order to maintain or  
24 repair said structure for purposes of keeping in good  
25 condition the existing structure. This exemption shall not  
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1 be construed to mean construction of a new structure where  
2 one did not exist; new construction or additions to any  
3 structure which would increase the area of the existing  
4 structure; or any repairs to an existing Boat Ramp which  
5 would require replacement of more than fifty percent (50%) of  
6 the existing Boat Ramp structure.

7 Section 5. Permit Procedure and Criteria.

8 A. Application and Supporting Data. Any Person  
9 applying for a Boat Ramp Permit, shall be required to submit  
10 five (5) copies of an application to Orange County  
11 Environmental Protection Department. No application shall be  
12 accepted unless accompanied by an application fee, as  
13 established by the Board of County Commissioners, which fee  
14 shall be nonrefundable, payment of which does not guarantee  
15 issuance of a permit. Application forms shall be provided by  
16 the Orange County Environmental Protection Department and  
17 shall require the following information, at a minimum:

18 1. Florida Department of Environmental Regulation  
19 Permit for a Boat Ramp and Companion Boat Dock, where  
20 applicable;

21 2. U.S. Army Corps of Engineers Permit for a Boat  
22 Ramp and Companion Boat Dock, where applicable;

23 3. Submerged lands lease from the Florida  
24 Department of Natural Resources for a Boat Ramp and Companion  
25 Boat Dock, where applicable;



1           4. Satisfactory evidence of title or extent of  
2 interest of the applicant to: (1) the riparian upland  
3 ownership; and (2) submerged ownership of the Boat Ramp  
4 Facility Site. Provided, however, that notwithstanding the  
5 foregoing, a claim of ownership of the submerged part of the  
6 Boat Ramp Facility Site by the Florida Department of Natural  
7 Resources shall not preclude issuance of a Boat Ramp Facility  
8 Permit provided that applicant has complied with any  
9 applicable Department of Natural Resources or other state or  
10 federal requirements.

11           5. A survey of the Boat Ramp Facility Site,  
12 including a depiction of all easements, rights-of-way,  
13 improvements and other encroachments which survey shall  
14 depict the property at the time of permit application and  
15 shall be prepared, signed, and sealed by a surveyor  
16 registered in the State of Florida;

17           6. Site plan depicting the Boat Ramp Facility and  
18 any other existing or proposed improvements (including  
19 parking spaces) at the Boat Ramp Facility Site. Said site  
20 plan shall also depict the normal high water elevation. A  
21 site plan for a Semi-Private Boat Ramp Facility or Commercial  
22 Boat Ramp Facility must be prepared by a Professional  
23 Engineer registered in the State of Florida;

1           7. Calculations regarding the amount of fill and  
2 excavation that will be required for construction of the Boat  
3 Ramp Facility;

4           8. A list of materials that will be used to  
5 construct the Boat Ramp Facility;

6           9. Cross section survey depicting slopes,  
7 elevations and depth profiles of the Boat Ramp Facility;

8           10. Verification that the proposed Boat Ramp  
9 Facility is a permitted use under the Orange County Zoning  
10 Regulations, or has previously been determined to be a  
11 special exception.

12           11. Any applicable permit fees which may be set  
13 from time to time by Orange County by separate resolution.

14           12. A current tax map illustrating all upland  
15 property located within a 500 foot radius of any portion of a  
16 Boat Ramp Facility Site, including the names and mailing  
17 addresses of the owners of said property. In the case of an  
18 application for a Public or Commercial Boat Ramp Facility, or  
19 Semi-Private Boat Ramp Facility where launching of motorized  
20 boats would be allowed, the names and mailing addresses of  
21 the following upland owners is required: (1) if the proposed  
22 Boat Ramp Facility is on a lake, those upland owners on the  
23 lake whereon the proposed Boat Ramp Facility is to be  
24 located; or (2) if the proposed Boat Ramp Facility site is on  
25 a canal or similar impoundment, all upland owners on the  
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1 nearest lake which is navigably accessible from the canal as  
2 well as those upland owners on the subject canal.

3 B. General Site Performance Criteria and Requirements.

4 1. No Boat Ramp Facility of any kind shall be  
5 permitted without adequate stormwater management facilities  
6 which, in the opinion of the County Engineer, are designed to  
7 intercept all stormwater from the Boat Ramp above the normal  
8 high water elevation; provided, however, that all Commercial  
9 Boat Ramp Facilities and Semi-Private Boat Ramp Facilities  
10 shall be required to have stormwater management facility  
11 designs which are consistent with the criteria contained in  
12 the Orange County Site Development Ordinance (Ordinance  
13 Number 86-20 as codified at Sections 30-236 through 30-282,  
14 of the Orange County Code as the same may be amended and  
15 replaced from time to time). The foregoing criteria are not  
16 intended to exempt the upland portion of the Boat Ramp Site  
17 from any other applicable regulations regarding stormwater  
18 retention.

19 2. No Private or Semi-Private Boat Ramp shall be  
20 more than fifteen (15) feet in width.

21 3. In order to prevent boat prop scouring and  
22 littoral zone damage, no Boat Ramp Facility, except for a  
23 Private Boat Ramp Facility, shall be permitted unless built  
24 in conjunction with a Companion Boat Mooring Dock.

1           4. A companion Boat Mooring Dock shall have no  
2 more than one boat slip, unless constructed in conjunction  
3 with a Commercial or Public Ramp Facility.

4           5. To discourage boat maintenance and repairs at  
5 Boat Ramp Facility Sites, electrical outlets and lighting of  
6 any kind shall be prohibited within 100 feet of any Boat Ramp  
7 Facility, except for a Private Boat Ramp Facility.

8           6. Public road access to any Commercial or Public  
9 Boat Ramp Facility Site is mandatory.

10          7. The parking of any car or trailer at any  
11 Semi-Private Boat Ramp Facility Site by individuals other  
12 than those authorized (pursuant to Section 3 herein) to use  
13 the Boat Ramp Facility Site is expressly prohibited. At  
14 least one sign informing the public of the foregoing  
15 restriction and one "Tow-Away" warning sign, as required by  
16 the applicable state statute shall be required at each  
17 Semi-Private Boat Ramp Facility Site. All parking areas  
18 shall be landscaped in accordance with the Orange County  
19 Landscape Ordinance. A landscape buffer of at least 10 feet  
20 or, in the alternative, a five foot high masonry wall, shall  
21 be required between parking areas which are adjacent to  
22 residential areas. Restrictions on the number of parking  
23 spots at a Semi-Private Boat Ramp Facility shall be as  
24 limited to a maximum of 6 vehicle and trailer spaces.

1           8. No Semi-Private Companion Boat Mooring Dock  
2 shall exceed the length of the Boat Ramp (measured from the  
3 normal high water mark to the waterward end of the ramp) and  
4 a width of four (4) feet.

5           9. Boat houses and other similar sheltered  
6 structures proposed to be built in conjunction with a  
7 Companion Boat Mooring Dock are prohibited.

8           10. All Commercial and Public Boat Ramp Facilities,  
9 (or Semi-Private Boat Ramp Facilities which allow motorized  
10 boat usage) shall have a Prop Clean Out Area.

11           11. No portion of any Boat Ramp or any type of Boat  
12 Ramp Facility shall be closer than twenty-five (25) feet from  
13 the Projected Property Line of abutting shoreline owners.

14           12. No Boat Ramp or any type of Boat Ramp Facility  
15 may be located on any lot or parcel that is smaller than  
16 seventy (70) feet wide by one hundred (100) feet deep (or  
17 equivalent perimeter in the event of irregularly shaped  
18 lots). Except in the case of a Private Boat Ramp Facility,  
19 any such Boat Ramp or Boat Ramp Facility shall be considered  
20 the principal use or any such lot or parcel.

21           13. Motorized boats shall not be launched from  
22 Semi-Private Boat Ramp Facilities permitted after the  
23 effective date of this ordinance if: (a) there is an  
24 existing Public Boat Ramp Facility within 600 yards of the  
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1 proposed Boat Ramp Facility site; and (b) there is navigable  
2 access from the existing Boat Ramp Facility Site to the  
3 Proposed Boat Ramp Facility Site.

4 14. A developer's agreement between the applicant  
5 and County shall be required as a condition of approval of  
6 any Commercial or Semi-Private Boat Ramp Facility which  
7 agreement shall be recorded at the Applicant's expense and  
8 shall: (a) allocate to the Applicant, its successor and  
9 assigns, the responsibility for maintenance and costs arising  
10 from use of the Boat Ramp Facility, including, but not  
11 limited to, costs for increased water safety enforcement and  
12 maintenance, which costs shall not exceed ten percent of the  
13 assessed value of the Boat Ramp Facility Site; (b) set forth  
14 any applicable restrictions on the use of said Boat Ramp  
15 Facility; (c) authorize that the Semi-Boat Ramp Facility Site  
16 may be liened in the event that the Boat Ramp Facility Site  
17 is not properly maintained; and (d) require the applicant to  
18 post a one-year irrevocable letter of credit , in favor of  
19 Orange County, in the amount of ten (10) percent of the  
20 assessed value of the Boat Ramp Facility Site in favor of  
21 Orange County to secure the foregoing costs.

22 For purposes of this subsection, "maintenance" shall mean  
23 keeping the Boat Ramp Facility Site in a condition which is:  
24 (1) in compliance with the Orange County Lot Clearing  
25 Ordinance, as it may be amended and replaced from time to  
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1 time; (2) consistent with the standard of upkeep of the  
2 majority of lots of the subdivision (or surrounding  
3 neighborhood if the Boat Ramp Facility Site is not in a  
4 subdivision) wherein the Boat Ramp Facility Site is located;  
5 and (3) assures that said site and the facilities, structures  
6 and buildings located thereon are safe and functional.

7 15. The County shall have the authority to clean  
8 up, fence and otherwise block access to any Boat Ramp  
9 Facility Site which is not properly maintained until said  
10 site has been cleaned up to the satisfaction of the County,  
11 or the County has been reimbursed for the costs of clean up.

12 16. No Commercial or Semi-Private Boat Ramp  
13 Facility Site may be located within any platted subdivision  
14 which receives final subdivision plan approval and is  
15 recorded after the effective date of this ordinance unless  
16 said Boat Ramp Facility was approved prior to the final  
17 approval and recordation of said plat and is shown thereon.  
18 In addition, with respect to non-subdivision planned  
19 development projects that receive final approval after the  
20 effective date of this ordinance, no Semi-Private or  
21 Commercial Boat Ramp Facility may be located within any such  
22 planned development unless said Boat Ramp Facility was  
23 approved prior to final approval of the planned development  
24 and is shown on the approved land use plan for the planned  
25 development.

1           17. Provided, however, that the illustration of the  
2 Boat Ramp Facility Site on a plat shall not be deemed to  
3 create any public right to said site. Said Boat Ramp  
4 Facility Site shall be considered a private covenant and  
5 restriction and be a covenant running with the land,  
6 enforceable by the individuals in the subdivision. This  
7 subsection shall survive any repeal of this Ordinance.

8           18. Overnight mooring, beaching or storage of boats  
9 shall be prohibited at any Semi-Private Boat Ramp Facility  
10 Site.

11           19. Restrooms at Semi-Private Boat Ramp Facilities  
12 are encouraged.

13           20. There shall be no more than one Boat Ramp per  
14 subdivision or planned development (in the event there is no  
15 subdivision).

16           21. All Semi-Private Boat Ramp Facilities shall  
17 have at least one trash receptacle.

18           22. All parking, refuse, and restrooms shall be  
19 designed in a manner consistent with the surrounding land  
20 uses.

21           23. Landscaping, screen walls and any other  
22 available measures to reduce noise impacts shall be part of  
23 the design of all Boat Ramp Facilities.



1           24. A "No Wake" sign shall be posted at all Boat  
2 Ramp Facilities requiring no wake within a 100-foot radius of  
3 the Boat Ramp Facilities, notwithstanding whether a skier is  
4 being dropped off or picked up.

5           C. Additional Design Criteria. Any Commercial Boat  
6 Ramp Facility shall be subject to the Orange County Site  
7 Development Ordinance (Ordinance Number 86-20 as codified in  
8 Sections 30-236 through 30-282 of the Orange County Code, as  
9 same may be amended and replaced from time to time).  
10 Preference will be given to gravel, turf-block pavers or  
11 other like pervious material which, in the opinion of the  
12 County Engineer, can support parking. Further, any Public or  
13 Commercial Boat Ramp Facility shall, in addition to the  
14 foregoing, be subject to the following minimal design  
15 criteria:

16           1. Boat Ramp Size -

17           a. Width: Single lane 12-15 feet in width.  
18           For additional lanes, use multiples thereof;  
19           example, double lane would be 30 feet in  
20           width.

21           b. Length: The surface of the ramp should be  
22           paved down to an elevation of 5 feet below  
23           the lowest recorded water elevation and 2  
24           feet above the normal high-water elevation.

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2. Boat Ramp Slope - A minimum of 10 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 -
  - a. Boat Ramp shall have a wheel stop to prevent the boat trailer from backing off of Boat Ramp.
  - b. All shoreline alterations shall be stabilized. For purposes of this Ordinance, 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.
  - c. 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 unless modified by an appropriate variance.

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6. Maneuverability -

a. Boat Ramps shall have an approach area for maneuvering and backing, extending at least 40 feet from the landward end of the Boat Ramp.

b. The approach area shall be designed to allow a vehicle to approach the Boat Ramp at a horizontal angle no greater than 30° from center line of the Boat Ramp.

7. Parking -

a. No more than: (1) 30 "vehicle and trailer" spaces; and (2) 3 "vehicle only" spaces, shall be allowed on one acre of a Boat Ramp Facility Site. Provided, however that two "vehicle only" spaces may be substituted for any one of the "vehicle and trailer" spaces permitted under this provision.

b. Parking spaces shall be depicted on the Site Plan submitted by the applicant and must demonstrate, to the satisfaction of Orange County, that there is ample room for safe circulation of the maximum number of vehicles and connected trailers proposed to be parked at the Boat Ramp Facility Site.

1 8. Locational Criteria - In order to minimize  
2 scouring of sediments and destruction of  
3 littoral zones, navigable water access must  
4 exist at all times from the water end of the  
5 Boat Ramp.

6 D. Public Hearing and Appeals Procedure.

7 1. Review Criteria. Upon submitting the items  
8 required in subsection A of this subpart, which items  
9 evidence compliance with subsection B or, if applicable,  
10 subsection C of this subpart, the Environmental Protection  
11 Department shall forward copies of the application and upon  
12 review, shall forward its recommendation to the Orange County  
13 Planning, Zoning and Engineering Departments and any affected  
14 Lake Advisory Board (including an MSTU) or committee created  
15 by Special Act or municipality. Within thirty (30) days of  
16 receipt of a completed application, the Environmental  
17 Protection Department shall request scheduling of a public  
18 hearing before the Board to consider issuance or denial of a  
19 Boat Ramp Facility Permit, which hearing shall be held no  
20 later than 45 days from the date of request. Prior to said  
21 public hearing, the Environmental Protection Department shall  
22 recommend issuance or denial of the permit, considering the  
23 shoreline configuration, depth, surface area, and trophic  
24 condition of the water body whereon the Boat Ramp Facility is  
25 proposed, in conjunction with the following criteria:  
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1 a. The potential number of additional users  
2 of the waters that would result from approval of the Boat  
3 Ramp Facility;

4 b. Number of existing Boat Ramps and similar  
5 recreational uses on the waters and the extent to which such  
6 existing Boat Ramps and similar recreational uses to the  
7 waters are available to the public;

8 c. Noise impacts on residents living directly  
9 adjacent to the waters;

10 d. The impact that the proposed Semi-Private  
11 Boat Ramp Facility will have on that adjacent area; it is the  
12 intent of this subsection that strong preference be given to  
13 proposed Semi-Private Boat Ramp Facilities located on  
14 internal lots, as opposed to corner lots in a subdivision;

15 e. Whether the fish, wildlife, flora and  
16 fauna, including endangered or threatened species (as those  
17 threatened or endangered species may be defined from time to  
18 time by the applicable local, state, or federal laws and  
19 regulations) or their habitats will be adversely affected;

20 f. Whether the Boat Ramp Facility will  
21 adversely affect navigation, water quality, water flow, or  
22 cause harmful erosion, shoaling, or sediment resuspension;

23 g. Whether there exists a navigable passage  
24 from the Boat Ramp Facility to the waters;

1                   h. Whether the ecological balance of the waters  
2 will be adversely affected;

3                   i. Whether the Boat Ramp Facility will  
4 adversely affect significant historical and archaeological  
5 resources as defined by state law;

6                   j. Whether the Boat Ramp Facility will pose a  
7 hazard to normal vehicular traffic as a result of trailering  
8 vehicles leaving or entering roads;

9                   k. Whether the Boat Ramp Facility will pose a  
10 hazard to boating traffic on the waters, or otherwise  
11 adversely affect public safety, given the number of people  
12 using the waters, as well as the size, depth and shoreline  
13 configuration and natural contours (i.e. existence of a cove,  
14 blindspot, etc.) on the subject waters;

15                   l. If there is existing Unrestricted Public  
16 Access to the waters whereon the Boat Ramp Facility is  
17 proposed, the applicant must further demonstrate the need for  
18 additional access to the waters considering in part:

19                   1) The number of existing Boat Ramps on  
20 the subject waters;

21                   2) The number of existing Boat Ramps on  
22 any adjoining waters connected to the subject waters by any  
23 waters capable of passage by any watercraft; and

24                   3) The distance from the proposed Boat  
25 Ramp Facility to any existing Boat Ramp on the same waters.  
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1                   m.   Whether the proposed Boat Ramp Facility  
2 would adversely affect areas of special concern, including,  
3 but not limited to, Outstanding Florida Waters, wetlands,  
4 areas which provide habitat for endangered or threatened  
5 species (as those endangered or threatened species may be  
6 defined by applicable local, state or federal law or  
7 regulations) and Conservation Areas as defined by, and in  
8 accordance with, the Orange County Conservation Ordinance No.  
9 89-8, as amended.

10                   n.   Interrelationship and organization of  
11 multiple uses of the water body that is the site of the  
12 proposed Boat Ramp Facility, including:

13                   (i)   Whether portions of the lake surface  
14                   have been designated for different  
15                   activities;

16                   (ii) Whether the type of boating has been  
17                   designated over the entire lake (i.e.  
18                   non-power boating only);

19                   (iii) Whether certain uses of the lake have  
20                   been restricted to certain times of  
21                   the day;

22                   (iv) Whether no-wake areas have been  
23                   established around shoreline fishing  
24                   areas, swimming areas or existing boat  
25                   ramps;

1 (v) Whether a speed limit has been  
2 established on the lake; and  
3

4 o. How the proposed Boat Ramp will affect  
5 existing uses of the water body which is the site of the  
6 proposed Boat Ramp Facility.

7 2. Notice of Public Hearing. The Board shall set  
8 a public hearing and publish notice of such public hearing  
9 one (1) time in a newspaper of general circulation in Orange  
10 County at least two (2) weeks prior to said public hearing.  
11 Said notice shall state the development proposed to be made,  
12 the legal description of the area in which the development is  
13 to be made, a general description of the area involved. The  
14 Board shall further cause notices to be sent by mail or  
15 personal service (in substantially the form as required to be  
16 published in a newspaper as hereinbefore provided) to all  
17 affected municipalities or other public agencies, any  
18 affected Water Management District, and any affected Lake  
19 Advisory Board (including an MSTU) or committee as created by  
20 Special Act.

21 The Environmental Protection Official shall notify the  
22 applicant of the date and time of the public hearing and  
23 shall direct the applicant to post the property with a notice  
24 of the public hearing. The applicant shall place the notice  
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1 in a conspicuous and easily visible location on the subject  
2 property at least thirty (30) days prior to the public  
3 hearing.

4 The Environmental Protection Official shall further  
5 direct that the applicant give notice to any upland property  
6 owners within a 500 foot radius of any upland property line  
7 of the proposed Boat Ramp Facility Site (for private Boat  
8 Ramp Facilities). In the case of an application for a public  
9 or Commercial Boat Ramp Facility, or Semi-Private Boat Ramp  
10 Facility where launching of motorized boats would be allowed,  
11 the notice to the following upland owners is required: (1)  
12 if the proposed Boat Ramp Facility is on a lake, those upland  
13 owners on the lake whereon the proposed Boat Ramp Facility is  
14 to be located; or (2) if the proposed Boat Ramp Facility site  
15 is on a canal or similar impoundment all upland owners on  
16 both the canal and nearest lake which is navigably accessible  
17 from the canal. No less than four (4) weeks prior to the  
18 public hearing, the applicant shall be required to mail such  
19 notice of the hearing regarding the proposed Boat Ramp  
20 Facility to the required upland owners by certified mail,  
21 return receipt requested to the Orange County Environmental  
22 Protection Department. Alternatively, the applicant shall  
23 provide, at least three (3) weeks prior to the public  
24 hearing, a notarized affidavit attesting that written notice  
25 to each such upland owner has been hand delivered.  
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1           The Board, at the public hearing, shall hear any  
2 individual who wishes to speak for, or against the  
3 recommendation made by the Orange County Environmental  
4 Protection Department to the Board with regard to whether or  
5 not the proposed Boat Ramp will materially affect any of the  
6 rights and interests of the public, considering the criteria  
7 set forth in the foregoing section of this Ordinance, and  
8 shall either approve or deny the recommendations of the  
9 Orange County Environmental Department with regard to  
10 issuance of the permit. The Board hereby expressly delegates  
11 to the Orange County Environmental Department the authority  
12 to make such recommendations, as well as any recommendations  
13 pertaining to variance requests to the Board.

14           3. Variance. Any request for a variance from the  
15 requirements of this Ordinance shall be considered by the  
16 Board at the public hearing and granted only if the Board  
17 finds that extraordinary hardship would result from strict  
18 compliance with the provision. The Board shall consider the  
19 recommendation of the Environmental Protection Official with  
20 regard to any such variance request as well as any hardship  
21 that may be imposed on the public or affected parties by  
22 granting the variance.

23           4. Appeals Procedure. Any person who is aggrieved  
24 by the Board's ruling on the issuance or denial of a Boat  
25 Ramp Facility Permit may file an appeal of said decision in  
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1 accordance with the appeal procedures set forth in Section  
2 30-46 Orange County Code as that section may be amended and  
3 replaced from time to time.

4 If no appeal is filed within the time period  
5 set forth in Section 30-46 of the Orange County Code, the  
6 Environmental Protection Department shall issue an applicant  
7 a Boat Ramp Facility Permit upon a finding by the Board of  
8 County Commissioners at the public hearing that such a permit  
9 should be granted.

10 5. Building Permit Requirement. Upon being  
11 granted a Boat Ramp Facility permit by the Board, the  
12 applicant may begin construction of the Boat Ramp Facility,  
13 provided that he has obtained the required building permits  
14 for any structure which is part of the Boat Ramp Facility and  
15 is otherwise in compliance with all other applicable local,  
16 state or federal regulations.

17 6. Compliance With Other Laws and Regulations.  
18 Unless specifically exempted herein, issuance of a boat ramp  
19 permit shall not excuse the permittee from compliance with  
20 any other applicable local, state or federal laws or  
21 regulations, including but not limited to local regulations  
22 pertaining to vegetation removal.

23 Section 6. Penalties; Enforcement.

24 A. If the Environmental Protection Official or his  
25 agent determines that the Boat Ramp Facility, or any  
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1 structure constructed in conjunction therewith, has been  
2 constructed without prior approval or not in accordance with  
3 these regulations or the applicable zoning criteria, he shall  
4 promptly issue a written notice of violation to the offending  
5 person; provided, however, that the Orange County Planning  
6 Department shall issue a notice of violation when a Boat Ramp  
7 is in violation of the Orange County Conservation Ordinance.  
8 The notice of violation shall include a description of the  
9 site where the violation has occurred, cite the provisions of  
10 these regulations, or other applicable laws which have been  
11 violated, and set forth the required remedial action or  
12 actions to be taken as deemed reasonable and necessary by the  
13 County. Such remedial action may include restoration of  
14 damaged topography; re-vegetation of the site to comply with  
15 applicable local, state or federal laws or regulations;  
16 replacement of affected wildlife habitat; payment of all  
17 permit and inspection fees, revocation of an existing permit;  
18 mitigation; enhancement, or any other actions consistent with  
19 the intent of these regulations or other applicable laws (as  
20 they may be amended from time to time) in order to ameliorate  
21 the adverse impacts of unpermitted or improperly conducted  
22 activities.

23 B. Violation of these regulations or the conditions of  
24 any permit issued pursuant to these regulations shall  
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1 constitute a violation of any special act, as amended, that  
2 may be applicable to the area in which the violation has  
3 occurred. The Board may use any remedies and seek any  
4 penalties provided in said special acts, as amended, in  
5 addition to any remedies available in law or in equity.

6 C. Any person who shall violate the provisions of this  
7 Ordinance or any conditions imposed as a part of a permit  
8 issued pursuant to this Ordinance shall be subject, upon  
9 conviction in a court of competent jurisdiction, to a fine  
10 not exceeding the sum of five hundred dollars (\$500.00), or  
11 imprisonment in the County Jail for a term of up to sixty  
12 (60) days, or both. Each day during which any portion of  
13 which a violation is committed shall constitute a separate  
14 offense and shall be punishable as provided herein.

15 D. No person shall, prior to issuance of a Boat Ramp  
16 Facility permit by Orange County and the termination of all  
17 applicable appeal periods, advertise or represent the  
18 existence of a Boat Ramp, Boat Ramp Facility or Boat Ramp  
19 Facility Site. Said violation shall be subject to  
20 prosecution by the Orange County Code Enforcement Board in  
21 accordance with applicable regulations. Each day that the  
22 advertisement or representation is in effect shall constitute  
23 a separate violation. Provided, however, that no code  
24 violation shall exist, if said representation or  
25 advertisement includes an express disclaimer that the  
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1 proposed Boat Ramp Facility Site is contingent on County  
2 approval and compliance with all applicable laws and  
3 regulations. Said fine shall continue to run until written  
4 revocation of any such representations is made or, in the  
5 case of an advertisement, upon issuance of a corrective  
6 advertisement in substantially the same medium, to  
7 substantially the same audience, and with substantially the  
8 same frequency as the initial advertisement.

9 Section 7. Liberal Construction. The provisions of  
10 this Ordinance shall be liberally construed to effectuate of  
11 its purposes.

12 Section 8. Conflict. As of the effective date of this  
13 ordinance, Article VI of the Orange County Code entitled  
14 "Pumping and Dredging Control"; the special act which created  
15 the Windermere Water and Navigation Control District (Ch.  
16 63-1711, Laws of Florida); and the Special Act creating the  
17 Lake Conway Water and Navigation Control District (Ch.  
18 57-1643, Ch. 59-1649 and Ch. 67-1819, Laws of Florida), as  
19 each may be amended and replaced from time to time, shall no  
20 longer apply with respect to the permitting and regulation of  
21 Boat Ramp Facilities. To the extent that the provisions of  
22 this ordinance conflict with any other state or federal law  
23 or regulations, the most restrictive laws or regulations  
24 shall apply; provided, however, that this Ordinance shall  
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1 supercede any local regulations or Special Acts with which it  
2 conflicts.

3 Section 9. Severability. If any provision of this  
4 ordinance or the application thereof to any person or  
5 circumstance is held invalid, the invalidity shall not affect  
6 other provisions or applications of the ordinance which can  
7 be given effect without the invalid provision or application,  
8 and to this end the provisions of this ordinance are declared  
9 severable.

10 Section 10. Effective Date. This ordinance shall take  
11 effect pursuant to general law.