

Heidi Kurppe

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Wednesday, March 25, 2020 2:36 PM
To: Heidi Kurppe
Cc: County Ordinances
Subject: [EXT.] -
Attachments: Hernando20200325_Ordinance2020_3_Ack.pdf



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

March 25, 2020

Honorable Doug Chorvat, Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 362
Brooksville, Florida 34601

Attention: Heidi Kurppe, Deputy Clerk

Dear Mr. Chorvat:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2020-3, which was filed in this office on March 25, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 2020 - 3

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 8 (BUILDING AND BUILDING REGULATIONS), ARTICLE V (MARINE CONSTRUCTION CODE) BY AMENDING SECTION 8-247 (STANDARDS), SECTION 8-248 (FLOATING DOCKS FOR RESIDENTIAL STRUCTURES), AND SECTION 8-249 (FLOATING DOCKS FOR COMMERCIAL STRUCTURES); BY ADOPTING SECTION 8-251 (MARKED PERIMETER CHANNEL DOCKS); 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 strategies 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 strategies through the adoption of consistent land development regulations; and

WHEREAS, the County desires to update and modernize its dock standards; 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 Hernando County Port Authority, 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 strategies 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), Sections 8-247 and 8-249 are hereby amended to provide for revisions as more precisely delineated with strikethrough and underline text below:

Sec. 8-247. Standards.

The following standards shall be applicable in this article:

- 1 (1) Waterbody measurements shall be made from mean low water line.
- 2
- 3 (2) Docks shall not extend more than thirty (30) feet into a waterbody for a dock with a
- 4 boat lift, or no more than twenty-five (25) feet for a floating or fixed dock.
- 5
- 6 (3) No dock structure with a boat lift shall extend more than twenty (20) percent of the
- 7 width of the waterway into a waterbody, or no more than seventeen (17) percent for
- 8 a floating or fixed dock.
- 9
- 10 (4) Marginal docks may be allowed. A marginal dock is a platform that runs parallel to
- 11 the shoreline and does not contain an accessway. A marginal dock shall not exceed
- 12 six (6) feet in width within one (1) mile of either side of the edge of the Weeki
- 13 Wachee, Mud, Withlacoochee, and Little Withlacoochee Rivers. No marginal dock
- 14 shall exceed more than five hundred (500) square feet in area.
- 15
- 16 (5) A residential dock shall not accommodate more than two (2) boats for permanent
- 17 mooring.
- 18
- 19 (6) Main access ~~docks~~ ramps shall be limited to a maximum width of ~~four (4)~~ six (6)
- 20 feet, ~~for single-family residences and six (6) feet for private multifamily residences~~
- 21 ~~and commercial use.~~
- 22
- 23 (7) For a waterbody measuring sixty (60) feet or less in width, docks shall be alternated
- 24 from one (1) side of waterbody to the dock on opposite side.
- 25
- 26 (8) Side yard setbacks shall be a minimum of five (5) feet to the nearest point of the
- 27 structure.
- 28
- 29 (9) In waterbodies where property lines exceed mean low water line, the mean low
- 30 water line will govern seawalls and docks. Where mean low water lines exceed
- 31 property lines, the property lines shall govern seawalls and docks. Notwithstanding
- 32 the foregoing, any permit to construct a seawall may require that the seawall be
- 33 constructed in such a manner as to be consistent with the location of any adjacent or
- 34 nearby seawall or seawalls on the same side of the affected waterbody, unless the
- 35 applicant demonstrates the existence of hardship, including, but not limited to,
- 36 water depths in the relevant portion of the waterbody, the location of property lines,
- 37 or clearly excessive construction costs; provided, however, that consistency may be
- 38 required where hardship approval would result in a hazard to navigation or would
- 39 be likely to cause water quality degradation.
- 40
- 41 (10) No docks or moored vessel shall significantly hinder navigation upon the waterways
- 42 or be constructed to block a neighbor's waterway access to their property.
- 43
- 44 (11) Single pilings (mooring) shall not extend beyond the side setback or beyond the
- 45 maximum distance into a waterbody twenty (20) percent ~~allowed for a dock~~, or

1 ~~twenty two (22)~~ thirty (30) feet, whichever is less. Single pilings (mooring) shall
2 be installed and maintained with reflective material visible from all directions.
3

4 (12) Terminal platforms, floating or fixed, shall be no more than one hundred thirty
5 (130) square feet and the maximum dimension shall not exceed sixteen (16) feet for
6 marine construction within one (1) mile either side of the edge of the Weeki
7 Wachee, Mud, Withlacoochee, and Little Withlacoochee Rivers.
8

9 (13) Stakes at mean low water line may be installed to assist permitting authorities in
10 verifying setbacks. If a precise determination of either the mean low or mean high
11 water line becomes necessary in measuring or verifying setbacks for purposes of
12 this article or any other provision of the Code, it shall be the responsibility of the
13 applicant to provide a current survey meeting all statutory and rule standards for
14 such determination.
15

16 (14) Common ownership docks may be permitted; and may be centered along a common
17 property line without meeting the side yard setback provided appropriate reciprocal
18 easements, restrictions and covenants are filed in the public records of the county.
19

20 (15) Seawalls can only be located along non-vegetated shorelines unless permitted by all
21 state and federal agencies with jurisdiction. Where permitted, the footer of all
22 seawalls shall be faced with riprap as defined by FDEP.
23

24 (16) The administrative official may vary these standards provided that a navigational
25 hazard is not created, and a sworn affidavit of no objection is obtained from the
26 adjacent property owners. If the required sworn affidavit of no objection from
27 adjacent property owners is not obtained, or the administrative official chooses not
28 to vary these standards, the applicant may request a public hearing before the Board
29 of County Commissioners in accordance with the procedures and public notice
30 requirements of Article V, Section 3 of Appendix A of the Hernando County Code
31 of Ordinances.
32

33 **Sec. 8-248. - Floating docks for residential structures.**
34

35 (a 1) Steel bolts, fittings, nuts, washers, and hardware shall be no lower quality than hot dip
36 galvanized.
37

38 (b 2) All bolt heads and nuts shall have a flat washer. Use of lag or anchor bolts must
39 comply with the manufacturers' specifications. Carriage bolts are permitted for minor
40 additions (such as ladders).
41

42 (c 3) All wooden members and pilings shall be pressure treated with a minimum treatment
43 of 2.5.
44

45 (d 4) Ramp to dock hinges shall be no less than one-fourth-inch steel.

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- (e ~~5~~) All floating docks must have a minimum of twenty (20) pounds per square foot flotation.
- (~~f~~6) All ramps must be connected to the seawall with no less than three-eighths-inch by three-inch lag bolts with lead shields per hinge.
- (~~g~~ 7) All floating docks with single ramps must be safely secured to the seawall from each inside corner of dock with no less than one-fourth-inch steel cable.
- (~~h~~ 8) All ramps will be a minimum width of thirty-six (36) inches.

Sec. 8-249. Floating Docks for Commercial Structures

- (a ~~1~~) Boat docks, piers, or other similar structures built on property zoned commercial must meet the standards in Section 8-248.
- (~~b~~ 2) All floating docks must have a minimum of twenty-five (25) pounds per square foot flotation.
- (e ~~3~~) All styrofoam billets must be coated with environmentally safe coating.
- (~~d~~ 4) All floating docks with single ramps must be safely secured to the seawall on each inside corner of the dock with no less than two-inch galvanized pipe.
- (e ~~5~~) All ramps shall be a minimum width of forty-eight (48) inches with minimum forty-two-inch handrails attached.
- (6) Single pilings (mooring) for commercial zoned properties shall not extend beyond the five (5) foot side setback or beyond 33 percent of canal width. Single pilings (mooring) shall be installed and maintained with reflective material visible from all directions.

SECTION II. Hernando County Code of Ordinances, Chapter 8 (Building and Building Regulations), Article V (Marine Construction Code), Section 8-251 is hereby adopted to provide for additions as more precisely delineated with underlined text below:

Sec. 8-251. Marked Perimeter Channel Docks

In addition to the standards of Section 8-247, 8-248, and 8-249, the following standards shall be applicable to parcels adjacent to the marked perimeter channel from Hernando Beach Channel marker number fifty-three (53) (LAT 28°29.913N, LONG 82°39.973W) southerly to Hernando Beach Channel marker number eighty (80) (LAT 28°29.452N, LONG 82°39.932W):

- 1 (1) Waterbody width measurements for marked perimeter channel docks shall be measured
2 from the mean high-water line to the ~~toe of slope (TOS) at the~~ seaward side of the
3 marked perimeter channel.
4
- 5 (2) ~~A twenty (20) foot safety buffer measured from the landward toe of slope (TOS) to~~
6 ~~shoreline shall remain unobstructed from any dock, single piling (mooring), or~~
7 ~~moored/lifted vessel. No dock structure with a boat lift shall extend more than twenty~~
8 (20) percent of the width ~~of the waterway~~ into a waterbody, or no more than seventeen
9 (17) percent for a floating or fixed dock.
- 10 (3) There shall be a ten (10) foot buffer unencumbered by structures or moored vessels
11 on the landward side of the perimeter channel where said perimeter channel width is
12 75 feet or less.
- 13 (4) Any lighting on perimeter channel docks and boatlifts shall utilize marine
14 construction low level lights (or equivalent) as to not cause glare as mariners pass.
15
- 16 (5) ~~Applications for permit for parcels adjacent to marked perimeter channel as referenced~~
17 ~~above shall be submitted with a signed and sealed registered survey prepared by a~~
18 ~~Florida Registered Professional Land Surveyor. If a precise determination of the mean~~
19 high-water line becomes necessary in measuring or verifying setbacks for purposes
20 of this article or any other provision of the Code, it shall be the responsibility of the
21 applicant to provide a current survey meeting all statutory and rule standards for such
22 determination.
23

24 **SECTION III. APPLICABILITY.** This Ordinance shall be applicable throughout the
25 unincorporated area of Hernando County.
26

27 **SECTION IV. SEVERABILITY.** It is declared to be the intent of the Board of County
28 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
29 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
30 the validity of the remaining portions of this ordinance.
31

32 **SECTION V. CONFLICTING PROVISIONS.** Special acts of the Florida Legislature
33 applicable only to unincorporated areas of Hernando County, Hernando County ordinances,
34 County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this
35 ordinance to the extent of such conflict except for ordinances concerning either adoption or
36 amendment of the Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.
37

38 **SECTION VI. FILING WITH THE DEPARTMENT OF STATE.** The clerk shall be and is
39 hereby directed forthwith to send a certified copy of this ordinance or electronically transmit the
40 ordinance by email to the Bureau of Administrative Code, Department of State, R.A. Gray Bldg.,
41 Room 101, 500 S. Bronough Street, Tallahassee, FL 32399-0250.
42

1 **SECTION VII. INCLUSION IN CODE.** It is the intention of the Board of County
2 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this
3 Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,
4 Florida. To this end, any section or subsection of this Ordinance may be renumbered or re-lettered
5 to accomplish such intention, and the word "ordinance" may be changed to "section, "article," or
6 other appropriate designation.
7

8 **SECTION VIII. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing
9 with the Department of State.
10

11 **DULY PASSED AND ADOPTED IN REGULAR SESSION THIS** 24th **DAY OF**
12 MARCH, 2020.
13

14 BOARD OF COUNTY COMMISSIONERS
15 HERNANDO COUNTY, FLORIDA
16

17
18
19 Attest: Heidi Kruppe, D.C.
20 *for* DOUGLAS A. CHORVAT, JR.
21 CLERK OF CIRCUIT COURT AND
22 COMPTROLLER
23

By: [Signature]
JOHN MITTEN
CHAIRMAN

24 (SEAL)

25
26 **Approved as to Form and**
27 **Legal Sufficiency**
28



29
30
31 By: [Signature]
32 Kyle Benda, Assistant County Attorney