

## **ORDINANCE NO. O-24-07**

AN ORDINANCE AMENDING THE WINTER HAVEN CODE OF ORDINANCES, CHAPTER 10, SECTION 10-3, HIGHWATER MARKS, AND CHAPTER 21, ARTICLE II, DIVISION 3, SECTION 21-70, WATERFRONT PROPERTIES, FOR THE PURPOSE OF CLARIFYING HIGHWATER SETBACK MEASUREMENTS AND ELEVATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a proposed amendment to the Winter Haven Land Development Code, has been studied, documented, advertised, and heard by the Winter Haven Planning Commission; and

WHEREAS, the City Commission of the City of Winter Haven, Florida, finds that it is expedient to revise Chapter 10, Section 10-3 and Chapter 21, Article II, Division 3, Section 21-70 for the purpose of clarifying highwater setback measurements and highwater elevations; and

WHEREAS, the request implements requirements contained in Part II, Chapter 163 of Florida Statutes, and therefore is exempt from requiring a Business Impact Estimate as set forth by Chapter 2023-309, Laws of Fla. (CS/CS/SB 170 (2023)).

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER HAVEN, FLORIDA, AS FOLLOWS:

1. That Chapter 10, Section 10-3, Highwater Marks, of the Code of Ordinances of the City of Winter Haven, Florida is hereby amended to read as shown in Exhibit "A", attached hereto and made a part hereof.

2. That Chapter 21, Article II, Division 3, Section 21-70, Waterfront Properties, of the Code of Ordinances of the City of Winter Haven, Florida is hereby amended to read as shown in Exhibit "B", attached hereto and made a part hereof.

3. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this ordinance full force and effect.

4. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

5. It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City; and that sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter," "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, section of this ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not

affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

6. The correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

7. This ordinance shall become effective immediately upon passage on second reading.

INTRODUCED on first reading this 12<sup>th</sup> day of February, 2024.

PASSED on second reading this 26<sup>th</sup> day of February, 2024.

CITY OF WINTER HAVEN, FLORIDA

\_\_\_\_\_  
Nathaniel J. Birdsong, Jr.

ATTEST:

\_\_\_\_\_  
Vanessa Castillo, MMC, City Clerk

Approved as to form:

\_\_\_\_\_  
Frederick J. Murphy, Jr., City Attorney

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**Sec. 10-3. - Highwater marks.**

The highwater mark, which is the line of elevation around each of the lakes and waterways within or touching the limits of the city, is hereby established as follows:

Lake	Elevation (in feet)	Notes
Ashton	118.70	Former "Lake Myrtle"
Bess	125.50	
Buckeye	130.10	
<del>Cannon, Eloise, Hartridge, Howard, Idylwild, Jessie, Lulu, May, Mirror, Roy, Shipp, Spring, Summit and Winterset</del>	132.80	<del>"Chain of Lakes" (southern)</del>
Citrus	145.60	
<del>Conine, Haines, Rochelle and Smart</del>	129.70	<del>"Chain of Lakes" (northern)</del>
Cunningham	130.00	AKA "Crystal Lake #3"
Daisy	130.90	
Deer	141.30	
Dexter	132.20	
Elbert	137.50	
Fannie	127.00	
Fox	135.20	
Gem	140.90	
Gross	138.50	AKA "Grass" or "Grassy"
Hamilton (three)	122.50	Little, Middle & Hamilton

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Hart	124.70	
Henry	127.00	
Ida	136.70	
Idyl	134.00	
Link	128.70	
Lucerne	132.30	
Mariam	125.60	
Mariana	138.60	
Martha	142.50	
Maude	141.10	
Otis	128.70	
Pansy	130.00	
Reeves	125.10	AKA "Coon Lake"
River	141.60	
Round	129.40	
Ruby	125.50	
Silver	147.30	

<u>Lake</u>		<u>Elevation NGVD of 1929</u>	<u>Elevation NAVD 1988</u>
<u>Northern Chain of Lakes</u>	<u>Conine</u>	<u>129.70</u>	<u>128.79</u>
	<u>Haines</u>		<u>128.76</u>
	<u>Rochelle</u>		<u>128.77</u>
	<u>Smart</u>		<u>128.76</u>
<u>Southern Chain of Lakes</u>	<u>Cannon</u>	<u>132.80</u>	<u>131.91</u>
	<u>Eloise</u>		<u>131.83</u>
	<u>Hartridge</u>		<u>131.90</u>
	<u>Howard</u>		<u>131.92</u>
	<u>Idylwild</u>		<u>131.91</u>
	<u>Jessie</u>		<u>131.91</u>
	<u>Lulu</u>		<u>131.86</u>
	<u>May</u>		<u>131.92</u>
	<u>Mirror</u>		<u>131.90</u>
	<u>Roy</u>		<u>131.84</u>
	<u>Shipp</u>		<u>131.93</u>
	<u>Spring</u>		<u>131.90</u>
	<u>Summit</u>		<u>131.82</u>
<u>Winterset</u>	<u>131.83</u>		
<u>Bess</u>		<u>125.50</u>	<u>124.52</u>
<u>Buckeye</u>		<u>130.10</u>	<u>129.15</u>
<u>Citrus</u>		<u>145.60</u>	<u>144.70</u>
<u>Cunningham</u>		<u>130.00</u>	<u>129.04</u>
<u>Daisy</u>		<u>130.90</u>	<u>129.90</u>
<u>Deer</u>		<u>141.30</u>	<u>140.41</u>
<u>Dexter</u>		<u>132.20</u>	<u>131.21</u>
<u>Elbert</u>		<u>137.50</u>	<u>136.55</u>
<u>Fannie</u>		<u>127.00</u>	<u>126.05</u>
<u>Fox</u>		<u>135.20</u>	<u>134.20</u>
<u>Gem</u>		<u>140.90</u>	<u>139.96</u>
<u>Gross (Aka Grass or Grassy)</u>		<u>138.50</u>	<u>137.54</u>
<u>Hamilton (including Little and Middle Lake Hamilton)</u>		<u>122.50</u>	<u>121.53</u>
<u>Hart</u>		<u>124.70</u>	<u>123.73</u>
<u>Henry</u>		<u>136.70</u>	<u>135.74</u>
<u>Ida</u>		<u>136.70</u>	<u>135.79</u>
<u>Idyl</u>		<u>134.00</u>	<u>133.06</u>
<u>Link</u>		<u>128.70</u>	<u>127.74</u>
<u>Lucerne</u>		<u>132.30</u>	<u>131.34</u>
<u>Mariam</u>		<u>125.60</u>	<u>124.63</u>
<u>Marianna</u>		<u>138.60</u>	<u>137.72</u>
<u>Martha</u>		<u>142.50</u>	<u>141.57</u>
<u>Maude</u>		<u>141.10</u>	<u>140.17</u>
<u>Otis</u>		<u>128.70</u>	<u>127.75</u>
<u>Pansy</u>		<u>130.00</u>	<u>129.10</u>

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<u>Reeves</u>	<u>125.10</u>	<u>124.13</u>
<u>River</u>	<u>141.60</u>	<u>140.60</u>
<u>Round</u>	<u>129.40</u>	<u>128.43</u>
<u>Ruby</u>	<u>125.50</u>	<u>124.52</u>
<u>Silver</u>	<u>147.30</u>	<u>146.39</u>

Not listed: Rattlesnake and Swan, once the ten-year flood elevation is established by SWFWMD, these will be administratively added to reflect the same.

**Sec. 21-70. Waterfront properties.**

(a) On any lot having water frontage, the minimum setback of principal buildings from the regulatory high-water mark, which shall be established by the engineering department of the City, shall be forty (40) feet. The minimum setback for accessory structures from the regulatory high water mark shall be twenty-five (25) feet. Where a seawall is present, the setback shall be measured from the back (landward) side of the seawall to the principal or accessory structure.

This requirement shall apply to all new construction and any additions to existing buildings or structures. Existing buildings or structures that have been damaged or destroyed shall not be subject to this regulation so long as they are replaced within their existing footprint.

(b) On any lot having frontage on a seawall constructed along a lake interconnecting canal, the minimum setback from the back (landward) side of the said seawall to a berm or a stormwater management structure shall be twenty-five (25) feet. With respect to berms, the setback shall be measured from the toe of the berm's slope closest to the seawall.

(c) Highwater elevations for lakes located within or adjacent to the City shall be as set forth in Table 21-70A.

Table 21-70A, Established Highwater Elevations for Lakes

<u>Lake</u>		<u>Elevation NGVD of 1929</u>	<u>Elevation NAVD 1988</u>
<u>Northern Chain of Lakes</u>	<u>Conine</u>	<u>129.70</u>	<u>128.79</u>
	<u>Haines</u>		<u>128.76</u>
	<u>Rochelle</u>		<u>128.77</u>
	<u>Smart</u>		<u>128.76</u>
<u>Southern Chain of Lakes</u>	<u>Cannon</u>	<u>132.80</u>	<u>131.91</u>
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	<u>Roy</u>		<u>131.84</u>
	<u>Shipp</u>		<u>131.93</u>
	<u>Spring</u>		<u>131.90</u>
<u>Summit</u>	<u>131.82</u>		
<u>Winterset</u>	<u>131.83</u>		
<u>Bess</u>	<u>125.50</u>	<u>124.52</u>	
<u>Buckeye</u>	<u>130.10</u>	<u>129.15</u>	

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<u>Citrus</u>	<u>145.60</u>	<u>144.70</u>
<u>Cunningham</u>	<u>130.00</u>	<u>129.04</u>
<u>Daisy</u>	<u>130.90</u>	<u>129.90</u>
<u>Deer</u>	<u>141.30</u>	<u>140.41</u>
<u>Dexter</u>	<u>132.20</u>	<u>131.21</u>
<u>Elbert</u>	<u>137.50</u>	<u>136.55</u>
<u>Fannie</u>	<u>127.00</u>	<u>126.05</u>
<u>Fox</u>	<u>135.20</u>	<u>134.20</u>
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<u>River</u>	<u>141.60</u>	<u>140.60</u>
<u>Round</u>	<u>129.40</u>	<u>128.43</u>
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