

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. Commercial use or operating a commercial enterprise in the Waterway from a residential parcel within the District is strictly prohibited.

2. DOCKS & BULKHEADS

2.1 General

- a. The District fulfills its responsibility of maintaining the canal system by dredging a channel a minimum of 50 feet wide to a minimum depth of 5.0 Mean Low Water "MLW" with a 1.0 foot over-dredge, (*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 the 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 are required for all parcels along the Waterway and 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 30 feet above High Mean Water as measured 11 feet from the bulkhead into the canal.
- g. Boat mooring may occur at the terminus of any dock and up to 5.0 feet from the adjacent homeowner's parcel or projected side yard property line.
- h. To protect the health and safety of persons living along and using the HWSD Waterway, it is not permitted for any person to Live Aboard any vessel in the HWSD channel designated by channel markers 1 through 20.
 - i. A Live Aboard vessel is any vessel used as a residence or any vessel represented as a place of business, a professional or other commercial enterprise, or a legal residence.

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.
- c. 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; and
 - viii. An arrow indicating north.
- d. 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
s.pipes.hwsd@att.net

- e. 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 Waterway, 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 12.0 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 8.0 feet, except special consideration for floating docks extending greater than 8.0 feet may be granted provided homeowner agrees to remove the floating dock during dredging operations and is approved by the Board.
- f. The combined length from the bulkhead of the fixed dock and the floating dock or a boat lift may not extend greater than 22 feet from the bulkhead into the Waterway unless otherwise restricted by the Clear & Side Channel regulations or as provided in paragraph 2.3 (e).
- 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 residential structure, exceptions shall be granted if the adjacent property owner(s) grants permission to build the dock up to the property line.
- 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 or floating dock may be completely or partially enclosed or allowed to have a screened in enclosure. Commercially manufactured storage lockers and fish cleaning stations are allowed subject to Section 2.3j and i, and approval from the Board.
 - i. Two storage lockers or a single storage locker and a fish cleaning stations of less than 100 cubic feet combined are 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, screened in enclosures, 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, and boat lifts shall be placed parallel to the bulkhead.
- l. Residential parcels shall have a maximum of two (2) boat lifts per parcel for vessels greater than 14 feet in length, plus a lift for personal water crafts (PWC) is permitted.

2.4 Bulkhead Construction

- a. All waterfront lots must have a seawall or bulkhead the entire length of the water frontage and shall be maintained in sound condition. Any bulkhead that has failed, collapsed, or fallen into the waterway shall be repaired within 90 days of notification from the Board the seawall or bulkhead has become a hazard to navigation in the waterway.
- b. In the event a new bulkhead is constructed to replace the existing bulkhead, shoreline contours above or below the water may not encroach upon the Waterway by greater than 2.0 feet from the existing bulkhead.
- c. Bulkheads may not extend above the current elevation of the existing bulkhead, and the bulkhead elevation shall not be greater than one (1) foot above the Mean High Water (MHW), whichever is the highest elevation.
- d. 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.
- e. Bulkhead - *Suggested Minimum Standards:*
(Harbour Waterway Special District does not represent or warrant the suggested minimum standards are adequate to resist lateral soil and hydrostatic pressures at a homeowners' property. Homeowners should always consult with a licensed engineer to determine if the suggested minimum standards are adequate for the homeowners' property.)
 - i. 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.
 - ii. Whalers (horizontal support for the cribbing) for wood and vinyl bulkheads shall be set a maximum of 4 feet apart on center with a

minimum of two walers the entire length of the bulkhead.

- iii. 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.
- iv. 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.
- v. All bulkhead pilings shall have corrosion resistance steel tiebacks attached and anchored a minimum of 10 feet from the bulkhead to a deadman adequate to resist lateral soil and hydrostatic pressures.

2.5 Variances

The Board of Supervisors (“Board”) may grant variances from the specifications set forth in Section 2.3 above for dock construction or Section 2.4 above for bulkhead only under the following circumstances:

- a. The requesting party must provide written notice of the request to property owners on either side 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 15 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 45 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 operation was 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, and/or boat slips shall comply with these regulations, except existing docks, wharves, boat lifts, and/or boat slips constructed prior to August 11, 2015 are granted a variance as to the distance from the bulkhead and general design layout. 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.