

SECTION 9
PERMITTED USES WITHIN LAKES, CANALS, OTHER WATER BODIES AND
EASEMENT AREAS

9.1 GENERAL

Any use of a lake, canal, or other water body or District Easement within the jurisdictional boundaries of the District shall be limited and restricted as outlined within this Section. A permit shall be obtained from the District prior to the construction of any docks, decks, boat storage areas, electrical installations, bulkheads, seawalls, fences, pavers, sprinkler intake lines larger than 2”, etc. within the easements, lakes, canals, other water bodies or water management areas of the District. The District will review each application on its own merits and determine its impact on the water management works of the District. The applicant shall submit a current sealed survey of the property with each application. The survey shall indicate the existing edge of water, easements, drainage structures, horizontal and vertical location of the control elevation and top of bank and all necessary topography. Along with the survey, the applicant shall submit a copy of the property owner’s recorded warranty deed, a homeowners association authorization letter, where applicable, and the associated permit fee. An Indemnification and Hold Harmless Agreement will be required with all applications for docks, decks, boat storage areas, electrical installations, bulkheads/seawalls and sprinkler intake lines larger than 2 inches in diameter. For all improvements requiring an Indemnification Agreement, engineering drawings shall be submitted on 11 inch x17 inch paper or smaller. The proposed improvement(s) shall be dimensioned and located on the survey in relation to the property lines.

9.2 LAKES AND WATER BODIES

The use of all water bodies within the jurisdictional boundaries of the District shall be strictly limited to drainage, storage, retention, and flowage unless otherwise noted within this Regulations, Standards, Procedures and Design Criteria Manual. Water bodies shall include all lakes, canals, ponds, wetland mitigation areas, and channels that hold water, or are designed and intended to hold or convey water, for the purposes of water management and drainage.

The use of gasoline powered motors/engines on boats or personal water craft is strictly prohibited within District water bodies, except for use by District staff for maintenance and operational purposes, by law enforcement agencies for relevant and appropriate purposes, or by an approved, private lake maintenance company. Furthermore, gasoline, motor oil or other flammable liquids shall not be stored in any District easement area.

The following rules shall apply to all boats and personal water craft:

- The use of non-motorized boats or personal water crafts such as canoes, sail boats, kayaks, paddle boats, etc. shall be permitted within District water bodies, unless otherwise prohibited by municipal, neighborhood, community or other regulations.
- The individual(s) who operates a boat or personal water craft within the District shall be solely and completely responsible for the proper use and safety of said boat or personal water craft. Furthermore, the District shall not be liable for any damages, to either one's person or property, resulting from an individual's use of a boat or personal water craft within the jurisdictional boundaries of the District.
- All boats and personal water craft shall be properly secured at all times.
- The District shall have the right to remove any boat or other personal water craft that becomes dislodged or is otherwise unsecured within a water body in the District's jurisdictional boundaries. Furthermore, the District will not be liable for any damage caused to a boat or other personal water craft resulting from the District's efforts to remove the boat or personal water craft from the water body.
- The use of the District's boat ramps by anyone other than District staff, law enforcement personnel, or an approved, private lake maintenance company is prohibited.
- No boats or personalized water craft in excess of 18 feet in length shall be stored on lakes or Lake Maintenance Easements.

No property owner, company, corporation, limited partnership, etc. shall have the right to use a District owned water body for any monetary or other personal gain without prior approval from the District Board of Commissioners.

The District may allow private, lake maintenance companies to access lakes and other water bodies within the District for purposes of maintenance and/or treatment of aquatic vegetation, provided that the private, lake maintenance company is properly registered with the District. Any private, lake maintenance company performing work within the jurisdictional boundaries of the District shall be properly licensed and insured to perform such work, and shall provide copies of their current license and insurance to the District. Before commencing maintenance or treatment of aquatic vegetation as provided herein, the applicator shall complete and submit to the District the “Private Aquatic Plant Applicator’s Registration Form”, a copy of which is included in this Manual as Exhibit 28.

Private beaches shall not be permitted within District easement areas. Public beach areas may be permitted upon approval by the District Board, and execution of an Indemnification and Hold Harmless Agreement.

9.3 DOCKS

Docks may be floating or fixed and shall only be constructed within lakes that are approved for said docks by the District. A complete engineering design for floating or fixed docks shall be submitted to the District for review. Docks will not be permitted in primary or secondary canals or in water bodies that are less than 100 feet in width. Docks shall not extend more than 20 feet into the lake as measured from the waters edge at the basin control elevation. The maximum width of docks shall be 20 feet, but in no case shall the surface area be greater than 200 square feet. The lowest member of fixed docks shall be a minimum of 2 feet above the basin control elevation. **There shall be no electric service allowed on docks** that are permitted by the District. There shall be no more than one (1) dock per lot. Docks shall have no walls or overhead attachments but may include railings. Docks shall not encroach into the side yard setback for primary structures located on the property, extended to the waterline. Wood docks shall be constructed of pressure treated lumber with galvanized, stainless steel or other corrosion resistant hardware.

Floating docks shall be allowed providing that they meet the criteria of fixed docks as related to setbacks and dimensions. The submittal shall include the design of the dock, the construction detail and the proposed mooring system. Details shall also be submitted that indicate the shoreline treatment and what provisions are included that allow for changes in water elevation.

9.4 DECKS

A deck is a structure constructed on the land side of the basin control elevation water line with no walls or overhead attachments. However, railings may be included as part of the structure. Decks as defined herein may only be permitted adjacent to a lake on which the Board and/or the Director has approved the installation of the structures. When decks are approved adjacent to a lake, they may cover no more than twenty-five percent (25%) of the rear yard area of the lot or property that is located between the side property line setbacks. Decks shall not be constructed within the side property line setback area. Approvals or permits shall not be issued for decks that interfere with the normal operation and maintenance of the District's water body or water management system. All deck construction shall comply with the applicable governmental codes and standards. No electric service is permitted on the portion of the deck in the lake maintenance easement.

9.5 BULKHEADS AND SEAWALLS

All shoreline protection including bulkheads and seawalls shall have approval from the District prior to construction. No seawall or bulkhead shall be constructed beyond the horizontal location of the basin control elevation or beyond the property line. A complete sealed survey shall be submitted with the application that indicates the property line, the location of waters edge, the location of the water control elevation, the location of the lake deep cut line, and the location of the top of bank. The purpose of bulkheads or seawalls shall be to prevent erosion and not to fill the property and create more land. No seawalls or bulkheads will be permitted that interfere with the District's water management facilities, and no seawall or bulkhead shall have a cap elevation greater than 18 inches above the basin control elevation.

9.6 FENCES

All fences that encroach into an easement or water management area of the District will require a permit from the District prior to installation.

Fences that encroach into lake maintenance easements shall be chain link type material, aluminum, or PVC and shall be picket or rail type with no visual barriers or obstructed panels. No wooden fence material is allowed within a lake maintenance easement. The District recommends that fences that are installed perpendicular to a lake maintenance easement, encroach a minimum of 12 feet (measured from the top of the easement toward the water). It is also recommended that a 12 foot gate or removable panel be installed in this location. There are specific situations where the District will require a 12 foot access gate. A minimum 42 inch wide access gate is required in all fences that are within lake maintenance easements and running parallel to the waters edge.

Fences running perpendicular to a drainage easement and not encroaching into a lake maintenance easement may be constructed of chain link type material, wood, PVC or aluminum and shall have a minimum 42 inch access gate in that portion of the fence that crosses the easement. Board-on-board and shadowbox fences in drainage easements intended to be used as a drainage swale shall be constructed a minimum of 3 inches above the existing ground. Fences must not hinder the flow of water in an easement or maintenance access to any drainage structure. The permittee is responsible for the maintenance of the improvement. No fences shall be allowed within primary canal easements.

9.7 SPRINKLER INTAKE LINES

Sprinkler intake line floats, if required, must be 16 feet from edge of water and may not exceed 12 inches in diameter. Floats must not be made of metal. Sprinkler lines cannot be installed over drainage pipes or boat ramps. The slope of the sprinkler intake line shall follow the slope of the bank to a depth of 4 feet below the basin control elevation. Permittee is responsible for the maintenance of the improvement.

Individuals applying for sprinkler lines larger than 2 inches, must obtain a Water Use Permit from the South Florida Water Management District. Permittee is responsible for the maintenance of the improvement.

9.8 BOAT STORAGE AREAS

Boat Storage Areas (BSA) shall only be constructed above the basin control elevation. No walls or railings are permitted. BSA shall not exceed ten (10) feet in any dimension. No more than one (1) BSA shall be permitted on any lot. All BSA must be constructed at the same slope and top elevation as the adjacent ground. BSA may be constructed of brick pavers or poured concrete. Gravel, sand or similar materials shall not be acceptable. BSA may not be constructed in drainage easements or in side property line setback areas. No electric service is permitted within a BSA. Gasoline, motor oil or other flammable liquids shall not be stored in a BSA or in any SBDD easement area.

9.9 ELECTRICAL INSTALLATIONS

Electrical installations shall be permitted within SBDD Lake Maintenance Easement (LME) areas under the following conditions:

- Install a disconnect switch, painted red, mounted on a 5-foot high concrete column at the edge of the easement. This switch must cut power to all electric within the LME area.
- All circuits shall be protected with GFCI circuit breakers.
- All wire shall be installed in rigid PVC conduit, buried a minimum of 36 inches below grade.
- Commercial, marine grade products shall be used.
- All work shall be designed by a Florida Registered Professional Engineer or Architect.

- All work shall be permitted and installed by a licensed electrical Contractor (not the home owner).
- A permit from SBDD is required.

Electrical installations shall not be permitted within any other SBDD easement areas.

9.10 PAVERS

Brick pavers on a sand base (not set in concrete) shall be permitted to extend a maximum of 4 feet into a Lake Maintenance Easement or a Drainage Easement, provided that the slope of the pavers meets SBDD approval. No screen enclosures or overhead structures shall be permitted within the 4-foot easement encroachment area. A permit from SBDD to construct brick pavers in a SBDD easement is required.

9.11 LANDSCAPING

All District easement areas shall be kept free of trees, shrubs, hedges and other landscaping unless approved by the District. The District may allow existing landscaping to remain in District easement areas where drainage culverts are located, provided that the property owner verifies that the landscaping is not adversely impacting the drainage culvert. This verification shall be in the form of an approved inspection procedure, witnessed by the District, or certified by a Florida Registered Professional engineer, and shall be completed as part of the 5-year re-certification of the drainage system. See Section 3 for additional information on Easements, Dedications and Maintenance.