1 ORDINANCE NO. 2017 - 5

AN ORDINANCE AMENDING CHAPTER 8 (BUILDING AND BUILDING REGULATIONS), ARTICLE V (MARINE CONSTRUCTION CODE), SECTION 8-247 (STANDARDS) OF THE HERNANDO COUNTY CODE OF ORDINANCES PROVIDING FOR REVISIONS TO THE CONSTRUCTION STANDARDS FOR DOCKS STANDARDS; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE: PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (County) has adopted the Hernando County Comprehensive Plan within which are included goals, objectives, and policies related to the process for review and approval of certain development applications; and

WHEREAS, Chapter 163, Part II, Florida Statutes, requires the implementation of these goals, objectives, and policies through the adoption of consistent land development regulations; and

WHEREAS, the County desires to update and modernize its commercial dock standards for development; and

WHEREAS, this proposed substantive amendment to the Hernando County Code of Ordinances CHAPTER 8 (BUILDING AND BUILDING REGULATIONS), ARTICLE V (MARINE CONSTRUCTION CODE), has received public hearings before the Planning and Zoning Commission, Local Planning Agency, and the Board of County Commissioners as required by state and local law; and

WHEREAS, the Board of County Commissioners, for itself and acting as the Local Planning Agency, finds and determines that the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.

## NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

**SECTION I.** Hernando County Code of Ordinances, CHAPTER 8 (BUILDING AND BUILDING REGULATIONS), ARTICLE V (MARINE CONSTRUCTION CODE), Section 8-247 is hereby amended to provide for revisions as more precisely delineated with strike-through and underlined text below:

## Sec. 8-247. Standards.

The following standards shall be applicable in this article:

- (1) Waterbody measurements shall be made from mean low water line.
- (2) Docks shall not extend more than <u>forty (40)</u> thirty (30) feet into a waterbody <u>for a dock</u> with a boat lift, or no more than twenty-five (25) feet for a floating or fixed dock.
- (3) No dock structure with a boat lift shall extend more than 25% 20% of the width of the waterway into a waterbody, or no more than 17% for a floating or fixed dock.
- (4) Marginal docks may be allowed. A marginal dock is a platform that runs parallel to the shoreline, <u>and</u> does not contain an accessway. <u>and does A marginal dock shall not exceed 6 feet in width within one mile of either side of the edge of the Weeki Wachee,</u>

## Mud, Withlacoochee, and Little Withlacoochee rivers. No marginal dock shall exceed more than 500 square feet in area.

- (5) A residential dock shall not accommodate more than two (2) boats for permanent mooring.
- (6) Main access docks shall be limited to a maximum width of four (4) feet for single-family residences and six (6) feet for private multifamily residences and commercial use.
- (7) For a waterbody measuring sixty (60) feet or less in width, docks shall be alternated from one side of waterbody to the dock on opposite side.
- (8) Side yard setbacks shall be a minimum of five (5) feet to the nearest point of the structure
- In waterbodies where property lines exceed mean low water line, the mean low water line will govern seawalls and docks. Where mean low water lines exceed property lines, the property lines shall govern seawalls and docks. Notwithstanding the foregoing, any permit to construct a seawall may require that the seawall be constructed in such a manner as to be consistent with the location of any adjacent or nearby seawall or seawalls on the same side of the affected waterbody, unless the applicant demonstrates the existence of hardship, including but not limited to water depths in the relevant portion of the waterbody, the location of property lines, or clearly excessive construction costs; provided, however, that consistency may be required where hardship approval would result in a hazard to navigation or would be likely to cause water quality degradation.
- (10) No docks or moored vessel shall significantly hinder navigation upon the waterways or be constructed to block a neighbor's waterway access to their property.
- (11) Single pilings (mooring) shall not extend beyond the side setback or beyond the maximum distance into a waterbody allowed for a dock, or 22 feet whichever is less.
- (12) Terminal platforms, floating or fixed, shall be no more than one hundred thirty (130) square feet and the maximum dimension shall not exceed sixteen (16) feet <u>for marine construction within one (1) mile either side of the edge of the Weeki Wachee, Mud, Withlacoochee, and Little Withlacoochee rivers.</u>
- (13) Stakes at mean low water line may be installed to assist permitting authorities in verifying setbacks. If a precise determination of either the mean low or mean high water line becomes necessary in measuring or verifying setbacks for purposes of this article or any other provision of the code, it shall be the responsibility of the applicant to provide a current survey meeting all statutory and rule standards for such determination.
- (14) Common ownership docks may be permitted, and may be centered along a common property line without meeting the side yard setback provided appropriate reciprocal easements, restrictions and covenants are filed in the Public Records of the County.
- (15) Seawalls can only be located along non-vegetated shorelines unless permitted by all state and federal agencies with jurisdiction. Where permitted, the footer of all seawalls shall be faced with riprap as defined by FDEP.
- (16) The administrative official may vary these standards provided that a navigational hazard is not created, and a sworn affidavit of no objection is obtained from the adjacent property owners. If the required sworn affidavit of no objection from adjacent property owners is not obtained, or the administrative official chooses not to vary these standards, the applicant may request a public hearing before the board of county commissioners in

accordance with the procedures and public notice requirements of Article V, Section 3 of Appendix A of the Hernando County Code of Ordinances.

**SECTION II. APPLICABILITY**. This Ordinance shall be applicable throughout the unincorporated area of Hernando County.

**SECTION III. SEVERABILITY**. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

**SECTION IV. CONFLICTING PROVISIONS.** Special acts of the Florida Legislature applicable only to unincorporated areas of Hernando County, Hernando County ordinances, County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning either adoption or amendment of the Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.

SECTION V. FILING WITH THE DEPARTMENT OF STATE. The clerk shall be and is hereby directed forthwith to send a certified copy of this ordinance or electronically transmit the ordinance by email to the Bureau of Administrative Code, Department of State, R.A. Gray Bldg., Room 101, 500 S. Bronough Street, Tallahassee, FL 32399-0250.

SECTION VI. INCLUSION IN CODE. It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, any section or subsection of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section, "article," or other appropriate designation.

SECTION VII. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Department of State.

DULY PASSED AND ADOPTED IN REGULAR SESSION THIS 2445 DAY OF TONKIARY, 2017.

BOARD OF COUNTY COMMISSIONERS HERNANDO COUNTY, FLORIDA

DONALD CEARBEE JR, CLERK

WANNE DUKE

CHAIRMAN

Approved as to Form and

Legal Sufficiency

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