

**Sec. 3-9-65. Boating Structures**

**(a) General**

- (1) For the purposes of this section, boating structures shall include all boat docks, boat ramps, boat lifts, marine elevators, pilings, boat shelters or other structures as determined by the Zoning Official or his/her designee. Where non-commercial boat docks are constructed as the principal use on a vacant property, accessory uses and structures with the exception of fences and walls shall not be allowed under this principal use.
- (2a) No boating structures docks, boat houses or boat lifts, covered or uncovered, shall be constructed without the issuance of a building permit.
- (e3) No such boating structures shall be permitted in the waters of the Gulf of Mexico.
- (4) Boating structures are required to meet the minimum side yard requirement set forth in the zoning district in which the property is located except as otherwise permitted in this section.
- (5) At the end of canals boating structures must remain within an area determined by extending a line from each corner of the canal on a 45 degree angle to the mid point of the canal. Where two properties share a property line at the end of a canal the property line will extend in to the canal to establish division between the properties.
  - (a) Boating structures at the end of canals with less than 75 feet of water frontage must maintain a 10% side setback as determined by the portion of the property that abuts the water.
- (6) Unwalled roofed areas or boat shelters are permitted on boating structures provided the overhang extends no more than two feet seaward of the permitted dock or boat lift conforming piers, docks or wharves, provided that no part of such structures shall extend further seaward than a permitted dock or wharf.
- (7) All mooring pilings, docks, lifts and exposed boat lift cradles located in a canal more than 15 feet seaward of the seawall or mean high waterline shall be marked with white or yellow reflectors, and the top three feet shall be painted white. Docks extending more than 15 feet seaward of the seawall or mean high water line shall be required to mark only the two outermost pilings with reflectors.
- (8) No boating structures shall fall within a State Sovereign Submerged Land easement granted to the County unless approved by the County.
- (9) No boating structures shall impede safe navigation nor shall any such structures extend into the navigable channel.
- (f10) This section, except that portion requiring a building permit, shall not apply to structures within a three-sided marina-basin, provided, however, that all three (3) sides of the marina-basin and the underlying marina-basin bottom land are under unitary ownership and control.
- (11) If the requirements of this section cannot be met, an application for a Special Exception may be filed in accordance with the procedures of Section 3-9-6.2, Special Exceptions.

**(b) Boating Structures on Waterbodies**

- (b1) In natural bodies of water, including those which have been altered or dredged, such no boating structures shall not be erected or watercraft moored nearer to the centerline of an open water span or edge of marked channel than fifteen (15) feet, nor shall any structures extend

from the mean high waterline more than ~~ten (10)~~25 percent of the open water span at the point of installation, or less than fifteen (15) feet from the centerline of the open water span or edge of marked channel, whichever is less. The edge of the marked channel shall be considered the straight line drawn between successive channel markers. ~~The open water span shall be measured from seawall to seawall or mean high waterline to mean high waterline at point of installation.~~

- (2) On man-made bodies of water, such structures shall not extend further seaward than the lesser of ten (10)25 percent of the open water span or twelve (12)25 feet from the mean high waterline or seawall at the point of installation, whichever is less. ~~Unwalled roofed areas or boat shelters are permitted on conforming piers, docks or wharves, provided that no part of such structures shall extend further seaward than a permitted dock or wharf.~~
- (3) Signs prohibiting mooring shall be posted on the seaward end of any boat structure that extends the maximum length into a waterbody as permitted in this section.
- (4) The open water span shall be measured from seawall to seawall or mean high waterline to mean high waterline at point of installation. County staff will verify the open water span of a water body at the applicant's request with a review fee.
- (5) Boating structures shall be designed to prevent or minimize impacts to grass beds and other biologically productive bottom habitats. Where a boating structure is in conflict with subsections (b) (1) or (2) of this article, an extended length may be permitted where necessary to prevent impacts to grass beds and other biologically sensitive bottom habitats. A benthic survey prepared by an environmental professional may be required by the Zoning Official or his/her designee.
- (6) The length of boating structures shall be sufficient to provide for a minimum water depth of minus four (-4) feet mean low water. Where a boating structure is in conflict with subsections (b)(1) or (2) of this article, an extended length may be permitted where necessary to obtain minus four (-4) feet mean low water. A bathymetric survey verifying sufficient depth shall be required from a licensed professional.
- (7) A water depth of less than minus four (-4) feet mean low water may be permitted if it can be demonstrated that the lesser depth will not result in boat impacts to sensitive bottom communities.

**(c) Boat Ramps**

- (1) In the event separate access is created for a boat ramp from a public right-of-way, a permitted driveway apron must be built in accordance with the requirements of the Charlotte County Code of Ordinances.
  - (2) Seawall removal in conjunction with boat ramp construction must be done in accordance with the requirements of the Charlotte County Code of Ordinances.
  - (3) Boat ramps are required to meet a minimum side yard setback of six feet in all zoning districts.
  - (4) Boat ramps in residential zoning districts shall not be used for commercial purposes.
- ~~(d) No pilings or other mooring devices shall extend further seaward in a man-made canal than the lesser of twenty-five (25) percent of the width of the canal or twenty-five (25) feet. All pilings and other mooring devices located in a canal more than fifteen (15) feet seaward of the seawall or mean high waterline shall be marked with red or yellow reflectors or other acceptable reflectorized markings and the top three (3) feet thereof shall be painted white.~~

**Cross reference**— Boats, docks and waterways, Ch. 3-1. & Article XV. Surface Water and Wetland Protection, Sec. 3-5-348. Standards.