

1997 NOV 20 AM 8:37

AN ORDINANCE AMENDING J.A. ORDINANCE 82-2, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY BY AMENDING THE TABLE OF CONTENTS, PAGE VII; AMENDING SECTION 8.2, LOCATION OF ACCESSORY STRUCTURES, TO ACCOMMODATE CHANGES TO SECTION 8.46; AMENDING SECTION 8.46, PRIVATE BOAT HOUSES AND DOCKS, TO INCLUDE ADDITIONAL STRUCTURES, TO INCLUDE SPECIFIC ADVERTISING REQUIREMENTS, TO INCLUDE ADDITIONAL REVIEW CRITERIA REGARDING DOCK EXTENSIONS, TO PROVIDE FOR SPECIFIC PROTRUSION OF BOAT AND DOCK STRUCTURE COMBINATIONS, AND TO PROVIDE OVERALL CLARITY; AMENDING SECTION 20, DEFINITIONS, "BOATDOCK", TO PROVIDE CLARITY, AND ADDING "DOCK FACILITY"; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners finds that the dock facilities criteria of Section 8.46 of the Zoning Ordinance 82-2 as currently written needs to be refined to better serve the interests of boat owners, dock facility owners and the public in general; and

WHEREAS, the Board of County Commissioners finds that additional public notice is appropriate and necessary prior to the Planning Commission hearing a dock extension petition;

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida:

SECTION ONE:

Index, page vii, Section 8.46 of Ordinance 82-2, the Zoning Ordinance of Collier County, Florida is hereby amended to read as follows:

8.46 Private Boat Houses and Docks

Private Docking Facilities

SECTION TWO:

Section 8.2, Location of Accessory Structures, Subsection Accessory Structures on Waterfront Lots and Golf Course Lots, numbers 8., 11. and 14., of Ordinance 82-2, is hereby amended to read as follows:

		<u>FRONT</u>	<u>REAR</u>	<u>SIDE</u>	<u>STRUCTURE TO STRUCTURE</u>
8.	<u>Boat Houses and Boat Shelters</u> (Private)	SPS	N/A	7.5'	10'
11.	<u>Davits, Hoists and Lifts</u>	N/A	N/A	7.5' or 15' (See Sec. 8.46e.)	SPS
14.	<u>Docks and Mooring Pilings</u>	N/A	N/A	7.5' or 15' (See Sec. 8.46e.)	N/A

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WORDS UNDERLINED ARE ADDED; WORDS STRUCK-THROUGH ARE DELETED.

SECTION THREE:

Section 8.46 of Ordinance 82-2, the Zoning Ordinance of Collier County, Florida is hereby amended to read as follows:

8.46 Private Boat Houses and Docks

Private Docking Facilities:

- a. Individual or multiple private boat-houses and docks including mooring pilings, ~~with-or~~ without-boat-hoists, davits, lifts and the like are permitted to serve the residents of a development on canal or waterway lots, not protruding more than the respective distances specified below in subsections 8.46b. and 8.46c. five-(5)-feet-into the-canal-or-waterway-unless such canal or waterway-has a-width-of-one-hundred-(100) feet-or-more,-in-which-case the-boat-house-or-dock-may protrude-twenty-(20)-feet-into such-canal-or-waterway. Permitted dock facility protrusions as well as extension of dock facility is measured from the property line. Additional length /protrusion beyond said 5¹-or-20¹ respective distances specified in subsections 8.46b and 8.46c may be requested and shall require public notice and a hearing by the Planning Commission. After-public hearing-of-due-public notice, Notice of the public hearing shall be prominently posted on the property for which the extension is sought. Notice of the public hearing shall be advertised in a newspaper of general circulation in the County at least one time fifteen (15) days prior to the hearing. Notice of the time and place of the public hearing shall be sent at least fifteen (15) days in advance of the hearing by mail to all owners of waterfront property within three hundred (300) feet of the subject property. The Planning Commission may either approve, approve with conditions or deny any additional length/protrusion beyond that permitted in subsections 8.46b and 8.46c. The Planning Commission's action recommendation shall be based upon consideration of the following factors:

1. The number of beat-houses-or docks facilities to be located on the subject property in relation to the length of waterfront property available for the location of the beat-houses docks facilities.
2. The water depth where the beat-house-or dock facility is to be located and the distance to the location of the navigable channel.
3. The nature and speed of water currents in the navigable channel.
4. The land contour (bottom profile) of the property on which the beat-house-or dock facility is to be located.
5. The effect the beat-house-or dock facility will have on the safety of the users of the navigable channels and adjacent waters.
6. The location, length/protrusion and design of dock facilities on adjacent properties.
7. The impact the extension will have upon the view of the waterway by adjacent waterfront property owners.
8. The distance to adequate water depth (three feet at Mean Low Water) as compared to the requested extension distance.
9. The size of the vessel intended to be moored at the dock facility.
10. Natural waterbodies only: Existing benthic organisms in the vicinity of the proposed extension.

If deemed necessary based upon review of the above criteria, the Planning Commission may impose such conditions upon the approval of an extension request it deems as necessary to accomplish the purposes of this ordinance and protect the safety and welfare of the public. Such conditions may include, but shall not be limited to, greater side setback(s), provision of light(s) additional reflectors or reflectors larger than four (4) inches, prohibiting or permitting mooring on the outside of the dock facility.

- b. For lots on a canal or waterway that is one hundred (100) feet or greater in width: No dock facility/boat combination shall protrude more than twenty (20) feet into the waterway, i.e. the total protrusion of the dock facility plus the total protrusion of the moored vessel.
- c. For lots on a canal or waterway that is less than one hundred (100) feet in width, dock facilities may extend/protrude no greater than five (5) feet into said canal or waterway.
- d. For lots on a canal or waterway that is less than seventy (70) feet in width, the dock facility extension procedure identified in subsection 8.46a. is not available, i.e., such lots are limited to a five (5) foot dock facility.
- e. All dock facilities on lots with water frontage of sixty (60) feet or greater shall have a side setback requirement of fifteen (15) feet, except as exempted below. All dock facilities on lots with less than sixty (60) feet of water frontage shall have a side setback requirement of seven and one-half 7½ feet.

All dock facilities on lots at the end or side end of a canal or waterway shall have a side setback requirement of seven and one-half (7½) feet as measured from the side lot line or riparian line, whichever is appropriate.

For purposes of this section, riparian line shall be defined as a line extending from the corner of an end lot and side end lot into the canal or waterway bisecting equidistantly the angle created by the two intersecting lots. (See exhibit "A").

- f. ~~All docks or mooring pilings, whichever protrudes the greater into the water,~~ All dock facilities, regardless of length/protrusion, shall have reflectors and house numbers four (4) inches minimum size installed at the outermost end, on both sides. For multi family developments, the house number requirement is waived.

SECTION FOUR:

Section 20, Definitions, page 243, "Boatdock", of Ordinance 82-2, is hereby amended to read as follows:

Boatdock: A walkway protruding into a waterway which provides access to a moored boat. ~~A boat dock may include a boatshelter~~

SECTION FIVE:

Section 20, Definitions, page 248, of Ordinance 82-2 is hereby amended to include the following:

Dock Facility: Any structure constructed in or over a waterway for the purpose of mooring a boat. This includes docks, mooring pilings and the like. This does not include boat houses or boat shelters.

SECTION SIX:

This Ordinance shall become effective upon notice that it has been received by the Office of the Secretary of State.

DATE: November 3, 1987

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY FLORIDA

BY: Max A. Rasse, Jr.
MAX A. RASSE, JR., CHAIRMAN

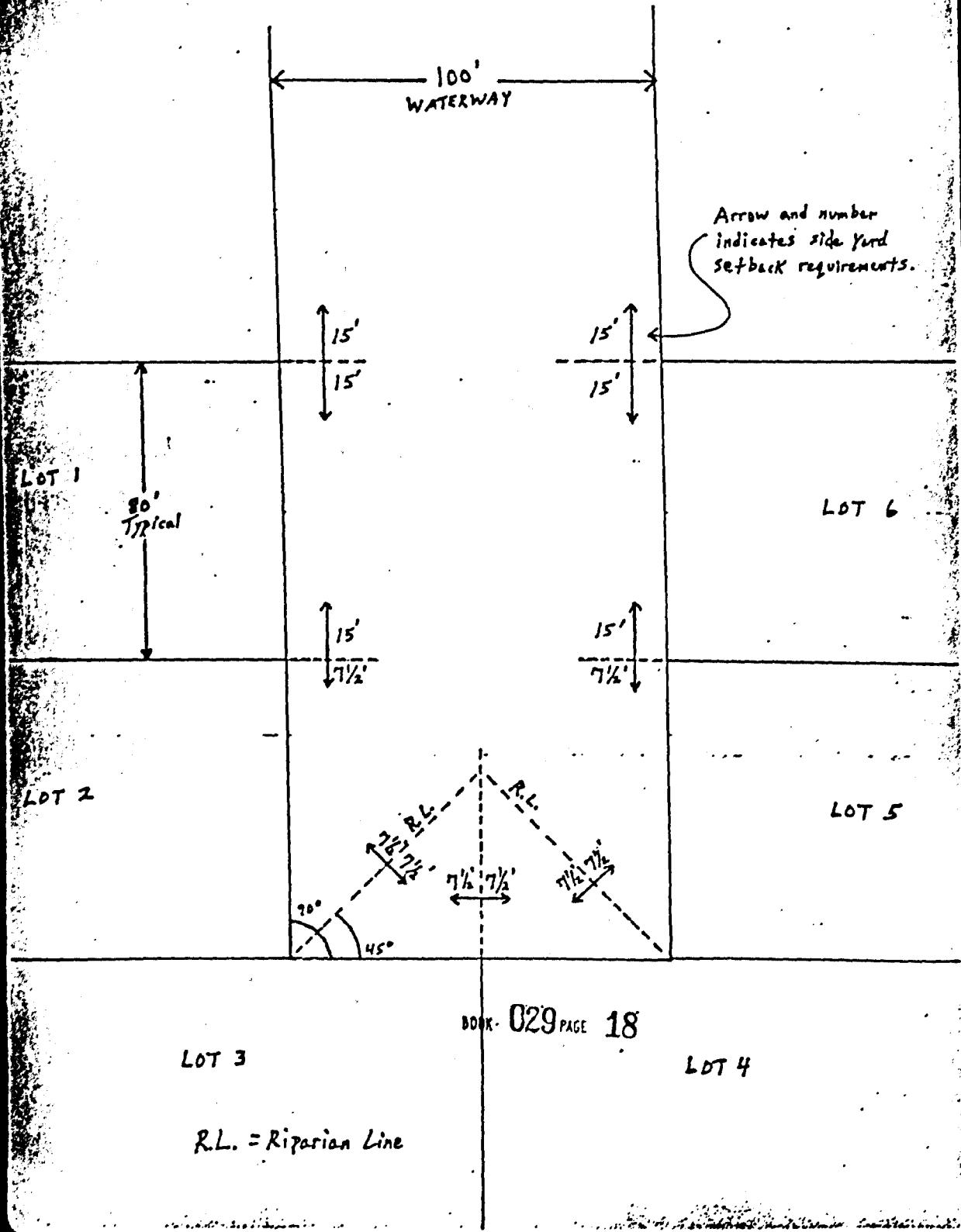
30
TEST:
JAMES C. GILES, CLERK
By: Virginia Magri
Virginia Magri, Deputy Clerk
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:
94777

Kenneth B. Cuyler
KENNETH B. CUYLER
COLLIER COUNTY ATTORNEY

This ordinance filed with the
Secretary of State's Office the
16th day of Nov, 1987
and acknowledgement of that
filing received this 30th day
of Nov, 1987
By: James Chasnois
Deputy Clerk

BOAT DOCK ORDINANCE

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STATE OF FLORIDA)
COUNTY OF COLLIER)

I, JAMES C. GILES, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

Ordinance No. 87-88

which was adopted by the Board of County Commissioners on the 3rd day of November 1987, during regular session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 12th day of November, 1987,

JAMES C. GILES
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

Virginia Mag...
By: Virginia Mag...
Deputy Clerk

