

Darlene Christensen

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Friday, March 25, 2016 8:53 AM
To: Darlene Christensen
Cc: County Ordinances
Attachments: Hernando20160324_Ordinance2016_4_Ack.pdf

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 25, 2016

Honorable Don Barbee Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 3621
Brooksville, Florida 34601

Attention: Darlene Christensen, Administrative Services

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2016-4, which was filed in this office on March 25, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 2016 - 4

AN ORDINANCE AMENDING CHAPTER 8 (BUILDING AND BUILDING REGULATIONS), ARTICLE V (MARINE CONSTRUCTION CODE) OF THE HERNANDO COUNTY CODE OF ORDINANCES PROVIDING FOR REVISIONS TO THE CONSTRUCTION STANDARDS FOR DOCKS STANDARDS; PROVIDING RESERVED SECTIONS; PROVIDING FOR ENFORCEMENT OF VIOLATIONS; 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), Sections 8-246 through 8-254, are hereby amended to provide for revisions as more precisely delineated with strike-through and underlined text below:

Sec. 8-246. - Administration.

Refer to the ~~Standard Building Code, 1991 edition, Chapter 1, Administration, as modified by county Ordinance No. 92-25,~~ most recent edition of the Florida Building Code in addition to the following:

- 1 (1) Every application for a permit in and upon Hernando County waterways must be
2 submitted to the county building division with engineered plans and specifications
3 thereof, together with a sketch of the property and the adjoining waterbody, which
4 sketch must show the width of the existing waterbody at the point of the property
5 from which the dock, pier or seawall is to be built; the proposed length of the dock
6 or pier into the waterbody; and such other items as may, from time to time, be
7 required by the building division or other appropriate agency.
- 8 (2) The intent of these specifications is to set minimum standards for typical marine
9 construction.
- 10 (3) Good engineering practice shall be used at all times.
- 11 (4) Any person, firm or corporation who violates any of the provisions set forth in
12 this code shall be deemed guilty of a misdemeanor which shall be punishable
13 within the limits and as provided by state laws.
- 14 (5) ~~Upon receipt of an application for any marine construction along the county's~~
15 ~~rivers the building division may forward the application to the port authority for~~
16 ~~their evaluation and recommendations prior to permitting.~~ Construction
17 standards for marine construction within one (1) mile either side of the edge of
18 the Weeki Wachee, Mud, Withlacoochee, and Little Withlacoochee rivers shall
19 be consistent with meet standards of the Riverine Protection Ordinance.
- 20 (6) ~~The building division may at any time request evaluation and recommendations~~
21 ~~from the port authority with respect to marine construction. The building division~~
22 ~~may incorporate any such recommendation in any final decision regarding~~
23 ~~marine construction. All recommendations must be consistent with the provision~~
24 ~~of the marine construction code.~~
- 25 (7) ~~Except as otherwise provided by law, every employer shall, as a condition to~~
26 ~~receiving a building permit pursuant to this article, show proof that it has secured~~
27 ~~compensation for its employees as provided as required by this code, Florida~~
28 ~~Statutes, and/or federal law.~~

29
30 **Sec. 8-247. —Descriptions Standards.**

31
32 The following descriptions standards shall be applicable in this article:

- 33 (1) Waterbody measurements shall be made from mean low water line.
- 34 (2) ~~For a waterbody one hundred fifty (150) feet or over, with seawalls at low mean~~
35 ~~water line, Ddocks shall not exeeed twenty two (22) extend more than forty (40)~~
36 ~~feet into a waterbody.~~
Docks shall not exceed twenty two (22) extend more than forty (40)
feet into a waterbody.
- 37 (3) ~~For a waterbody one hundred twenty (120) feet to one hundred forty nine (149)~~
38 ~~feet, with seawalls at mean low water line, docks shall not exceed twenty (20)~~
39 ~~feet. No dock structure shall extend more than 25% of the width of the waterway~~
40 ~~into a waterbody.~~
No dock structure shall extend more than 25% of the width of the waterway
into a waterbody.
- 41 (4) ~~For a waterbody one hundred (100) feet to one hundred nineteen (119) feet, with~~
42 ~~seawalls at mean low water line, docks shall not exceed eighteen (18) feet into~~
43 ~~waterbody. Marginal docks may be allowed. A marginal dock is a platform that~~
44 ~~runs parallel to the shoreline, does not contain an accessway, and does not exceed~~
45 ~~6 feet in width.~~
Marginal docks may be allowed. A marginal dock is a platform that
runs parallel to the shoreline, does not contain an accessway, and does not exceed
6 feet in width.

- 1 (5) ~~For a waterbody seventy five (75) feet to ninety nine (99) feet, with seawalls at~~
2 ~~mean low water line, docks shall not exceed twelve (12) feet into waterbody. A~~
3 ~~residential dock shall not accommodate more than two (2) boats for permanent~~
4 ~~mooring.~~
- 5 (6) ~~For a waterbody fifty (50) feet to seventy four (74) feet, with seawalls at mean~~
6 ~~low water line, docks shall not exceed six (6) feet into the waterbody. Main~~
7 ~~access docks shall be limited to a maximum width of four (4) feet for single-~~
8 ~~family residences and six (6) feet for private multifamily residences and~~
9 ~~commercial use.~~
- 10 (7) ~~For a waterbody measuring forty nine (49) sixty (60) feet or less in width, with~~
11 ~~seawall at low mean water line, docks shall not exceed four (4) feet into~~
12 ~~waterbody and docks shall be alternated from one side of waterbody to the dock~~
13 ~~on opposite side.~~
- 14 (8) ~~Side yard setbacks on a manmade waterbody shall be a minimum of five (5) feet~~
15 ~~to the nearest point of the structure are not required unless this construction~~
16 ~~encroaches on the riparian rights of other property owners. In this case, side yard~~
17 ~~setbacks shall be no less than ten (10) percent of the lot width when measured at~~
18 ~~the waterfront lot line, with the setback not to exceed ten (10) feet.~~
- 19 (9) ~~Side yard setbacks on natural waterbodies for structures and activities shall be a~~
20 ~~minimum of twenty five (25) feet from the applicant's riparian rights line.~~
21 ~~Marginal docks may be set back ten (10) feet. There shall be no exceptions to the~~
22 ~~setbacks unless the applicant's shoreline frontage is less than sixty five (65) feet,~~
23 ~~or a sworn affidavit of no objection is obtained from the affected adjacent upland~~
24 ~~riparian owner, or the proposed structure is a subaqueous utility line.~~
- 25 (10)(9) ~~In waterbodies where property lines exceed mean low water line, the mean low~~
26 ~~water line will govern seawalls and docks. Where mean low water lines exceed~~
27 ~~property lines, the property lines shall govern seawalls and docks.~~
28 ~~Notwithstanding the foregoing, any permit to construct a seawall may require~~
29 ~~that the seawall be constructed in such a manner as to be consistent with the~~
30 ~~location of any adjacent or nearby seawall or seawalls on the same side of the~~
31 ~~affected waterbody, unless the applicant demonstrates the existence of hardship,~~
32 ~~including but not limited to water depths in the relevant portion of the waterbody,~~
33 ~~the location of property lines, or clearly excessive construction costs; provided,~~
34 ~~however, that consistency may be required where hardship approval would result~~
35 ~~in a hazard to navigation or would be likely to cause water quality degradation.~~
- 36 (11)(10) ~~No docks or moored vessel shall significantly hinder navigation upon the~~
37 ~~waterways.~~
- 38 (12)(11) ~~Single pilings (mooring) shall not extend beyond the side property line setback~~
39 ~~or beyond the maximum distance into a waterbody allowed for a dock, or 22 feet~~
40 ~~whichever is less.~~
- 41 (13)(12) ~~Conditions for variances may occur from time to time including, but not limited~~
42 ~~to, navigational hazards. Any final determination on such a variance shall be~~
43 ~~made by the board of county commissioners subject to the Riverine Protection~~
44 ~~Ordinance, with such evaluation or recommendations from the port authority as~~
45 ~~the board may deem appropriate. Terminal platforms, floating or fixed, shall be~~

1 no more than one hundred thirty (130) square feet and the maximum dimension
2 shall not exceed sixteen (16) feet.

3 (14)(13) Stakes at mean low water line may be installed to assist permitting authorities in
4 verifying setbacks. If a precise determination of either the mean low or mean
5 high water line becomes necessary in measuring or verifying setbacks for
6 purposes of this article or any other provision of the code, it shall be the
7 responsibility of the applicant to provide a current survey meeting all statutory
8 and rule standards for such determination.

9 (15)(14) A marginal dock is a dock without an accessway, a terminal platform, with the
10 longest side parallel to the shoreline that does not exceed one hundred thirty (130)
11 square feet. Common ownership docks may be permitted, and may be centered
12 along a common property line without meeting the side yard setback provided
13 appropriate reciprocal easements, restrictions and covenants are filed in the Public
14 Records of the County.

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

18 (16) The administrative official may vary these standards provided that a navigational
19 hazard is not created, and a sworn affidavit of no objection is obtained from the
20 adjacent property owners. If the required sworn affidavit of no objection from
21 adjacent property owners is not obtained, or the administrative official chooses not
22 to vary these standards, the applicant may request a public hearing before the board
23 of county commissioners in accordance with the procedures and public notice
24 requirements of Article V, Section 3 of Appendix A of the Hernando County Code
25 of Ordinances.

26
27 **Sec. 8-248. - ~~Wood~~ Floating docks for residential structures.**

28
29 (a) Steel bolts, fittings, nuts, washers, and hardware shall be no lower quality than
30 hot dip galvanized.

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

34 (c) All wooden members and pilings shall be pressure treated with a minimum
35 treatment of 2.5.

36 (d) ~~Wood piling shall be smooth surfaced, straight and free of splits. Minimum~~
37 ~~average diameter of the butt of each pile shall be not less than six (6) inches or 4~~
38 ~~× 4 posts.~~

39 (e)(d) Ramp to dock hinges shall be no less than quarter-inch steel.

40 (f)(e) All floating docks must have a minimum of twenty (20) pounds per square foot
41 flotation.

42 (g)(f) All ramps must be connected to the seawall with no less than three-eighths-inch
43 by three-inch lag bolts with lead shields per hinge.

44 (h)(g) All floating docks with single ramps must be safely secured to the seawall from
45 each inside corner of dock with no less than one-fourth-inch steel cable.

46 (i)(h) All ramps will be a minimum width of thirty-six (36) inches.
47

1 **Sec. 8-249. – Floating Docks for Commercial structures.**
2

- 3 (a) Boat docks, piers, or other similar structures built on property zoned commercial
4 ~~which exceed must meet the above guidelines may be referred by permitting~~
5 ~~authorities to the county port authority for recommendations or advice standards~~
6 ~~in Section 8-248.~~
7 (b) ~~All wooden members and pilings shall be pressure treated with a minimum~~
8 ~~treatment of 2.5.~~
9 (c) ~~Wood pilings shall be smooth surfaced, straight and free of splits. The minimum~~
10 ~~average diameter of each pile shall be not less than eight (8) inches.~~
11 (d)(b) All floating docks must have a minimum of twenty-five (25) pounds per square
12 foot flotation.
13 (e)(c) All styrofoam billets must be coated with environmentally safe coating.
14 (f)(d) All floating docks with single ramps must be safely secured to the seawall on
15 each inside corner of the dock with no less than two-inch galvanized pipe.
16 (g)(e) All ramps shall be a minimum width of forty-eight (48) inches with minimum
17 forty-two-inch handrails attached.
18

19 **Sec. 8-250. - Masonry seawalls of concrete block. Reserved**
20

- 21 (a) ~~Masonry seawalls shall be poured solid with three thousand (3,000) psi concrete,~~
22 ~~with an approved return eight (8) feet on center. The minimum length of the~~
23 ~~return shall be four (4) feet. Masonry units shall be 8" × 8" × 16" two (2) cell~~
24 ~~blocks.~~
25 (b) ~~Footer:~~
26 (1) ~~Footer must be supported by stabilized material.~~
27 (2) ~~Minimum size of footer shall be twelve by eighteen inches (12" × 18"),~~
28 ~~with continuous footer under seawall and return.~~
29 (3) ~~Two (2) #5 rebars shall be installed horizontally in footer with minimum~~
30 ~~coverage of three (3) inches.~~
31 (4) ~~One #5 rebar shall be installed sixteen (16) inches on center in order to~~
32 ~~provide one vertical bar in each masonry unit to provide a vertical tie.~~
33 (c) ~~Reinforcing steel:~~
34 (1) ~~All steel shall be #5 rebar or greater.~~
35 (2) ~~One #5 rebar or greater shall be installed in every other course of blocks~~
36 ~~horizontally.~~
37 (3) ~~One #5 rebar or greater shall be installed vertically every sixteen (16)~~
38 ~~inches on center.~~
39 (4) ~~Top course of masonry units shall have one #5 rebar.~~
40 (5) ~~Horizontal bars shall be installed into returns at all locations to provide a~~
41 ~~continuous tie between all walls.~~
42 (6) ~~All steel shall lap no less than twenty four (24) inches.~~
43 (7) ~~All steel shall be tied with approved tie wires.~~
44 (d) ~~Concrete cap shall be a minimum of four (4) inches thick and eight (8) inches~~
45 ~~wide.~~
46 (e) ~~Backfill shall be of a stable material, compacted to ensure a sound compaction.~~
47

1 **Sec. 8-251. - Reinforced concrete seawalls. Reserved**

2
3 (a) ~~General requirements:~~

- 4 (1) ~~Shall be poured with three thousand (3,000) PSI concrete.~~
5 (2) ~~Seawall height is measured from bottom of footing to top of seawall for~~
6 ~~design requirements.~~
7 (3) ~~Returns shall be placed twenty (20) feet on center for walls not to exceed~~
8 ~~four (4) feet in height. For walls exceeding four (4) feet in height, the~~
9 ~~return placement shall be closed for a minimum of two (2) feet for each~~
10 ~~additional foot in wall height.~~
11 (4) ~~Return length shall be double the height of the wall, not to exceed eight~~
12 ~~(8) feet.~~
13 (5) ~~Backfill shall be a mixture of stable material consisting of no more than~~
14 ~~fifty (50) percent sand, compacted to ensure a sound compaction.~~

15 (b) ~~Footer:~~

- 16 (1) ~~Footers shall be supported by stabilized material.~~
17 (2) ~~Minimum size of footers shall be twelve (12) inches by sixteen (16)~~
18 ~~inches with continuous footer under seawall and returns.~~
19 (3) ~~Two (2) #5 rebars shall be installed horizontally in footer.~~
20 (4) ~~One #5 rebar shall be installed no more than forty eight (48) inches on~~
21 ~~center in order to provide a vertical tie in walls three (3) feet and less; and~~
22 ~~walls greater than three (3) feet, vertical tie shall be placed thirty six (36)~~
23 ~~inches on center. The vertical tie shall have a minimum of six (6) inches,~~
24 ~~ninety degree angle bend as installed into the footer.~~

25 (c) ~~Reinforcing steel:~~

- 26 (1) ~~All steel shall be #5 rebar or greater.~~
27 (2) ~~One #5 rebar or greater shall be installed horizontally within the wall six~~
28 ~~(6) inches above top of footer. One #5 rebar or greater shall be installed~~
29 ~~horizontally within the wall four (4) inches below top of seawall. The~~
30 ~~vertical distance between rebar shall be no greater than sixteen (16)~~
31 ~~inches on center.~~
32 (3) ~~Horizontal bars shall be installed into return walls at all locations.~~
33 (4) ~~All steel shall lap a minimum eighteen (18) inches.~~
34 (5) ~~All steel shall be tied with approved tie wires.~~
35 (6) ~~One #5 rebar or greater shall be installed vertically forty eight (48) inches~~
36 ~~on center in walls three (3) feet and less; and walls greater than three (3)~~
37 ~~feet, vertical tie shall be placed thirty six (36) inches on center.~~
38 (7) ~~Concrete cover over steel reinforcement shall be in accordance with~~
39 ~~Standard Building Code 1607.6.~~

40
41 **Sec. 8-252. - Deadman. Reserved**

42
43 A deadman is not encouraged, but may be used in some instances. When used, the following
44 shall be required:

- 45 (1) ~~One #7 rebar to be used in each deadman;~~
46 (2) ~~Rebar shall turn a minimum of twelve (12) inches into wall, extend eight (8) feet~~
47 ~~inland with a 36 inch return at thirty degree angle;~~

- 1 ~~(3) Rebar shall be coated with an approved asphalt coating or equivalent;~~
- 2 ~~(4) When forms are stripped and fill has been completed, the rebar shall be poured~~
- 3 ~~with three thousand (3,000) psi concrete, with three (3) cubic feet covering 36-~~
- 4 ~~inch return;~~
- 5 ~~(5) No cold joints shall be allowed;~~
- 6 ~~(6) Minimum of six inch cover will be required on all sides of bar;~~
- 7 ~~(7) Deadman shall be installed six (6) feet on center.~~

8

9 **Sec. 8-253. - Docks.**

10

11 Pursuant to this section of the marine construction code, all docks built in the county shall be

12 maintained in a good and safe condition by the owners of these docks. Pursuant to notification by

13 certified mail from the county that a dock is unsafe, an owner will be given thirty (30) days to

14 return the dock to good and safe condition. At the expiration of thirty (30) days, the county may

15 pursue such action against the property owner as may be authorized by law or other provisions of

16 the code of ordinances for ordinance violations, provided that nothing herein shall preclude

17 enforcement of any other provisions of law or ordinance against any unsafe dock or the owner

18 thereof.

19

20 **Sec. 8-254. - Violations, remedies and penalties.**

21

22 Any entity violating any provision of this article shall be subject to the penalties provided for

23 herein. The director or his authorized representative shall issue notice to all entities violating any

24 provision of this article and shall order that such violations cease. Should any entity fail to comply

25 with such notice or order, the governing body or its authorized official may institute appropriate

26 action to bring such entity before a court of law for adjudication. ~~Any entity violating any provision~~

27 ~~of this article shall, upon conviction, be guilty of a misdemeanor and shall be fined or imprisoned,~~

28 ~~or both fined and imprisoned, in accordance with the provisions of section 125.69, Florida Statutes~~

29 into compliance as provided for by law, including abating the unsafe structure.

30

31 **SECTION II. APPLICABILITY.** This Ordinance shall be applicable throughout the

32 unincorporated area of Hernando County.

33

34 **SECTION III. SEVERABILITY.** It is declared to be the intent of the Board of County

35 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this

36 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect

37 the validity of the remaining portions of this ordinance.

38

39 **SECTION IV. CONFLICTING PROVISIONS.** Special acts of the Florida Legislature

40 applicable only to unincorporated areas of Hernando County, Hernando County ordinances,

41 County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this

42 ordinance to the extent of such conflict except for ordinances concerning either adoption or

43 amendment of the Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.

44

45

46 **SECTION V. FILING WITH THE DEPARTMENT OF STATE.** The clerk shall be and is

47 hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative

1 Code, Department of State, R.A. Gray Bldg., Room 101, 500 S. Bronough Street, Tallahassee, FL
2 32399-0250.

3

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

10

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

13

14 **DULY PASSED AND ADOPTED IN REGULAR SESSION THIS** 22nd **DAY OF**
15 March, 2016.

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BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

Attest: 
DONALD C. BARBEE JR., CLERK

By: 
JAMES E. ADKINS, CHAIRMAN

(SEAL)

**Approved as to Form and
Legal Sufficiency**

By: 