

Environmental Protection Division

**Proposed Amendments to Chapter 15
Article IX, Dock Construction**

March 8, 2022

Agenda

- Background
- Goals of Revisions
- Ordinance Review
- Stakeholder Outreach
- Summary
- Next Steps



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- **Background**
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Background

- Chapter 15, Article IX, Dock Construction was originally adopted by the Board of County Commissioners (Board) on December 12, 1988.
- The last major revision to Article IX was adopted by the Board on May 18, 2004.



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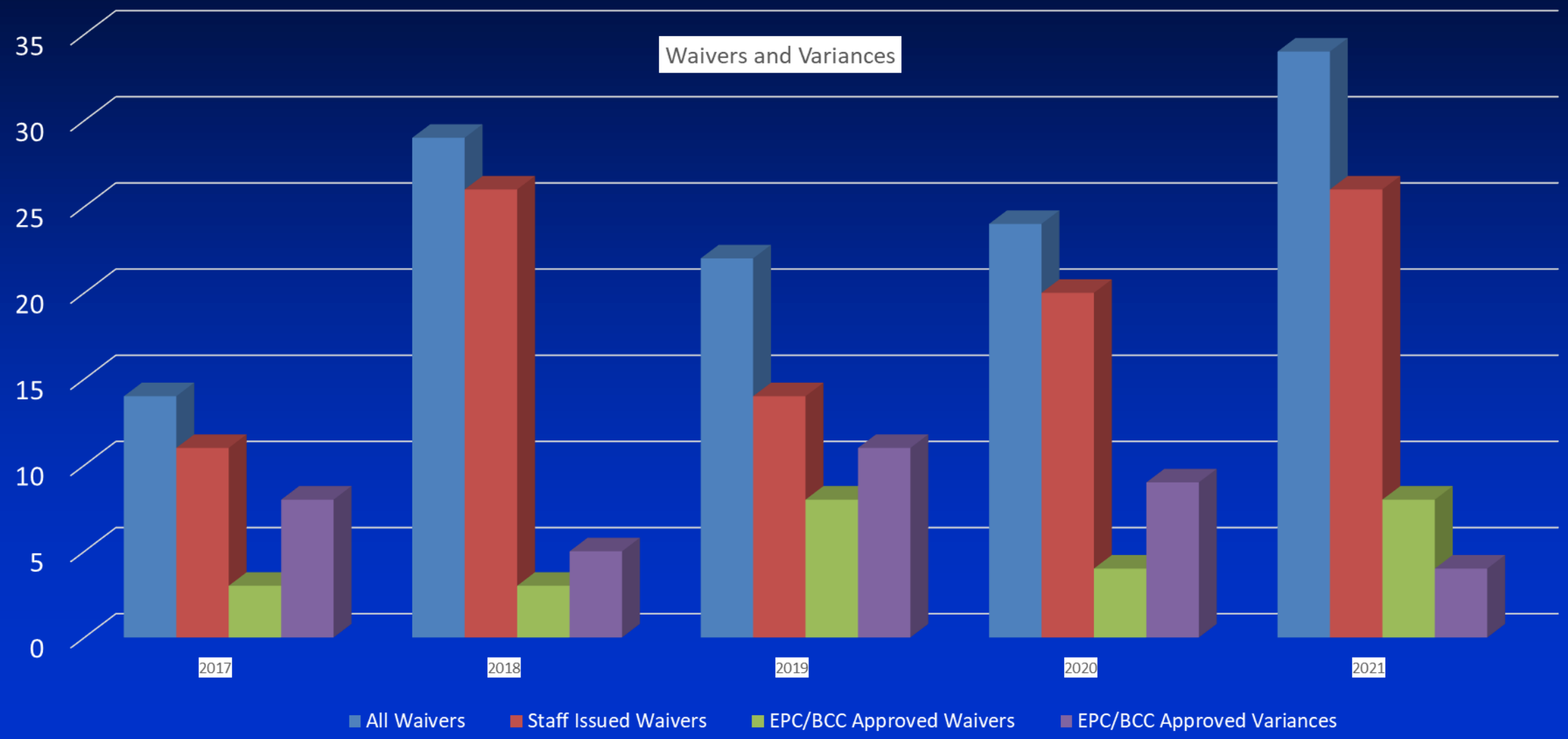
Goals of Revisions

- **Modify certain dock code performance standards to align with regularly approved waivers and variances**
- **Eliminate the waiver process**
- **Strengthen the variance criteria**
- **Maintain environmental protections**





Goals of Revisions



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Ordinance Review

Issue	Current Code	Proposed Code
Additional definitions (Sec. 15-323)	----	Dock Accessories, Dock Accessory Structures, Institutional, and Vessel.
Clarification on floating docks (Sec. 15-324)	----	Floating docks require a permit unless exempt; define exemptions.
Clarification on Screening for Enclosed Docks (Sec. 15-342(a))	Screens are allowed, not considered enclosed	Partial walls 36” in height or less and see-through mesh insect screening is allowed for enclosing the dock.



Ordinance Review

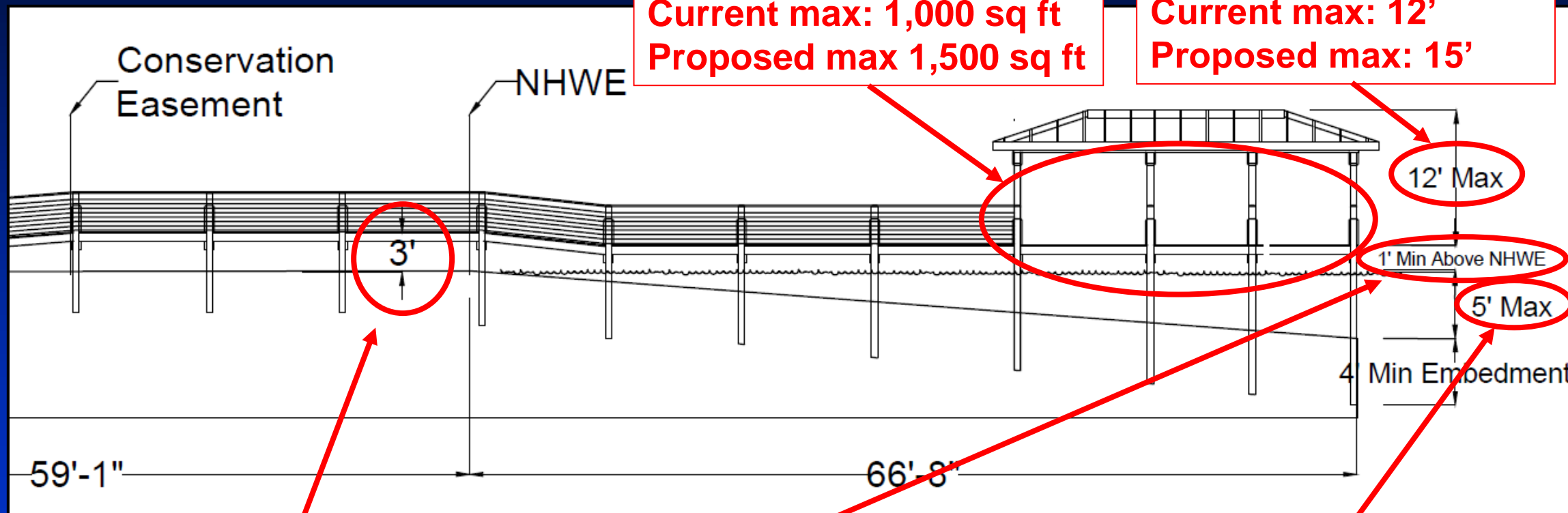
Issue	Current Code	Proposed Code
Water depth/Dock length (Sec. 15-342(b))	The maximum allowed water depth for mooring is five feet.	The dock may not extend further than the nearest permitted dock or a maximum of five feet.
Terminal Platform Size (Sec. 15-342 (e))	The maximum square footage of the terminal platform shall not exceed the square footage of 10 times the linear shoreline frontage for the first 75 feet of shoreline and five times the linear shoreline frontage for each foot in excess of 75 feet, not to exceed 1,000 square feet.	The maximum allowable square footage of the terminal platform is the calculation of fifteen (15) times the linear shoreline frontage not to exceed one thousand five hundred (1,500) square feet. *EPD will still require mitigation for terminal platforms in excess of 1,000 square feet.
Roof height Sec. 15-342(i)	The maximum roof height shall be no higher than 12 feet above the floor elevation.	The maximum allowable roof height shall be fifteen 15 feet above the floor elevation.



Site Plan Example

Terminal platform size
Current max: 1,000 sq ft
Proposed max 1,500 sq ft

Roof height over deck
Current max: 12'
Proposed max: 15'



Walkway height:
Current: 3' above grade over conservation areas (No change proposed)

Deck height:
Current: 1' over NHWE (No change proposed)

Water depth: Current max = 5'
Proposed: 5', or no further waterward than neighboring permitted dock



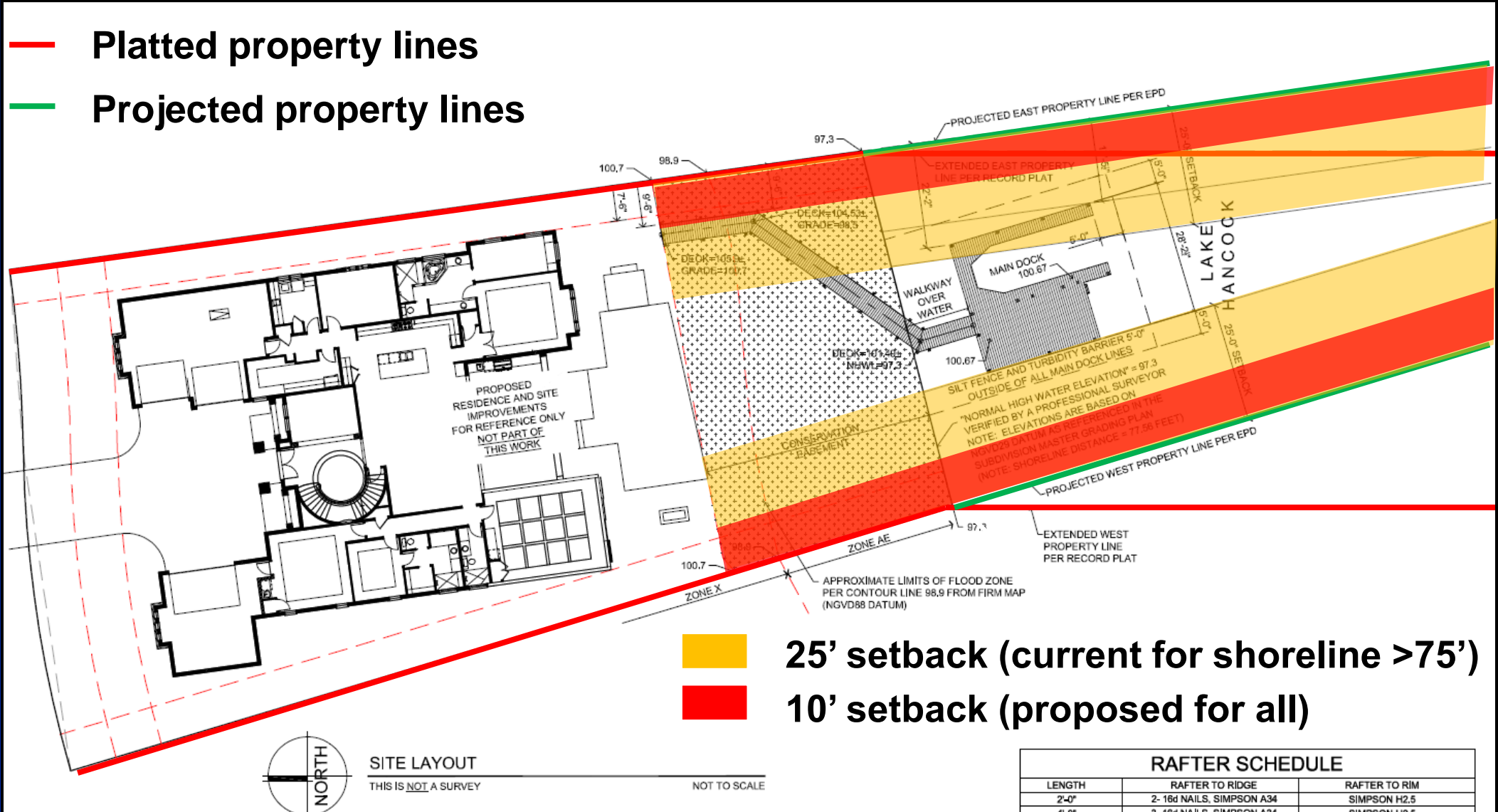
Ordinance Review

Issue	Current Code	Proposed Code
OFW Protection Sec. 15-342(n)	----	Require piling wrapping or polymer coated pilings on Outstanding Florida Waters (OFW) or Outstanding National Resources.
Side Setbacks (Sec. 15-343 and 15-344)	On lots having a shoreline frontage of less than 75 feet, docks shall have a minimum side setback of 10 feet. On lots or parcels having a shoreline frontage of 75 feet or greater, docks shall have a minimum side setback of 25 feet from the projected property line.	Private docks, including designated mooring areas, must have a minimum side setback of 10 feet from any property line or projected property line. Semi-private and public docks, including designated mooring areas, must have a minimum side setback of 25 feet from any property line. (no change)

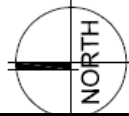


Site Plan Example – Side Setback

- Platted property lines
- Projected property lines



- 25' setback (current for shoreline >75')
- 10' setback (proposed for all)



SITE LAYOUT
THIS IS NOT A SURVEY
NOT TO SCALE

RAFTER SCHEDULE		
LENGTH	RAFTER TO RIDGE	RAFTER TO RIM
2'-0"	2- 16d NAILS, SIMPSON A34	SIMPSON H2.5
4'-0"	2- 16d NAILS, SIMPSON A34	SIMPSON H2.5



Ordinance Review

Issue	Current Code	Proposed Code
Notification of adjacent property owners (Sec. 15-347)	All notices require that written comments on the proposed dock be sent to EPD within 35 calendar days of receipt.	All notices require that written comments be sent to EPD within 20 calendar days of receipt.
Windermere Water and Navigation Control District Advisory Board and the Conway Water and Navigation Control District Advisory Board Noticing (Sec. 15-346 (e))	Advisory Board recommendations must be submitted to EPD within 35 days of receipt.	Advisory Board recommendations must be submitted to EPD within 20 days of receipt of notice.
Appeals (Sec. 15-349)	Parties who have previously filed written objections may file a written notice of appeal to be heard by the EPC	The appeal provisions in section 15-38 govern appeals of final decisions of the environmental protection officer under this article.



Ordinance Review

Issue	Current Code	Proposed Code
Variances (Sec. 15-350)	Variance required for reduced side setback, excessive roof height, excessive walkway width, floor elevation, and other code deviations.	Any deviation from code will require a variance. Criteria for approval of a variance modified including conditions for which the EPO can administratively approve a variance.
Waivers (Sec. 15-350)	Waiver required for reduced side setback or excessive terminal platform.	Eliminate waivers and utilize variance process.
Violations; penalties; enforcement. (Sec. 15-353)	Violations of this chapter, or any provision of any resolution enacted pursuant to the authority of this article, may be punished as provided in sections 1-9.	Added language to address after-the fact dock applications; failure to obtain a permit prior to constructing a dock may be the subject of an administrative penalty up to \$10,000.

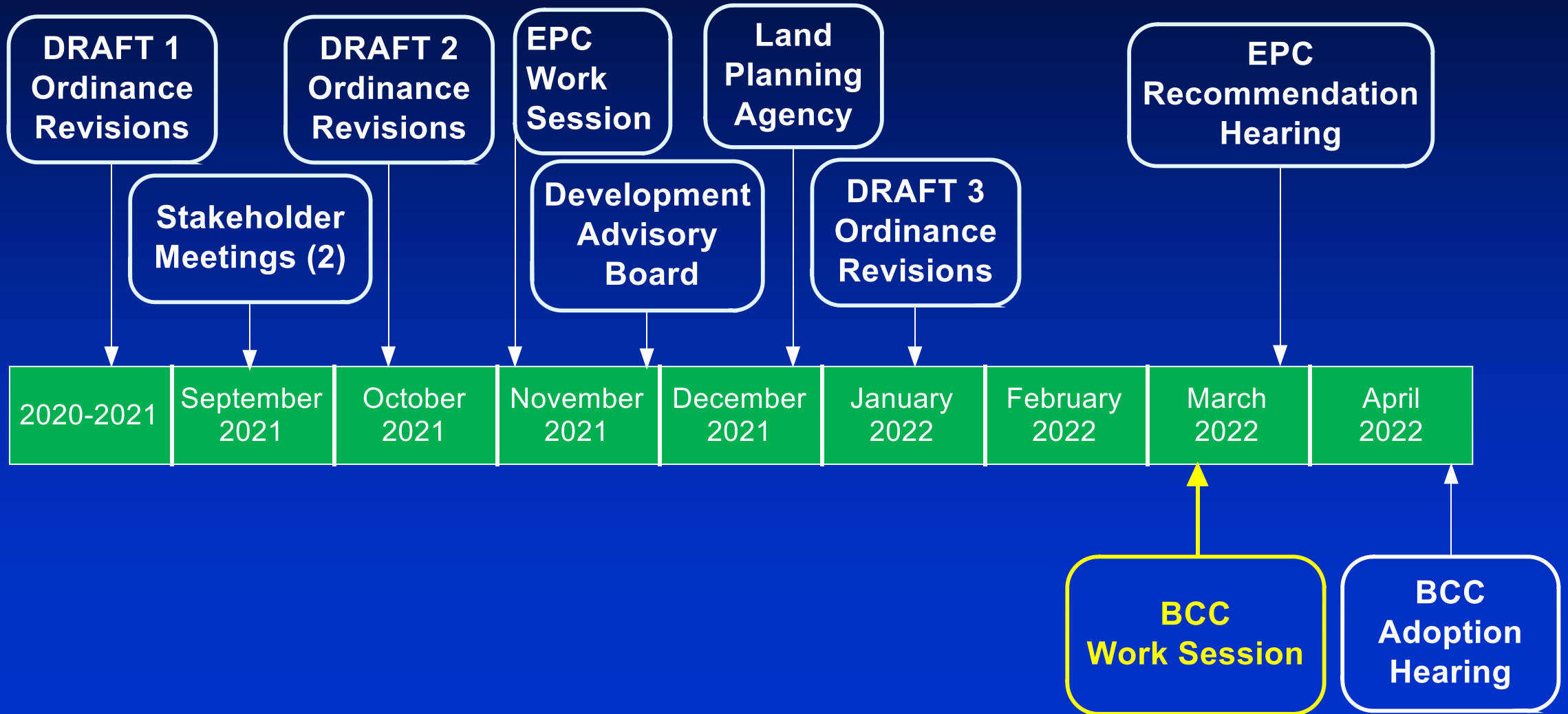
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Stakeholder Outreach





Stakeholder Outreach

- **Industry Contractors**

- After-the-fact penalty should be higher than \$500

- 3% deviation from Code should be added to allow for very minor construction issues

- **Advisory Boards Supportive:**

- DAB

- LPA

- EPC

- BCOL

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Summary

- Article IX is due for an update; last revised in 2004.
- Goals of the ordinance update include maintaining environmental protections while streamlining the permitting process.
- Significant changes include terminal platform size, side setback, roof height, public noticing, variance and waiver processes, after-the-fact penalty increase, and EPO approval for minor plan deviations.
- Changes driven by stakeholder feedback; primarily dock contractors, residents, EPC and staff.

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Next Steps

- Continue to engage with stakeholders
- Prepare final draft of ordinance based on stakeholder input and Board direction
- April 26, 2022: Ordinance adoption public hearing

