

4.37 LAUNCHING RAMPS, BOAT DOCKS, OBSERVATION DECKS

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT (the "District") may at its discretion permit construction of Launching Ramps, Observation Decks and Piers within its right-of-way or on its property provided such improvements satisfy the following design and structural standards and do not otherwise interfere with or unreasonably impede the function and operation of the Works of the District. Applicants for such permits shall follow the procedures outlined in this Policy:

1. LAUNCHING RAMPS

- a) **Definition:** An artificial, hardened or paved slope created in the embankment to a lake or canal for the purpose of providing ingress and egress for boats to a water body.
- b) Private launching ramps shall be prohibited in District lakes and canals.

2. OBSERVATION DECKS

- a) **Definitions** (for illustration, see attached **Exhibit "4D"**)
 - (1) **Observation Deck** - A man-made small platform elevated above the mean water level, used for non-boating, recreational purposes.
 - (2) **Water Surface Width** – The width of the water surface of a canal is calculated by measuring the distance between two points of a canal at the water surface. The first point is on one bank of the canal, and then measured at a 90-degree angle directly to a second point on the bank of the canal on the other side.
 - (3) **Control Elevation** – The elevation at which water can be maintained at a weir, according to the District's SFWMD permit.
 - (4) **Benchmark Elevation** – A mark on a permanent object indicating elevation and serving as a reference in topographic surveys.
 - (5) **Top of Bank** – The change in the canal topography between the higher flat maintained portion of the canal right of way and the canal slope.
 - (6) **Piling** – A column of wood, steel or concrete that supports an observation deck, dock or pier.
 - (7) **Canal Slope** – The declined surface on the canal bank from “top of bank” to water surface. Slope can be expressed as a ratio of the vertical distance over the horizontal distance.
 - (8) **Backwater Profile** - The term applied to the profile of the upstream (i.e., behind) water surface of a weir in a canal. The term describes how water backs up behind a weir during high-flow conditions, causing the water level in the canal to rise or “stack up” higher the farther upstream from the nearest downstream weir.

- b) Observation Decks in District canals and lakes may be permitted provided they meet the District’s design and location criteria and satisfy all applicable district, county, state and federal permit requirements. Applications will be reviewed on a case-by-case basis.
- c) Observation Decks shall only be permitted on canals, lakes or water management tracts having a Water Surface Width at the Control Elevation of thirty (30) feet or more.
- d) **Basic design criteria** – Before construction commences on an Observation Deck, the applicant shall satisfy the following design standards and obtain all necessary approvals in each of the following three (3) review and permitting phases:

- (1) **District Threshold Review Phase** – The applicant shall supply to the District a preliminary site plan or sketch of the proposed Observation Deck, drawn to scale on a signed and sealed survey. The survey shall identify the two (2) rear property corners and establish a benchmark elevation on the rear center line of the property.

After review of the information supplied by the applicant, District staff will determine if the proposed Observation Deck can meet the following threshold site design requirements (see **Exhibit 4D**). If it cannot, the application will be denied:

- i. The finished top of the floor of the Observation Deck shall be at the same elevation as the “Top of Bank” of the District’s immediately adjacent right-of-way.
- ii. The total width of the Observation Deck shall not exceed fifteen (15) feet.
- iii. The total length of the Observation Deck shall not exceed five (5) feet from the Top of Bank.
- iv. Pilings supporting the Observation deck may be placed in the canal embankment, but shall not be placed in the water (based on Control Elevation).
- v. Observation Decks may be built on lake or Canal Slopes of between 1/1 (0.0 degrees) and 1/3 (22.5 degrees).
- vi. The elevation of the outermost piling supporting the Observation Deck shall be no less than the Control Elevation at the immediate downstream weir. In addition, if the proposed Observation Deck is more than one quarter (0.25) mile from a weir, the elevation of the outermost piling shall also be increased to reflect the canal’s Backwater Profile.
- vii. Unless located on a lake, Observation Decks shall be prohibited within six hundred feet (600’) of a control structure or culvert.

- (2) **District Permit Application Phase** (see Policy Guideline 4.37.4)

- (3) **Lee County Permitting Phase** (see Policy Guideline 4.37.5)

3. PIERS AND DOCKS

- a) **Definition:** A man-made platform extending from a shore over water supported by piles or pillars and used to moor, secure, protect, and provide access to boats or for recreation. A Pier shall include the term "Dock".
- b) Piers are prohibited in District canals, but may be permitted in lakes, subject to compliance with the following design standards and application requirements.
- c) **Basic design criteria** - Before construction commences on a Pier, the applicant shall satisfy the following design standards and obtain all necessary approvals in each of the following three (3) review and permitting phases:

(1) **District Threshold Review Phase** – The applicant shall supply to the District a preliminary site plan or sketch of the proposed Pier, drawn to scale on a signed and sealed survey. The survey shall identify the two (2) rear property corners and establish a benchmark elevation on the rear center line of the property. After review of the information supplied by the applicant, District staff will determine if the proposed Pier can meet the following threshold site design requirements. If it cannot, the application will be denied:

- i. The finished top of the Pier structure shall be the two (2) feet above the control elevation of the weir immediately downstream of the dock or pier.
- ii. The length of a Pier shall not exceed:
 - [a] On lakes less than 100 feet in width, Piers are prohibited.
 - [b] On Lakes greater than 100' but less than 150 feet in width, fifteen (15) feet.
 - [c] On lakes greater than 150 feet in width, twenty-five (25) feet.
- iii. The maximum width of a Pier shall be ten (10) feet.
- iv. No element (stairs, ramps, etc.) of a Pier may be located closer than twenty-five (25) feet from an adjacent property line.
- v. Floating docks may be permitted, providing that they are attached to permanent pilings and constructed of approved materials. Floatation units must be constructed of materials that will not be waterlogged, are resistant to damage by animals and will not sink or contaminate the water if punctured. Approved materials include extruded polystyrene, polyethylene and expanded polystyrene that is encased with a protective coating resistant to cracking, peeling or deterioration from ultra violet rays.

(2) **District Permit Application Phase** (see Policy Guideline 4.37.4).

(3) **Lee County Permitting Phase** (see Policy Guideline 4.37.5).

4. LA-MSID OBSERVATION DECKS AND PIERS APPLICATION PHASE –

Permits to construct Observation Decks or Piers that satisfy the District's threshold review criteria shall be subject to the following additional requirements:

- a) Prior to issuance of District permit, the applicant shall provide to the District:
 - (1) A certificate of insurance listing the District as an additional named insured in an amount of coverage equal to the applicant's standard homeowner's liability coverage or \$300,000, whichever amount is greater, which insurance coverage shall be continuously maintained. An original certificate of insurance indicating renewal shall be provided to the District no later than February 1st of each year.
 - (2) A fully executed indemnification in the form attached as "**Exhibit 4-E**", which indemnifies and holds harmless the Lehigh Acres Municipal Services Improvement District, its officers, employees or agents from any liability arising from use of the permitted Observation Deck or Pier.
 - (3) Certification of title in a form satisfactory to the District that the applicant is the current owner of record of the property to which the Observation Deck or Pier is accessory. Certification shall include a complete legal description of the property and a copy of the deed of record showing the applicant(s) to be the owner(s).
 - (4) A land survey or sketch of the property showing the proposed location of the Observation Deck or Pier in reference to the property lines and the water's edge.
 - (5) Copies of drawings showing the type of construction and materials to be used. Construction shall comply with the requirements of the Florida Building Code, the Lee County Land Development Code and other appropriate laws and ordinances. The permittee is entirely responsible for the structural design of the Observation Deck or Pier. By the issuance of a permit, the District does not review or certify structural adequacy in any way. Receipt of a District permit does not replace the need for or guarantee the issuance of permits by any other Governmental entities.
 - (6) A permit review fee in the amount of \$525 for a new application and in the amount of \$375 for a 10-year renewal.
- b) Issuance of a District permit shall be subject to the following terms and conditions:
 - (1) The permittee shall not begin construction until LA-MSID receives an issued Lee County permit for the deck, dock or pier and subsequently issues a "Notice to Proceed".
 - (2) The permittee or its successors in interest shall maintain, to a level acceptable to the District, the entire right of way and slope behind the property.
 - (3) The proposed works shall not block or interrupt District vehicular access along the canal, lake or drainage/water management system right-of-way.
 - (4) The permittee or its successor in interest shall keep pilings and or posts free of debris.

- (5) The maximum term of the permit shall be ten (10) years. Upon expiration, the permittee may request renewal for another term of ten (10) years provided that the permittee:
- i. Submits a certification from a general contractor licensed in the appropriate county that the Observation Deck or Pier maintains its structural integrity and remains safely constructed; and
 - ii. The permittee is otherwise in compliance with applicable District policies and any conditions of approval.

- (6) The District reserves the right to revoke the permit and require the Observation Deck or Pier to be removed at the owner's expense if at any time:
- i. The permitted facility is not properly maintained and becomes a hazard to public safety or health, or
 - ii. Removal is required due to improvements to the water body (i.e. widening, re-sloping, etc), or
 - iii. Required insurance coverage is not maintained, or if
 - iv. The permit has expired and no application for renewal is received within forty-five (45) days of the date thereof.

- (6) The District reserves the right to remove an Observation Deck or Pier if any of the terms or conditions of the permit are not satisfied, the costs of which removal shall be assessed to and borne by the permittee.

5. LEE COUNTY APPLICATION PHASE – Applicant shall obtain all required Lee County permits prior to construction.

6. LIMITED "GRANDFATHERING" OF EXISTING, UNPERMITTED OBSERVATION DECKS AND PIERS – Unpermitted Observation Decks or Piers in existence on August 20, 2012 and shown in the Lee County Property Appraiser's 2012 aerials may remain in place as long as the property owner files and continuously maintains an application for a District permit pursuant to this Policy Guideline. This grandfathering application and full fee of \$250 shall be filed no later than March 31, 2013, when this program under section 6 will expire. Provided that issuance of a permit would not perpetuate or create a threat to public health or safety or interfere with the operation of District facilities, the following design criteria applicable to "grandfathered" Observation Decks or Piers may be waived or modified by the Board of Commissioners on a case-by-case basis:

- a) Elevation of the deck or pier,
- b) Size of the deck or pier,
- c) Width of the available maintenance right-of-way, and
- d) Distance from control structures (weirs)