ORDINANCE NO. 21-04

AN ORDINANCE AMENDING THE TOWN OF ST. LEO CODE OF ORDINANCES PART III, LAND DEVELOPMENT CODE RELATING TO THE REGULATIONS FOR DOCKS; AMENDING THE CODE OF ORDINANCES, TOWN OF ST. LEO; PART III – LAND DEVELOPMENT CODE, ARTICLE VII, SECTION 7.4 PROVIDING FOR REVISED REGULATIONS FOR DOCK CONSTRUCTION TO CLARIFY THE SETBACK REQUIREMENTS FOR DOCK ROOFS; PROVIDING FINDINGS FACT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 7.4 of Article VII of the Land Development Code currently language that provides different setback requirements for roofed docks depending upon the amount of lake frontage of the lot on which the dock is located; and

WHEREAS, the different setback requirements have been found to not provide any additional protection to adjacent properties nor do they further the goals of the Comprehensive Plan; and

WHEREAS, having a consistent requirement for the setback of roof docks from adjacent property lines will provide the opportunity for easier and better enforcement of the Code requirement; and

WHEREAS, the Town Commission finds that docks are an anticipated improvement for lakefront lots to further the enjoyment of the lake for such lots; and

WHEREAS, the Town Commission finds that the amendment to the Land Development Code is consistent with the Comprehensive Plan 2025 and serves to further the public health, safety, and welfare.

NOW THEREFORE BE IT ENACTED BY THE TOWN COMMISSION OF THE TOWN OF ST. LEO, FLORIDA:

Section 1. Part III – Land Development Code, Chapter VII, Section 7-4, Code of Ordinances, Town of St. Leo, is hereby amended as follows (strike-though indicates deleted language and underlining indicates new language):

ARTICLE VII. – ZONING DISTRICTS

Section 7.4. – Accessory uses, buildings/structures and permitted encroachments.

E. Docks and related structures.

4. All docks shall meet the following requirements:

b. The following requirements relative to lake frontage and dock length, area and height shall be based on the established Southwest Florida Water Management District (SWFWMD) High Minimum Lake Level (HML) mark for Lake Jovita, which is defined as the 127-foot contour line above the National Geodetic Vertical Datum (NGVD).

i. All docks shall be set back a minimum of 15 feet from the property line. All roofed areas must be set back a minimum of 25 feet from the property line.

ii. The total dock area whether permanent or floating or any combination thereof shall not exceed 850 square feet in surface area, including roofed structure and boat slip area, as measured from the HML. Any portion of the dock/walkway area landward of the HML shall not be included in the total dock area calculation.

iii. The dock deck, except for floating docks, shall be a minimum of six (6) inches or 0.5 feet above the HML, but not to exceed two (2) feet above HML.

iv. The height of any roofed structure shall not exceed 15 feet above the dock deck to the roof peak.

v. Based on the gentle slope of bathymetric contours in the north and southeast sections of Lake Jovita, the following twelve (12) parcels as identified by Pasco County Property Appraiser parcel numbers in effect on August 1, 2018, shall be limited to a permanent or floating dock or any combination thereof extending a maximum of 100 feet into the lake as measured from the HML: 01-25-20-0000-00300-0010, -00300-0011, -00400-0000, -00400-0030, -00400-0032, -00700-0000, -00900-0000, -00600-0000, -00200-0000, -03000-0010, 03000-0000, and -00100-0010. No other permanent or floating dock or any combination thereof, shall extend more than 50 feet into the lake as measured from the HML.

vi. Based on their location adjacent to the canal extending north from Lake Jovita, the following four (4) parcels identified by the Pasco County Property Appraiser parcel numbers in effect as of July 1, 2018, shall be limited to a permanent or floating dock or any combination thereof extending a maximum of 25 percent of the width of the canal as measured from the HML: 01-25-20-0000-00400-0020, -00500-0000, -00400-0050, -00400-0010, The total dock area whether permanent or floating or any combination thereof shall not exceed two (2) square feet for every foot of the subject frontage along the canal. Total dock area includes roofed structure and boat slip area as measured from the HML. A minimum five (5) foot setback shall be provided from all property lines and a minimum 25-foot setback shall be provided from an existing dock structure on adjacent properties. All other provisions of this section not modified by this paragraph shall apply.

vii. Based on their location at the mouth of the canal and Lake Jovita, the following two (2) parcels identified by the Pasco County Property Appraiser parcel numbers in effect as of July 1, 2018, require special regulations to ensure docks located on these properties which may extend up to 100 feet into Lake Jovita from the HML, do not limit navigation to and from the canal: 01-25-20-0000-00900-0000 and 01-25-20-0000-00600-0000. Any permanent or floating dock or any combination thereof located on these lots shall be located along the southern property line of parcel 01-25-20-0000-00900-0000 and the eastern property line of parcel 01-25-20-0000-00600-0000. The minimum setback from any property line shall be 15 feet for docks with or without roofed structures. The minimum setback from an existing dock structure(s) on an adjacent property shall be 25 feet to preserve the navigability of the canal channel. The required 15-foot minimum setback may be reduced to 5 feet along the southern property line of parcel 01-25-20-0000-00900-0000 and the eastern property line of parcel 01-25-20-0000-00600-0000 with the written consent of the adjoining property owner(s) as provided to and acknowledged by the Town Commission through the dock approval process. Any dock on these parcels constructed prior to the adoption of this section and chapter shall only rebuild in compliance with this section and this chapter. Any existing docks shall not expand in size, height, length or add any roofed structures, unless approved by the Town Commission in accordance with the requirements regarding nonconformities in Article V. All other provisions of this section not modified by this paragraph shall apply.

Section 2. If the event of a conflict with any other Town ordinances or part of ordinances, the provisions of this Ordinance shall control.

Section 3. If any section, subsection, sentence, clause, phrase, word or other part of this Ordinance is for any reason declared unconstitutional or invalid by any court of competent jurisdiction, such part shall be deemed separate, distinct and independent and the remainder of this Ordinance shall continue in full force and effect.

Section 4. This ordinance shall take effect on February 8, 2021.

Read for first reading on January 11, 2021.

Read for second reading on February 8, 2021.

Adopted and certified as to passage on February 8, 2021.

The foregoing ordinance was adopted by the St. Leo Town Commission vote as follows:

Richard H. Christmas, Mayor

James Hallett, O.S.B., Mayor Pro Tem

Vincent D’Ambrosio

Donna DeWitt, O.S.B.

Curtis Dwyer

PASSED AND APPROVED IN REGULAR SESSION ON THIS 8th DAY OF FEBRUARY 2021.

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ATTEST:

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Andrea Calvert, MMC, Town Clerk

TOWN OF ST. LEO MAYOR

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Richard H. Christmas, Mayor

Approved as to form by:

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Patricia Petruff, Esquire, Town Attorney