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**SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and adoption.

**Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon the first reading and public hearing on the 16th day of August, 2018.

**Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon the second and final reading and public hearing on the 11th day of September, 2018.

Public hearing advertised on the City’s website on July 6, 2018 and advertised in the Riverland News on August 9, 2018 and September 6, 2018 and in the Ocala Star Banner on August 10, 2018 and September 6, 2018. Final draft ordinance posted on the City’s website on August 14, 2018.

ATTEST:

**CITY OF DUNNELLON**

\_\_\_\_\_  
Amanda L. Roberts, CMC  
City Clerk

\_\_\_\_\_  
Richard Hancock, Vice-Mayor

Approved as to Form:

\_\_\_\_\_  
Andrew J. Hand, City Attorney

**CERTIFICATE OF POSTING**

**I HEREBY CERTIFY** that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and the Dunnellon Library, in the City of Dunnellon, Florida, this 15th day of August, 2018 and on the City’s Official Website the 14th day of August 2018.

## Chapter 78 - WATERWAYS<sup>[1]</sup>

### Footnotes:

~~—(1)—~~

~~Cross reference—Parks and recreation, ch. 46; streets, sidewalks and other public places, ch. 54; vegetation, ch. 74; buildings and building regulations, ch. 82; community development, ch. 86; planning, ch. 94; zoning, app. A.~~

~~State Law reference—Attachment of vessels, F.S. § 76.32; Florida Vessel Safety Law, F.S. ch. 327; local regulation of vessels, F.S. §§ 327.22, 327.60.~~

## ARTICLE I. IN GENERAL<sup>[2]</sup>

### Footnotes:

~~—(2)—~~

~~Editor's note—Ord. No. 2011-08, § 2, adopted August 22, 2011, amended the Code by repealing former art. I, §§ 78-1—78-5, and adding a new art. I. Former art. I pertained to similar subject matter, and derived from the Code of 1985, §§ 5-1, 5-4—5-7.~~

### Sec. 78-1. Findings.

The city council hereby makes the following findings of fact:

- ~~(1) There exists potential conflicts and safety hazards on the Rainbow River as a result of multiple and concurrent uses such as but not limited to; public bathing (swimming), floating (tubes and rafts), pleasure boating and fishing, as well as various types of paddle and pedal craft.~~
- ~~(2) The Rainbow River is a constricted waterway at approximately 80—130 feet in width and a shallow waterway at two to ten feet in depth. The potential conflicts and safety hazards result when motorized vessels such as boats, personal watercraft, and airboats are operated above "idle only" speed or in any careless fashion.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011.)~~

### Sec. 78-1A. State boating safety regulations adopted.

~~For the purpose of regulating traffic on the waters of Rainbow River and the Withlacoochee River lying within the city, there are hereby adopted the boating safety regulations contained in F.S. ch. 327, vessel safety, and those additional regulations contained in this chapter, which are not limited nor preempted by F.S. ch. 327 as specifically provided for at F.S. § 327.60. All of these provisions shall be in force in the city to the same extent as if set out at length in this chapter.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011.)~~

### Sec. 78-2. Definitions.

The following words and phrases shall have the following meanings as used in this section:

~~Airboat means any watercraft propelled by either a pusher type or a tractor type propeller of any kind or nature whatsoever, including, but not limited to, an aircraft propeller, which is not immersed in water while the watercraft is being operated.~~

~~Diver means any person who is wholly or partially submerged in the water and is equipped with a face mask and snorkel or underwater breathing apparatus. See F.S. § 327.331.~~

~~Idle speed only zone means a restricted or controlled area which has been established to protect the interest of the public wherein a motorized vessel cannot proceed at a speed greater than that speed which is necessary to maintain steerageway.~~

~~Motorized vessel means any vessel equipped with machinery for propulsion, irrespective of whether the propulsion machinery is in actual operation.~~

~~Operate means to navigate or otherwise use a vessel.~~

~~Rainbow River means that portion of the Rainbow River, its natural and unnatural tributaries, creeks and other waterways flowing therefrom which lie within the present city limits and the city limits as expanded from time to time.~~

~~Vessel is synonymous with a boat and includes every description of watercraft, barge and airboat, other than a seaplane on the water, used or capable of being used as a means for transportation on water.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011.)~~

~~Sec. 78-3.—Littering on waterways.~~

~~The throwing of litter and/or trash of any sort, size and/or amount, into the waters of the Rainbow River or the Withlacoochee River or into any other body of water lying within or along the city limits is hereby prohibited and declared to be unlawful. When any litter is thrown or discarded from a boat, the operator or owner of the boat, or both, shall be deemed in violation of this section.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011.)~~

~~Cross reference—Solid waste, ch. 50.~~

~~State Law reference—Florida Litter Law, F.S. § 403.413.~~

~~Sec. 78-4.—Navigational courtesy and safety requirements for users of the Rainbow River.~~

~~(a)—Navigability of the Rainbow River shall not be inhibited by any user class included but not limited to swimming, floating, boating, paddling and pedaling. When navigating the river, the class/vessel with the least control (maneuverability) shall have the right of way.~~

~~(b)—User classes with least to most control would be: floating, swimming, boating (motorized), pedaling and paddling.~~

~~(c)—Lashing of tube clusters, or an individual tuber shall not exceed ten feet.~~

~~(d)—Motorized vessels (boating) shall disengage propeller and wait for swimmers and floaters to pass safely as opposed to moving into the shallow water and thereby creating propeller scars in the vegetation.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011.)~~

~~Sec. 78-5.—Diving or fishing from bridges.~~

~~Jumping off, diving off, or fishing from any bridge across the Rainbow River, the Withlacoochee River, or any other body of water lying within the city is hereby prohibited and declared to be unlawful, except where catwalks are specifically provided for fishing purposes.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011.)~~

~~Sec. 78-6.—Use of a divers down flag by persons engaged in snorkeling or scuba diving.~~

~~Snorkeling and scuba diving is prohibited and declared to be unlawful in the waters of the Rainbow River, unless the presence of the diver shall be indicated by one or more, "divers down" flags, as provided in F.S. § 327.331.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011.)~~

~~Sec. 78-7. Use of vessel as place of business prohibited.~~

~~No vessel of any kind while moored or docked in any waterway in the city shall be used as a place from business or professional services are conducted; however, such prohibition shall not apply to vessels being displayed for sale. An example of a violation would be a vessel anchoring in the Rainbow River selling hot dogs and beverages.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011.)~~

~~Sec. 78-8. Failure to properly display or carry vessel registration.~~

~~All vessels must carry and properly display vessel registration.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011.)~~

~~Sec. 78-9. Operate or dock a motorized vessel with expired registration.~~

~~It shall be unlawful to operate or dock a motorized vessel with expired registration.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011.)~~

~~Secs. 78-10—78-30. Reserved.~~

~~ARTICLE II. BOATS<sup>[3]</sup>~~

~~Footnotes:~~

~~—(3)—~~

~~Editor's note—Ord. No. 2011-08, § 2, adopted August 22, 2011, amended the Code by repealing former art. II, §§ 78-31, 78-32, 78-51—78-53, and adding a new art. II. Former art. II pertained to similar subject matter, and derived from the Code of 1985, §§ 5-2, 5-3, 5-21—5-23, and Ord. No. 00-16, adopted September 11, 2000.~~

~~DIVISION 1. GENERALLY~~

~~Sec. 78-31. Speed limit; operation of vessels with motors in environmentally sensitive areas.~~

~~An idle speed only zone is hereby established on all the waters of the Rainbow River within the jurisdiction of the city. The idle speed only zone shall be in effect seven days a week, every week, throughout the year.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011.)~~

~~Sec. 78-32. Reckless operation.~~

~~It is unlawful to operate a vessel in a reckless manner. A person is guilty of reckless operation of a vessel who operates any vessel in a willful or wanton disregard for the safety of person or property, or without due regard, caution and circumspection, or at a speed or in a manner as to endanger or is likely to endanger, life or limb, or damage the property of, or injure any person.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011.)~~

~~Sec. 78-33. Careless boating.~~

~~(a) No person shall operate a vessel in a careless manner, or at a rate of speed that endangers or is likely to endanger the safety of property or any person. Every person operating any vessel shall do so in a careful and prudent manner, taking into consideration the weather conditions and range of visibility, water turbulence, proximity to fisherman, bathers, other boats and watercraft including tubers, and all other attendant circumstances so as not to endanger the life, limb or property of any person.~~

~~Failure to operate a vessel in such a careful and prudent manner shall constitute careless boating in violation of this section.~~

- ~~(b) It shall be unlawful for any person to operate a vessel at a rate of speed that creates waves or wake capable of causing, or which does cause, danger or injury to any person in or along a waterway, or damage, or the possibility of damage to docks, seawalls, vessels or other personal property located on vessels in use or which are docked or moored in any water way in the city.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011.)~~

~~Sec. 78-34. — Riparian rights.~~

~~Nothing in this chapter shall be construed to deny or impair the common law riparian rights of persons owning riparian property which fronts on the waters of the city, including, but not limited to, rights of ingress, egress, boating, bathing and fishing.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011.)~~

~~Sec. 78-35. — Vessel noise limitation.~~

~~As provided in F.S. § 327.65 F.S., it shall be unlawful for any person to operate or give permission for the operation of any vessel on the Rainbow and Withlacoochee Rivers within or along the city limits, in such a manner as to exceed a maximum sound level of 90 dB A at a distance of 50 feet from the vessel. Any person who refuses to submit to a sound level test, when requested to do so by a law enforcement officer, is guilty of a violation of this section.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011.)~~

~~Sec. 78-36. — Operation of a vessel while under the influence of intoxicating liquors or controlled substance prohibited.~~

- ~~(a) As provided in F.S. § 327.35, it is unlawful for any person who is under the influence of an alcoholic beverage or any substance controlled under F.S. ch. 893, when affected to the extent that normal faculties are impaired, to operate or be in control of any vessel on any waterway within the city. Dunnellon Police will arrest criminal offenders as provided by Florida Statute.~~
- ~~(b) The possession of alcoholic beverages on the Rainbow River, as defined in section 11-81 of this Code, shall be unlawful. The provisions of this section may be enforced by any local, state or federal law enforcement officer acting within his jurisdiction (section 3-8, possession on Rainbow River).~~

~~(Ord. No. 2011-08, § 2, 8-22-2011.)~~

~~Sec. 78-37. — Disorderly intoxication.~~

- ~~(a) As provided in F.S. § 856.011, no person shall be intoxicated and endanger the safety of another person or property, and no person shall be intoxicated or drink any alcoholic beverage in a public place or in or upon any public conveyance and cause a public disturbance.~~
- ~~(b) Any person violating the terms of this section shall be guilty of a misdemeanor of the second degree. Dunnellon Police will arrest criminal offenders as provided by Florida Statute.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011.)~~

~~Sec. 78-38. — Food or alcoholic and nonalcoholic beverages in disposable containers—Rainbow River only.~~

- ~~(a) A disposable container is defined as a receptacle designed to be used once, and then thrown away including metal/aluminum cans, cardboard containers, glass containers and breakable plastic containers.~~

~~(b) The possession of food or alcoholic and nonalcoholic beverages on the Rainbow River in disposable containers shall be unlawful. Paper sacks, boxes, breakable plastic utensils, paper napkins are prohibited.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011)~~

~~Sec. 78-39. Abandonment of vessel in waterway prohibited.~~

~~(a) It shall be unlawful for any person to abandon any vessel in any waterway within the corporate limits of the city or to moor or anchor a vessel in a manner that is likely to become a menace to navigation.~~

~~(b) If any vessel shall be declared to be in violation of this section as a menace to navigation, the city shall have the immediate right to have the vessel removed and impounded at the nearest licensed marine facility. All costs for towing and storage shall be assessed to the owner. If the boat is unclaimed after 90 days, it will be sold with the proceeds paying for charges incurred and the remainder going to the city. The act of abandonment on the part of the owner shall waive all liability of the city for damage resulting from towing and storage.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011)~~

~~Sec. 78-40. Personal water craft.~~

~~(a) It is unlawful for a person under the age of 14 years of age to operate a personal water craft. The parent or guardian of such person allowing such behavior will be charged with a violation of this section.~~

~~(b) It shall be unlawful to operate a personal water craft without a proper personal flotation device.~~

~~(c) It shall be unlawful to operate a personal watercraft ½ hour after sunset to ½ hour before sunrise.~~

~~(d) It shall be unlawful to fail to attach an engine cut-off switch to a person operating a personal water craft.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011)~~

~~State Law reference — Personal watercraft regulated, F.S. § 327.39.~~

~~Sec. 78-41. Absence of or improper safety equipment on vessel.~~

~~(a) It shall be unlawful to not have safety equipment or improper safety equipment on a vessel and failure to comply with safety requirements as further described in F.S. ch. 327 is a violation of this section.~~

~~(b) Anyone born on or after January 1, 1988 is required to either have successfully completed a National Association of State Boating Law Administrators (NASBLA) approved boating education course or have passed a course equivalency or temporary certificate examination and have in their possession a boating education ID card and a photo identification card before operating a vessel with a motor of ten HP or more in the state. Identification cards for persons completing the course or the equivalency exam are good for a lifetime. Temporary certificate exams are made available to the public through contractors. The temporary certificate is valid for 12 months from the issue date.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011)~~

~~Sec. 78-42. Fireworks.~~

~~It is unlawful to use, discharge or possess fireworks, explosives or substances, with the exception of fuel necessary for motorized vessels, that could be combined into an explosive mixture on a vessel on the Rainbow River.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011)~~

~~Secs. 78-43—78-50.—Reserved.~~

~~DIVISION 2.—AIRBOATS~~

~~Sec. 78-51.—Operation prohibited during certain hours.~~

- ~~(a)—No person shall operate an airboat from one-half hour after sunset through a time period one-half hour before sunrise.~~
- ~~(b)—The provisions of subsection (a) of this section shall apply to the operation of an airboat on all bodies of water, marshes and land areas within or along the boundaries of the city.~~
- ~~(c)—Nothing in this section shall prohibit the use at any time of a state, federal, county or city airboat properly operated in the line of duty by duly authorized personnel.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011.)~~

~~Sec. 78-52.—Safety requirements.~~

- ~~(a)—No person shall operate an airboat in such a manner as to endanger life, limb or property.~~
- ~~(b)—No person shall operate an airboat in such a manner as to direct the propeller blast in the direction of any person, building, dock, swimming area or other boats.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011.)~~

~~DIVISION 3.—PENALTIES AND SPECIAL MAGISTRATE~~

~~Sec. 78-53.—Penalties—Fine schedule for civil municipal code violations.~~

- ~~(a)—Violations of the provisions of this chapter, or failure to comply with any of the requirements as stated, shall constitute a civil municipal code violation.~~
- ~~(b)—Any person who violates this chapter or fails to comply with any of its provisions shall be issued a civil municipal code violation.~~
- ~~(c)—Contents of civil municipal code violation ticket. The ticket shall specifically describe the following:
  - ~~(1)—Describe the vessel;~~
  - ~~(2)—Indicate its location;~~
  - ~~(3)—Specify the nature of the violation;~~
  - ~~(4)—Indicate the amount of the fine;~~
  - ~~(5)—Give notice to the violator that he or she must pay the fine within 30 days or appeal the ticket; and~~
  - ~~(6)—Describe the procedures to be followed in either paying such fine or electing not to pay such fine and requesting a hearing before a county court official concerning the violation, and the penalty for failure to comply with the directions on the ticket.~~~~

~~A sequential numbering system shall be used.~~

- ~~(d)—Computation of time. If the last day of any time period described in this section falls on a Saturday, Sunday or legal holiday, the time period shall run until the end of the next day which is neither a Saturday, a Sunday nor a legal holiday.~~
- ~~(e)—All civil municipal code fines under chapter 78 of this Code, will be \$50.00 per violation. Any future changes with regard to fees will be made by resolution.~~

~~(Ord. No. 2011-08, § 2, 8-22-2011; Ord. No. 2016-08, § 2, 7-11-2016)~~

~~Sec. 78-54. — Payment of fine; appeals.~~

~~(a) — Violations of this division shall be referred to the county court for the county of the Fifth Judicial Circuit.~~

~~(b) — An individual receiving a ticket pursuant to this section shall have 30 days from the date of issuance to pay the fine per the instructions on the ticket or request an appeal per subsection (c) below.~~

~~(c) — Appeal of civil municipal code fine ticket.~~

~~(1) — Any individual who receives a civil ticket issued pursuant to the requirements of this chapter may voluntarily elect to appeal the ticket and request a hearing within 30 days from issuance of the ticket, by requesting an appeal with the county court for the county of the Fifth Judicial Circuit per the instructions on the ticket.~~

~~(2) — Any person who elects to appear before a designated official to present evidence waives his or her right to pay the fine cited on the ticket. The official, after a hearing, shall make a determination as to whether a violation has been committed and may impose a civil penalty or the fine amount designated on the ticket, plus court costs.~~

~~(d) — Failure to pay fine. If the fine is not paid within 30 days from issuance, and no appeal is filed, then the appearance before the county court of persons who fail to comply with the provisions of this division will be compelled by the issuance of a summons by the deputy clerk of the court for the county of the Fifth Judicial Circuit. A warrant shall be issued by the court for the arrest of any person who fails to appear in response to such summons.~~

~~(Ord. No. 2016-08, § 2, 7-11-2016)~~

~~Secs. 78-55 — 78-69. — Reserved.~~

ARTICLE III. - DESIGNATED RIVER CORRIDORS

Sec. 78-70. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Development* — as set forth in F.S. 380.04, means carrying out any building activity, making any material change in the use or appearance of any structure or land, or dividing land into three or more parcels, and includes the following: a change in the intensity of use of land; alteration of a shore or bank of a river, stream, lake, pond, or canal; drilling other than to obtain soil samples, mining, or excavation; demolition; clearing land as an adjunct of construction, or deposit of refuse, solid or liquid waste, or fill on a parcel of land. As further set forth in F.S. 380.04, the term "development" does not include the following: work by a highway or railroad agency for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the right-of-way; work by any utility and other persons engaged in the distribution or transmission of gas, electricity, or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like; work on the interior of a structure or work that affects only the color or decoration of the exterior of a structure; residential accessory uses in compliance with provisions for accessory uses in the Dunnellon Code of Ordinances; or the use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock. [the definition of development as set forth in s. 380.04, F.S., is hereby incorporated by reference.](#)~~

~~*Lots of record* — defined in appendix [shall have the same meaning as set forth in Appendix A, article \[Article\]\(#\) III, section 3.5, of this code, as having at least 50 feet abutting a street, providing all yards, and being either a platted lot or a parcel recorded with the clerk of the court on or before the effective date of this code \(date 8-14-72\) \[Section 3.5 of this code.\]\(#\)](#)~~

~~(Ord. No. 2008-01, § 1, 10-27-2008)~~

Sec. 78-71. ~~—Designation—~~ [Intent and designation](#) of river corridor protection areas.

~~The following areas are designated as river corridor protection areas (RCPA):~~ intent of Article III is to define River Corridor Protection Areas (RCPA) and to minimize development within the RCPA to maintain contiguous, non-fragmented habitat along the rivers, including associated wetlands. In addition, this Article regulates development activities on the portion of parcels that are landward of the RCPA to maintain the additional beneficial functions achieved by regulating development within that area. The following areas are designated as RCPA:

- (1) ~~—The shoreline and all land lying within 150 feet of the ordinary high water line of the Rainbow River and its navigable coves.~~
- (2) ~~—The shoreline and all land lying within 150 feet of the ordinary high water line of the Withlacoochee River and its navigable coves.~~
- (3) ~~—All wetlands abutting the areas identified in subsections 78-71(1) and (2).~~ For lots of record, the shoreline and all land lying landward of the ordinary high water lines of the Rainbow River, Withlachoochee River and their navigable coves to the applicable distance specified in Table 78-71.1.

~~(Ord. No. 2008-01, § 1, 10-27-2008)~~

~~Sec. 78-72. — Applicability.~~

~~The provisions of this article apply to all development within the designated river corridor protection areas, except as specifically exempted below:~~

- (1) ~~—The provisions of this article shall not apply to a valid, unexpired building permit has been issued for a lot within the RCPA on or before the effective date of this ordinance.~~
- (2) ~~—Applications for permits for interior construction or interior or exterior renovation, or remodeling shall not be required to comply with this article, provided that such interior construction, renovation, or remodeling shall not increase the footprint of the building within the area designated as the river protection corridor by more than 20 per cent.~~
- (3) ~~—Applications for construction of docks, piers, boatlifts, or boathouses that are attached to the shoreline and lie over the water, and that meet the existing state and local laws, rules, and policies.~~
- (4) ~~—Any public agency or agent performing work on publicly owned property or within a right-of-way or easement or emergency work necessary to preserve life or property.~~
- (5) ~~—Improvements identified in the Blue Run of Dunnellon Park Management Plan approved by the Florida Communities Trust, or public recreational or educational improvements or facilities approved by the Dunnellon City Council.~~

~~(Ord. No. 2008-01, § 1, 10-27-2008)~~

~~Sec. 78-73. — Standards for development within river corridor protection areas.~~

- (a) ~~—Tree protection. The provisions of chapter 74, article III, shall apply in all river corridor protection areas. In the event that any standards set forth herein conflict with the tree protection requirements of chapter 74, article III, the stricter standard shall apply.~~
- (b) ~~—Habitat protection. The river corridor protection area is provided to maintain a viable habitat area along the rivers and associated wetlands.~~
  - (1) ~~—Habitat management plans. Parcels, other than existing lots of record that are greater than one acre, shall provide a habitat management plan along with a site plan application when development of the parcel is proposed.~~
  - (2) ~~—Habitat management plan requirements. Each habitat management plan shall contain:~~

- a. ~~An inventory of listed species identified on site;~~
  - b. ~~Measures to mitigate any adverse impacts to listed species;~~
  - c. ~~Strategies to maintain the area as viable habitat such as retention of diseased or fallen trees and other vegetation, provided that such retention is not detrimental to the public interest or safety, and further that such retention is consistent with the provisions regarding tree protection in chapter 74, article III;~~
- (3) ~~Shoreline access. Reasonable access to the shoreline is permissible within the river corridor protection area, provided that the following standards are met:~~
- a. ~~Each property shall be entitled to one access point to the shoreline;~~
  - b. ~~No access walkway shall be wider than four feet, except on public pathways where required to meet American Disability Act standards;~~
  - c. ~~The access walkway shall be either gravel or organic material or an elevated, wooden pathway;~~
  - d. ~~Clearing for the access shall not exceed one foot on either side of the access pathway; and~~
  - e. ~~Access shall be designed to avoid removal of protected trees, as defined in chapter 74, article III.~~
- (4) ~~Shoreline protection. New seawalls and bulkheads are prohibited. Shorelines may be protected from erosion through the use of native or naturalized vegetation or riprap. Existing seawalls requiring maintenance and repair shall be faced with riprap for stabilization and prevention of undercutting and erosion.~~
- (5) ~~Connection to central water and central sewer. Uses within the RCPA shall connect to central water and central sewer as a condition of development.~~

~~(Ord. No. 2008-01, § 1, 10-27-2008)~~

~~Sec. 78-74. Standards for development for lots of record.~~

~~The standards of this section shall apply to all lots of record that lie wholly or predominantly within the river corridor protection area.~~

- (1) ~~River buffer area. Where the 150 foot wide river corridor protection area would eliminate all reasonable use of a parcel, a river corridor buffer shall be provided. The minimum depth of the buffer area per existing lot of record will be established as a percentage of lot depth. The depth of the required buffer is set out in Table 78-74.1.~~

~~Table 78-74.1. Minimum River Buffer Area~~

**Table 78-71.1. RCPA for Lot of Record**

<b>Lot Depth <sup>1</sup></b>	<b>Required <del>Buffer of at least:</del>RCPA</b>
Up to 125 feet	20% <u>of actual lot depth</u>
<del>Between 126</del> <u>Greater than 125 feet</u> and <u>up to</u> 150 feet	25% <u>of actual lot depth</u>
<del>Between 151</del> <u>Greater than 150 feet</u> and <u>up to</u> 175 feet	30% <u>of actual lot depth</u>
<del>Between 176</del> <u>Greater than 175 feet</u> and <u>up to</u> 200 feet	35% <u>of actual lot depth</u>
<del>Between 201</del> <u>Greater than 200</u> and <u>up to</u> 225 feet	40% <u>of actual lot depth</u>
<del>Between 226</del> <u>Greater than 225</u> and <u>up to</u> 250 feet	45% <u>of actual lot depth</u>

<del>Between 251</del> Greater than 250 and up to 300 feet	50% of actual lot depth
<del>More</del> Greater than 300 feet	150 feet <sup>1</sup>

<sup>1</sup> Lot depth is the perpendicular distance between the ordinary high water line at its most landward point on the parcel and the most distant point on the lot boundary. This distance shall be shown on a survey as part of the development application.

~~1 Lot depth is the perpendicular distance between the shoreline and most distant lot boundary.~~

~~(2) The following conditions and standards shall apply within the buffer:~~

- ~~a. All existing protected trees and understory vegetation, other than prohibited plants, shall be maintained within the buffer;~~
- ~~b. Each lot shall be entitled to one shoreline access as described in section 78-73(3); and~~
- ~~c. No impervious surfaces are permitted in the buffer area.~~

~~(3) Stormwater run-off on the developed portion of the lot shall be treated in accordance with the following standards to minimize pollution of the water.~~

(4) All wetlands abutting the areas identified in subsections 78-71(1), (2) and (3).

(Ord. No. 2008-01, § 1, 10-27-2008)

### Sec. 78-72. - Applicability.

The provisions of this article apply to lots that are partially or wholly located within a RCPA, except as specifically exempted below:

- (1) Development authorized by a valid, unexpired building permit on or before the effective date of this ordinance. Lots of record as referenced by Conservation Element Policy 7.1.A.1 as to setback requirements only. All other requirements shall apply.
- (2) Except for structures specified in (3)-(5) below, structures located in the RCPA are nonconforming structures and subject to the limitations set forth in Appendix A regarding nonconforming structures. Applications proposing an expansion of the footprint of a nonconforming structure in the RCPA shall be exempt from this Article if the expansion does not occur within the RCPA or otherwise provided that the expansion does not increase the existing footprint within the RCPA by more than 20%, does not reduce the existing setback and does not require the dredging or filling of wetlands. Development applications that are exempt based on this provision shall be reviewed and approved by the City Manager or designee in accordance with Section 74-64(a)(2).
- (3) Applications for construction of docks, piers, boatlifts, or boathouses that are attached to the shoreline and extend only waterward, provided that the applicant furnishes copies of all permits required by applicable permitting agencies for the proposed development.
- (4) Any public agency or agent performing work on publicly owned property or within a right-of-way or easement or emergency work necessary to preserve life or property.
- (5) Improvements identified in the Blue Run of Dunnellon Park Management Plan approved by the Florida Communities Trust, or public recreational or educational improvements or

facilities approved by the Dunnellon City Council when a significant public benefit is achieved that is not otherwise achievable without the exemption.

(Ord. No. 2008-01, § 1, 10-27-2008)

Sec. 78-73. – Development Standards.

(a) Controlling Standards. In the event that any standards set forth herein conflict with the requirements of Chapter 74, Article III, the stricter standard shall apply.

(b) Setback Requirement. No development, including clearing activities, shall occur within any RCPA, except for shoreline access improvements in accordance with Section 78-73(d).

(c) Habitat protection. This subsection (c) shall not apply to lots of record, except that property owners of lots of record shall be responsible for ensuring compliance with state and federal permitting requirements.

(1) Habitat evaluation requirements. Each application for development on a lot that includes a RCPA shall provide an evaluation of habitat communities and listed species, including:

a. An environmental survey defining:

1. The type, extent and quality of habitat communities occurring on the parcel, which shall be documented based on an acceptable field study. A field study shall not be required if documentation is available from a field survey, which complies with these requirements and was conducted for the parcel within the previous five years prior to filing date of the development application for the parcel. Habitats shall be classified utilizing the Florida Land Use and Cover Classification System or similar classification system;

2. The locations, classification status and identification of any listed species occurring on the parcel, including all evidence of usage, as documented by an acceptable field survey.

For the purpose of these requirements, an acceptable field survey is defined as a field survey conducted by a qualified environmental consultant in accordance with accepted professional practice and, to the extent applicable, specific methodologies or guidelines published by permitting agencies for the particular habitat communities and listed species. All references to “permitting agencies” in this article mean the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, National Oceanic and Atmospheric Administration Fisheries, Florida Fish and Wildlife Commission, the Florida Department of Environmental Protection and the Southwest Florida Water Management District.

b. An inventory of listed species whose range occurs within a geographic area encompassing Dunnellon and within identified habitat communities occurring on the parcel, as documented by scientific studies within the past five years and records maintained by permitting agencies.

c. An evaluation of how development has been located to avoid and minimize impacts to habitat communities occurring on the parcel and for listed species documented as occurring on the parcel or that may utilize habitat communities on the parcel based on the range of the species. This evaluation shall be based on applicable permitting agency guidelines.

d. An evaluation of anticipated direct, indirect and cumulative impacts to habitat communities occurring on the parcel, listed species documented as occurring on the

parcel and listed species that may utilize habitat communities on the parcel based on the range of the species. This evaluation shall be based on applicable permitting agency guidelines.

(2) *Habitat Management Plan.* Each permit application shall include a proposed Habitat Management Plan that will include:

a. Measures to mitigate any identified direct, secondary and cumulative adverse impacts to habitat communities and listed species anticipated to result from the proposed development;

Strategies to maintain the area as viable habitat such as retention of diseased or fallen trees and other vegetation, provided that such retention is not detrimental to the public interest or safety, and further that such retention is consistent with the provisions regarding tree protection in chapter 74, article III;

(3) *Coordination with Permitting Agencies.* In lieu of providing the environmental assessment and habitat management plan required by Section 78-73(c)(1) and (2), the applicant may satisfy those requirements by providing permits or exemption/clearance letters from each permitting agency with jurisdiction over the proposed development. Landowners and applicants are encouraged to coordinate with each permitting agency to determine the scope of each agency's jurisdiction and whether permits or other authorizations are required from each agency for the proposed development. The City shall not be responsible or liable for a landowner's/developer's compliance with state and federal laws. The landowner/developer is responsible for obtaining all required permits and authorizations from permitting agencies, and any approval granted by the City does not obviate the requirement to comply with any other law. Except for lots of record, the City shall not issue permits for clearing or building permits for any development habitat areas prior to the landowner/developer providing all required permits and authorizations from permitting agencies.

(d) *Shoreline access.* Reasonable access to the shoreline is permissible within the RCPA river corridor protection area, provided that the following standards are met:

1. Each property shall be entitled to one access point to the shoreline;
2. No access walkway shall be wider than four feet, except on public pathways where required to meet American Disability Act standards;
3. The access walkway shall be either gravel or organic material or an elevated, wooden pathway;
4. Clearing for the access shall not exceed one foot on either side of the access pathway; and
5. Access shall be designed to avoid removal of protected trees, as defined in chapter 74, article III.

(e) *Shoreline protection.* New seawalls and bulkheads are prohibited. Shorelines may be protected from erosion through the use of native or naturalized vegetation or riprap. Existing seawalls requiring maintenance and repair shall be faced with riprap for stabilization and prevention of undercutting and erosion.

(f) *Stormwater management.* Stormwater management facilities shall be located between the RCPA and proposed development and shall be designed as follows:

a. ~~The runoff to open spaces containing natural vegetation shall be sheet flow, not~~ Minimal grading shall be done to direct runoff generated by the development to

vegetated retention areas, and designed to ensure that runoff is directed as sheet flow rather than channelized flow, in order to prevent erosion.

- b.—One of the following stormwater treatment methods shall be used to minimize the amount of stormwater flowing directly into the waterway:
- i.—A berm and swale shall be ~~constructed within the river corridor buffer area to capture stormwater flow and eliminate direct run-off into the water; or,~~ located and designed to retain or detain stormwater runoff generated by the proposed development;  
or
  - ii.—~~Runoff from parking lots, driveways, paved courtyards, and other paved surfaces, roof drains or downspouts shall be directed to a vegetated area of sufficient size for absorption of the runoff. The vegetated area shall be designed as one~~ One ~~or more slightly depressed planting beds with drought tolerant ground covers or native plants; or,~~ shall be located and designed to retain or detain stormwater runoff generated by the proposed development.
  - iii.—~~Runoff~~ The applicant shall have the option of reducing runoff generated by the proposed development by capturing runoff from roof drains or downspouts ~~shall be directed to~~ in a rain barrel or cistern designed to allow reuse of the water. These facilities may be freestanding, designed as an integral part of the buildings, or directed to underground storage. The reuse system shall be shown on the proposed plan for development, and may include irrigation, or other uses that do not require potable water.
- c.—All stormwater treatment facilities shall ~~meet the outstanding state water standards.~~ be designed and constructed to comply with the level of service standards set forth in the Dunnellon Comprehensive Plan and comply with Outstanding Florida Water treatment standards.
- d.—~~No stormwater retention facilities are permissible within the buffer area.~~ (g) Connection to central water and central sewer. Development shall connect to central water and central sewer when such facilities are “available” as defined in Chapter 70. If such facilities are available at the time of permitting, connection shall be a permit condition.

(Ord. No. 2008-01, § 1, 10-27-2008)

Sec. 78-75. - Procedures for ~~approval of development within river corridor protection areas.~~ Review of Site Plan Applications

- (a)—~~Any development, remodeling, or renovations proposed for lots lying within the river corridor protection area shall submit a site plan and receive approval prior to commencing any clearing, where clearing is permissible, or land development activity.~~
- (b)—~~All development plans~~ All site plan applications for development subject to this article shall demonstrate compliance with the requirements ~~of the river corridor protection area as contained in sections 78-70 through 78-75.~~ 75 and shall be subject to the requirements of Section 74-63. The documentation to demonstrate compliance shall be provided as part of the application. The ~~application~~ applications shall ~~not be forwarded to review and decision until such documentation is complete and reviewed by the community development director.~~ be processed in accordance with the procedures set forth in Appendix A.
- (e**b**)—Development shall commence within six months of an approved building permit or site plan. Should development not commence within six months of an approved building permit or site plan being issued, the building permit shall expire. Upon request of the applicant and prior to expiration of the building permit, a permit may be extended by the city manager one time for an additional six months.

- ~~(d) Submittals for subdivision platting, construction and final plat approval for~~ (c) Applications ~~to~~  
subdivide land within the ~~river corridor protection~~ RCPA area shall be in accordance with chapter 98 of this code.
- ~~(e) Where bio-retention areas are designed based on section 78-74(3) to accommodate stormwater runoff, engineering calculations shall be provided to demonstrate that the vegetated area receiving the runoff is sufficient to absorb the runoff.~~
- ~~(f)~~ d) If the city requires review by experts to determine compliance, the cost of such expert review shall be paid by the applicant.

(Ord. No. 2008-01, § 1, 10-27-2008)