

HARBOUR WATERWAY SPECIAL DISTRICT WATERWAY REGULATIONS

1. PURPOSE

The purpose of the Harbour Waterway Special District "District" shall be continuing maintenance of the system of canals located in The Harbour neighborhood, Harbour North neighborhood, Harbour Cay neighborhood, and Harbour Island neighborhood. The District shall fulfill its purpose by dredging the canals, dredging the channel that provides the canals with access to the St. Johns River, maintaining a jetty, and maintaining navigational aids collectively the "Waterway." To facilitate dredging the Waterway, the District may also enforce standards for docks and other structures located in the canals, and activities in the canals when dredging is ongoing.

2. DOCKS & BULKHEADS

2.1 General

- a. The District fulfills its responsibility of maintaining the canal system by dredging a 50 feet channel to a minimum depth of 5.0 Mean Low Water "MLW", (*the "Clear Channel"*), with a 3 / 1 slope on either side of the Clear Channel extending 15 feet on each side, (*the "Side Channel"*) for a total dredge profile of 80 feet wide throughout the canal system. Refer to Exhibit A
 - i. To facilitate dredging and set standards for the Waterway, the District enacts these regulations that may be amended from time to time by a majority of four members of the Board of Supervisors,"Board"; and
 - ii. To minimize the cost of dredging and to allow for safe navigation in the Waterway, docks and /or pilings as a rule may not obstruct the path delineated by the dredge profile, unless otherwise provided for herein.
- b. Bulkheads / seawalls shall be maintained in sound condition in order to prevent sediment from entering the Waterway.
- c. No docks, wharves, boat lifts, boat slips, seawalls, bulkheads or any other constructions shall be erected on the Waterway without prior approval from the District.
- d. All dock & bulkhead construction and repair shall be conducted in a manner which minimizes adverse impacts to the canal system.
- e. No dock shall be constructed or repaired in a manner which adversely affects the rights of other persons to use or access the canal system.
- f. Property owners shall maintain overhanging trees as not to encroach or interfere with the Waterway, including but not limited to low hanging branches that are less than 45 feet above High Mean Water.

- g. Boat mooring may occur at the terminus of any dock and up to 5.0 feet of the adjacent or projected side yard property line.

2.2 Dock & Bulkhead Building Application and Procedures.

- a. No dock construction or repair shall occur unless permitted by the District.
- b. All permit applications shall include the following:
 - i. The original signature of the property owner of the upland parcel to which the dock and/or bulkhead shall be attached;
 - ii. A copy of a current survey of the parcel, including property lines;
- c. Two (2) sets of a site plan depicting the following:
 - i. The property owner's name and address where the dock is to be located;
 - ii. The location and dimensions of the dock;
 - iii. The location of all bulkheads, seawalls, boat lifts, hoists, floating docks, and pilings for the dock;
 - iv. The distance between the existing bulkhead and the outer most piling attached to the fixed dock;
 - v. The distance between the dock and all adjacent property lines;
 - vi. Location of any existing docks and/or bulkheads attached to upland property abutting the upland property to which the proposed dock is to be attached;
 - vii. The location of any easement areas within twenty feet of any portion of the dock;
 - viii. The scale to which the sketch was prepared; and
 - ix. An arrow indicating north.
- d. Statement that the intended purpose of the dock is exclusively for private use by residents within the District and the Harbour North Park Association.
- e. Dock and bulkhead plans shall be submitted a minimum of 21 days prior to the commencement of construction at the address listed below or by email:
 - i. Harbour Waterway Special District
c/o Stanley H Pipes
11554 Starboard Drive
Jacksonville, FL. 32225
(904) 642-0097
 - ii. Plans scanned in a PDF format may be submitted by email to shpipes@bellsouth.net
- f. A permit to proceed may be issued by the District Manager or a Supervisor designated by the Board of Supervisors, by Resolution to review and approve applications which fully meet the specifications herein. A report will be made on all applications received and acted on to the full Board at the next scheduled Board of Supervisors Meeting.

2.3 Dock Construction – *minimum standards*

- a. Private boat slips, wharves, docks, and boat lifts may be constructed by the property owner, but shall be of neat appearance and of good and substantial construction.
- b. Per Florida Statute 403.813 for non-designated Outstanding Florida Waters, the over-water surface area for a dock shall not exceed 1,000 square feet without special permitting from the State of Florida.
- c. All docks and wharves shall comply with Florida Department of Environmental Protection dock regulations.
- d. Fixed docks and/or pilings may not extend greater than 11 feet from the bulkhead into the canal system, and under no circumstances shall the fixed dock and/or pilings extend into the Clear Channel. Boat lifts and pilings to support boat lift equipment may extend up to 6.0 feet into the Side Channel as measured from Side Channel boundary line closest to the bulkhead then waterward towards the Clear Channel. Refer to Exhibit B
- e. Floating docks may not extend from the fixed dock greater than 6.0 feet.
- f. The combined length of the fixed dock and the floating dock may not extend greater than 17 feet from the bulkhead into the canal system unless otherwise restricted by the Clear & Side Channel regulations.
- g. Docks, wharves, boat lifts, and boat slips shall have a minimum side setback of 5.0 feet from the actual or projected property line equivalent to the side yard setback required of a principal structure.
- h. No fixed dock floor elevation shall be less than one (1) foot above the Mean High Water (MHW).
- i. No portion of any fixed dock may be completely or partially enclosed except for permitted storage lockers and fish cleaning stations:
 - i. Storage lockers of less than 100 cumulative cubic feet may be allowed on private docks; and
 - ii. No storage locker shall be used to store fuel, fueling equipment, hazardous materials or hazardous wastes.
- j. To prevent structures on or adjacent to the Waterway from blocking the views of other property owners, docks or wharves including railings may not be constructed greater than 5.0 feet above the top of the bulkhead or 6.0 feet above Mean High Water (MHW) whichever is less.
 - i. Pergolas, gazebos, or boat houses may not be constructed on or adjacent to the Waterway; and
 - ii. Excluded from these provisions are boat lifts without roofs or covers.
- k. Docks, wharves, boat slips and boat lifts shall be placed parallel to the bulkhead.

2.4 Bulkhead Construction – *minimum standards*

- a. All waterfront lots must have a seawall or bulkhead the entire length of the water frontage and shall have the minimum standards set forth herein:
 - i. Bulkheads may not extend above the current elevation of the existing bulkhead and the bulkhead elevation shall be up to one (1) foot above the Mean High Water (MHW) whichever is the highest elevation.
 - ii. Bulkheads shall be constructed of sound and substantial material rated for marine applications including: concrete, pressure treated marine grade lumber, and/or corrugated vinyl sheet pilings.
 - iii. Pilings for wood and vinyl bulkheads shall be set a maximum of 5.0 feet apart along the bulkhead and have a minimum length of 20 feet.
 - iv. Whalers (horizontal support for the cribbing) for wood and vinyl bulkheads shall be set a maximum of 2.5 feet apart on center with a minimum of three whalers the entire length of the bulkhead.
 - v. Cribbing (vertical sheeting) may be composed of marine grade wood, concrete, and/or vinyl bulkheads and shall be a minimum of 12 feet in length.
 - vi. All bulkheads shall have a sediment filter screen installed the entire length of the bulkheads and down a minimum of 8.0 feet from the top of the bulkhead. Sediment filter screens shall be maintained in good condition at all times.
 - vii. All bulkhead pilings shall have a corrosion resistance steel tiebacks attached and anchored a minimum of 10 feet from the bulkhead adequate to resist lateral soil and hydrostatic pressures.
- b. Shoreline contours above or below the water may not encroach upon the Waterway and no lot shall be increased in size by filling in the waters on which it abuts.

2.5 Variances

The Board of Supervisors (“Board”) may grant variances from the specifications set forth herein for dock or bulkhead construction only under the following circumstances:

- a. The requesting party must provide written notice of the request to all property owners within 150 feet of the lot where the construction is proposed.

- b. Any request for variance must be set forth in writing and filed with the Board at least 35 days before the next regularly scheduled Board meeting, including proof of notification to adjacent property owners.
- c. The request must demonstrate and the Board must find, in order to grant the variance request that the request is not contrary to the public interest, and owing to special conditions, a literal enforcement of the applicable specifications will result in an undue hardship on the requesting property owner.
- d. The Board may provide such conditions and safeguards as may be appropriate and in harmony with the purpose and intent of these regulations.
- e. Approval of any variance request will require the affirmative vote of at least four (4) members of the Board.
- f. No construction may start on any project for which the owner has made application for a variance until the request is approved as provided herein.

3. RESTRICTIONS DURING DREDGING OPERATIONS

- 3.1 The District shall notify all property owners of proposed dredging operations a minimum of 90 days in advance.
- 3.2 Property owners shall relocate boats, vessels, and floating docks as directed by the District to a safe location during dredging operations.
- 3.3 In the event the property owner(s) does not relocate their boat, vessel, or floating dock as directed, the District shall have the right to relocate a boat, vessel, or floating dock to a safe location during dredging operations at the sole expense of the property owner.
- 3.4 The District shall have exclusive use of the Waterway during dredging / maintenance operations.
 - a. No maintenance on docks, boat lifts, bulkheads, seawalls or pilings shall be performed by property owners during dredging operations.
 - b. Dredging operations shall be performed 7 days a week from dawn to dusk until dredging is complete. On average the District conducts dredging operations every 7 to 8 years. The last dredging operations were completed in July, 2013.
 - c. The Waterway shall be closed to all boat traffic during dredging operations for the safety of the boaters and to prevent damage to dredging equipment and the dredge discharge pipe.

4. REMEDIES

- 4.1 After the effective date, all new construction, repairs, maintenance, or modifications to docks, wharves, boat lifts, boat slips, seawalls, and/or bulkheads shall comply with these regulations. In the event new construction or repairs are

performed out of compliance, the District shall have the right to perform modifications, repairs, maintenance and/or demolition to docks, wharves, boat lifts, boat slips, pilings, seawalls, and/or bulkheads at the property owners' expense. This shall include removal of any obstruction located in the Waterway, including but not limited to pilings, fixed docks, boat lifts, and/or submerged vessels.

- 4.2 The District shall have the right at the property owner's expense to remove any submerged vessel or submerged dock after written notification from the District to the property owner, and provided the property owner has not taken corrective action within 30 days.
- 4.3 All costs incurred by the District shall constitute an assessment against the property owner. The District shall the right to enforce the assessment in the matter provided for in Ordinance 2010-725 and Ordinance 2015-233.