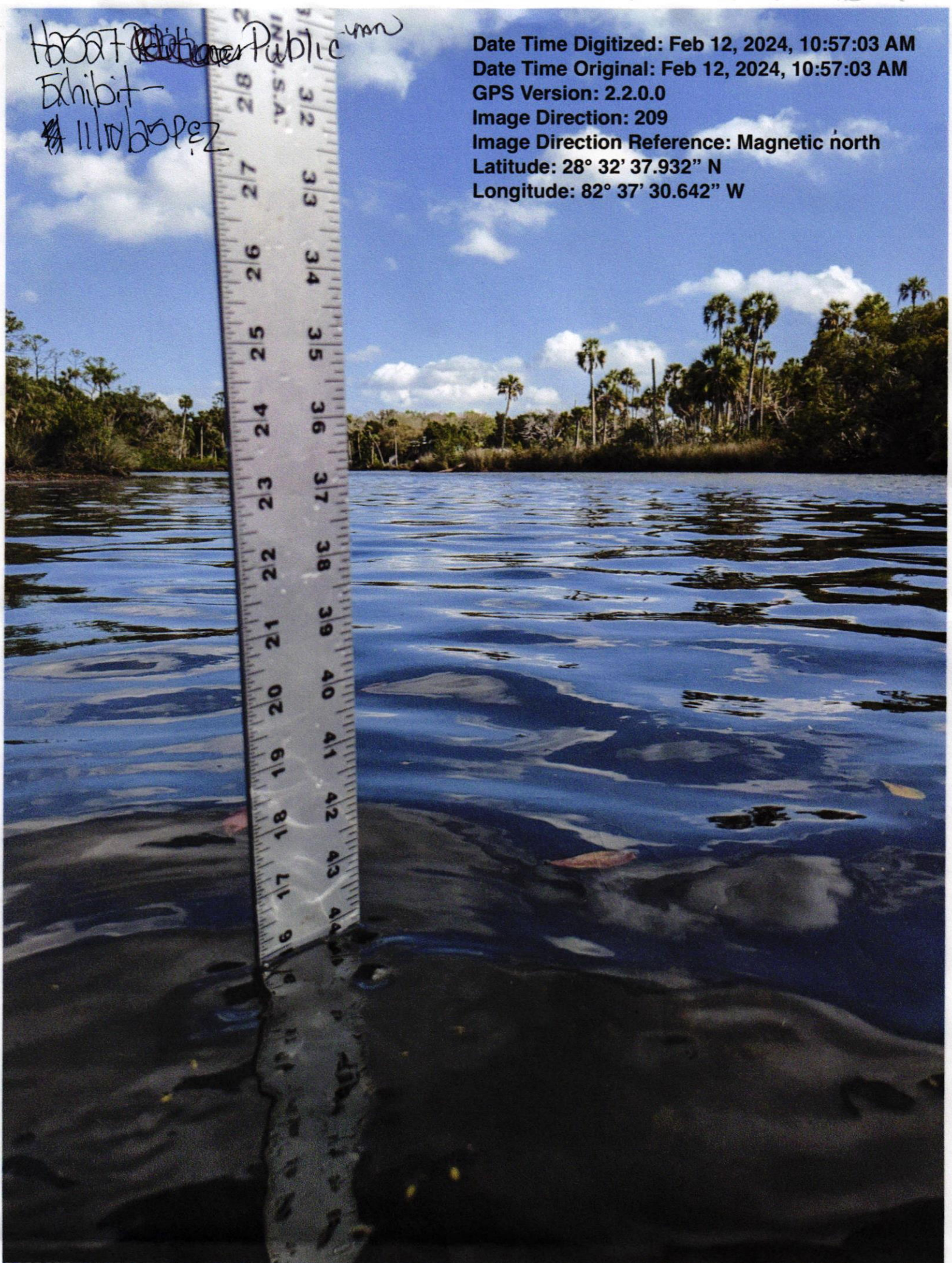


Habitat ~~Public~~ ^{non}
Exhibit -
#11106062

Date Time Digitized: Feb 12, 2024, 10:57:03 AM
Date Time Original: Feb 12, 2024, 10:57:03 AM
GPS Version: 2.2.0.0
Image Direction: 209
Image Direction Reference: Magnetic north
Latitude: 28° 32' 37.932" N
Longitude: 82° 37' 30.642" W



IMPORTANT [Legacy real-time page](#)



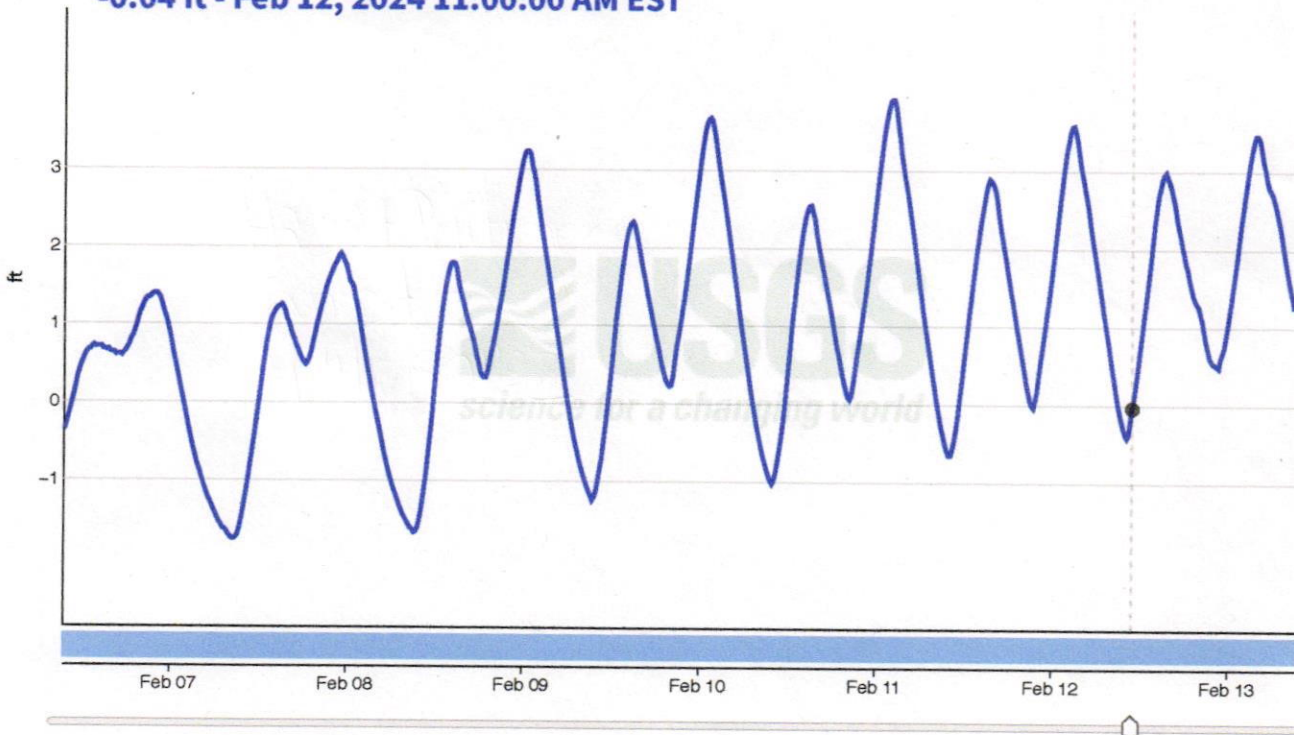
☒ 7 days ☐ 30 days ☐ 1 year

Gulf of Mexico Near Bayport FL - 02310600

February 6, 2024 - February 13, 2024

Gage height, feet

-0.04 ft - Feb 12, 2024 11:00:00 AM EST



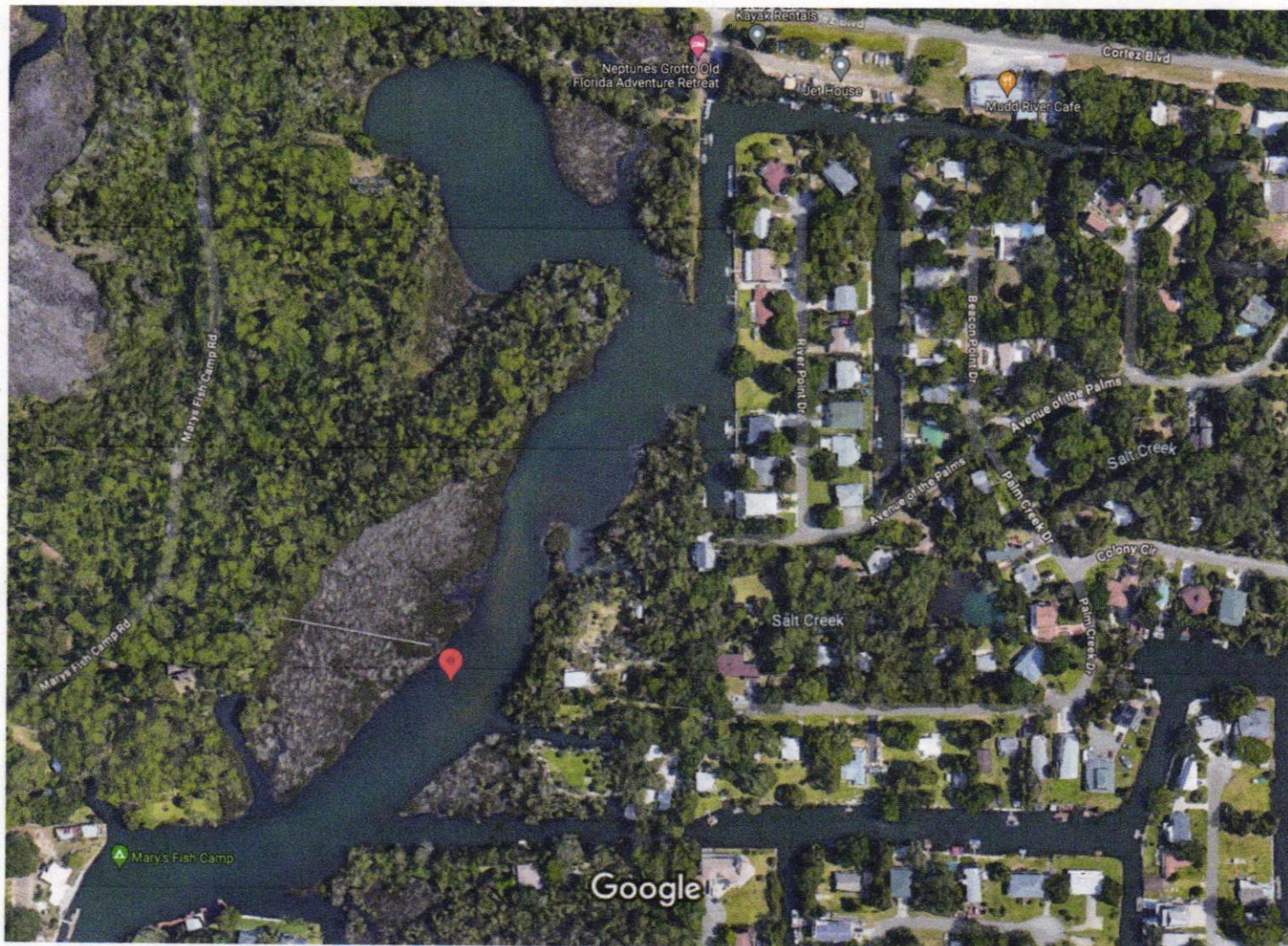
IMPORTANT Data may be [provisional](#)

[Show legend](#) ▾

	Value	Status	Time
☒ Latest value	1.24 ft	Provisional	Feb 13, 2024 09:00:00 AM EST
☒ Selected	-0.04 ft	Provisional	Feb 12, 2024 11:00:00 AM EST
☐ Compare			Add last year's data to graph



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Imagery ©2024 Google, Imagery ©2024 Maxar Technologies, U.S. Geological Survey, Map data ©2024 100 ft

Horsport Public Exhibit
v. 10/20/2022

No such activity shall be expanded, changed, enlarged or altered in any manner which increases its nonconformity.

- (2) When a nonconforming structure is destroyed to an extent equal to or exceeding fifty (50) percent of the size of the site or any structure, any use or activity related to that structure shall not be resumed except in a manner which conforms with the provisions of this article.
- (3) If any nonconforming structure is destroyed to an extent equal to or exceeding fifty (50) percent of the size of the structure as determined by the Hernando County Building Official, such structure shall not be replaced except in accordance with this article unless a hardship, including economic hardship, has been demonstrated. Such hardship must be approved by the board of county commissioners in accordance with subsections 23-211(2), (3), (4) and (5).

(Ord. No. 90-17, § 16, 8-23-90)

H2007 Public Exhibit
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- (1) Development must be compatible with adjacent land uses.
- (2) Adequate upland support services must be available.
- (3) A hurricane contingency plan must be approved by the county.
- (4) Ambient water quality must be protected as per Department of Environmental Regulation criteria.
- (5) Access to an existing channel must be available.
- (6) A spill prevention countermeasure control plan must be approved.
- (7) Marinas shall be designed to prevent or minimize impacts to grassbeds and other biologically productive bottom habitats.
- (8) No water-dependent structure, including mooring pilings, shall extend waterward of the mean low-water line more than twenty (20) percent of the width of the river at that particular location. If the distance is greater than the Marine Construction Code, the Marine Construction Code standards will apply.
- (9) If a dock is constructed adjacent to a bulkhead and the water depth adjacent to the bulkhead is minus three feet (-3) feet at mean low water, the dock shall not extend more than twenty (20) percent of the width of the channel as measured from the bulkhead. If the distance is greater than the Marine Construction Code, the Marine Construction Code standards will apply.
- (10) Main access docks shall be limited to a maximum width of six (6) feet.
- (11) Dredging to obtain navigable water depths in conjunction with new docks is prohibited.
- (12) Marinas shall only be approved in locations having adequate water depths in the vessel mooring, turning basin, access channels and other such areas which will accommodate the proposed vessel's use in order to ensure that a minimum of one (1) foot clearance is provided between the deepest draft of the vessel and the bottom at mean low water.
- (13) Finger piers shall not exceed four (4) feet in width.
- (14) Erosion-control measures shall be used during dock construction to prevent impacts to the landward/waterward interface.

(Ord. No. 90-17, § 14, 8-23-90)

Chapter 23 - PLANNING ARTICLE VI. - RIVERINE PROTECTION

Sec. 23-216. - Nonconforming uses.

A regulated activity that was lawful before the passage of the article, but which is not in conformity with the provisions of this article, may be continued subject to the following:

(1) Public

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January 1, 1990, shall be determined as follows:

- (1) The wetland line shall be delineated.
 - (2) A natural buffer width of seventy-five (75) feet shall be added to the upland side of the wetland delineation.
 - (3) The applicant may use the methodology for newly created lots of record (paragraph (c)) if this application demonstrates that a smaller natural buffer width is appropriate.
- (b) The buffer zone for a legally existing lot of record which existed prior to the effective date of the ordinance from which this article derived and in which the natural vegetation was removed prior to January 1, 1990, shall be determined as follows.
- (1) A fifteen-foot buffer shall be retained adjacent to the wetland line.
 - (2) Site-specific stormwater treatment, such as a swale/berm system and erosion-control measures, shall be required adjacent to the upland side of the fifteen-foot buffer.
- (c) Natural buffer zones for any lot of record created after the effective date of the ordinance from which this article derived shall be based on guidelines contained in "An Evaluation of the Applicability of Upland Buffers for the Wetlands of the Wekiva Basin (Center for Wetlands, Brown and Schaefer, 1987)" and "Buffer Zones for Water, Wetlands, and Wildlife (Center for Wetlands; Brown, Schaefer, and Brandt; 1989)." The applicant may propose alternate methodology, but such methodology may be subject to verification and must address the following:
- (1) Erodibility of soils upland of the wetland line.
 - (2) Depth of the watertable below the soil surface in the zone immediately upland of the wetland line.
 - (3) Habitat requirements of aquatic and wetland-dependent wildlife based on:
 - a. Habitat suitability.
 - b. Spatial requirements.
 - c. Access to upland or transitional habitat.
 - d. Noise impacts.
- (d) All new commercial and industrial development must follow the buffer methodology contained in paragraph (c) above.

(Ord. No. 90-17, § 10, 8-23-90)

Chapter 23 - PLANNING ARTICLE VI. - RIVERINE PROTECTION

Sec. 23-214. - Permitting requirements for marinas.

The following requirements shall apply to marinas:

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include cash payments.

Natural buffer. An area adjacent to a wetland retained in a natural vegetative state which serves to minimize the adverse impacts of upland development on the wetland. This zone also provides habitat for water-dependent wildlife.

Point source discharge. Known potential sources of pollution which discharge within the watershed of a water body.

Regulated activity. Any activity which has received all appropriate state, federal and local permits for development within the riverine system prior to the adoption date of the ordinance from which this article derived.

Riverine system. The main body of the river plus all contiguous jurisdictional wetlands.

Vertical seawall. A seawall the waterward face of which is at a slope greater than seventy-five (75) degrees to the horizontal. A seawall with riprap of approximately six (6) inches in diameter installed to a height of one (1) foot above mean high water with a slope no greater than two to one (2:1) shall not be considered a vertical seawall.

Water-dependent activity. An activity which can only be conducted on, in, over or adjacent to water areas because the activity requires direct access to the water body or wetlands for transportation, recreation, energy production or transmission, or source of water and where the use of the water or wetlands is an integral part of the activity.

Wetland. Any area that is inundated or saturated by surface or groundwater with a frequency sufficient to support a prevalence of vegetative species that require saturated or seasonally saturated soil conditions for growth and reproduction. The wetlands shall be conclusively presumed to be that land which lies within the wetland jurisdictional line, as defined in this article.

Wetland line. The wetland line is the line of demarcation between a wetland and the adjacent upland. The wetland line as established or approved by the Southwest Florida Water Management District, the U.S. Army Corps of Engineers, Florida Department of Environmental Regulation, or an environmental consultant shall be accepted by the county. If a wetland has been established using any of the above methodologies, Hernando County may establish the line using hydric soils as identified by the Soil Conservation Service.

(Ord. No. 90-17, § 4, 8-23-90)

Chapter 23 - PLANNING ARTICLE VI. - RIVERINE PROTECTION

Sec. 23-210. - Buffer zones.

- (a) The natural buffer zone for a legally existing lot of record which existed prior to the effective date of the ordinance from which this article derived and which was naturally vegetated as of

Hernando County Public Exhibit 11/10/20 P&Z

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Chapter 23 - PLANNING ARTICLE VI. - RIVERINE PROTECTION

Sec. 23-204. - Definitions.

The following terms shall have the meanings as follows for the purpose of this article:

AWT. Advance waste treatment which will provide a recovered water product that contains not more than the following concentrations on an annual basis:

- (1) Biological oxygen demand5 mg/l
- (2) Suspended solids5 mg/l
- (3) Total Nitrogen, expressed as N3 mg/l
- (4) Total Phosphorous, expressed as P1 mg/l

and has received high level disinfection as defined by rule of the Department of Environmental Regulation.

Buffer. An area adjacent to a wetland to be maintained with sufficient stabilizing ground cover to prevent erosion and sedimentation and to provide a medium for absorbing stormwater pollutants.

Bulkhead. Any structure which acts as a restraining wall adjacent to a water body to prevent erosion.

Coastal zone. That area designated as "Conservation" west of U.S. Highway 19 on the Future Land Use Map of the Hernando County Comprehensive Plan adopted June 7, 1989.

Development. The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land.

Dock. A fixed or floating structure including moorings as measured waterward from the mean or ordinary high-water line.

Exotic species. A plant species which is not indigenous to the geographic area under consideration as determined by the natural range of the plant species.

Finger pier. Any pier extending out from the main dock but not restricted from being a main dock.

Lot of record. A lot which is part of a subdivision and is shown on a plat or map thereof which has been recorded prior to the effective date of this article; or a parcel of land described by metes and bounds which is the subject of a deed or land contract which has been duly executed prior to the effective date of this article.

Marina. A watercraft harbor complex used primarily for boat moorage and/or storage, which may also provide associated accessory facilities and services including, but not limited to, the sale of fuel, lubricants, provisions and boats and the servicing of equipment.

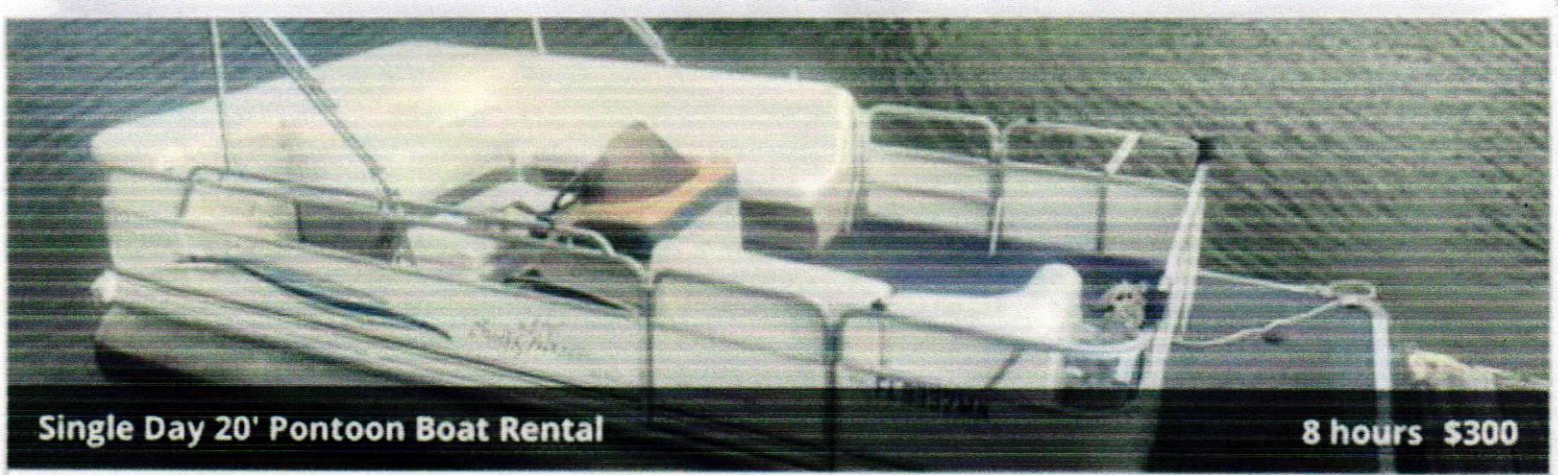
Mitigation. An action or series of actions that will offset the adverse impacts on wetlands and any adjacent buffer due to development activity within the wetland and the buffer. Mitigation does not

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Public Exhibit



Single Day 20' Pontoon Boat Rental

8 hours \$300

Full day rental of our 20' Pontoon Boat with 40 HP outboard between 8:00 am - 5:00 PM. Includes Fuel. Available from Hernando Beach! Delivery Available.

Explore the coastal waters of the Gulf of America nearshore within 5 miles, visit the coastal waterways, Hernando Beach Flats, Enjoy fishing or scalloping, or just cruising! Contact us for multiday rental availability and pricing!

A \$500 damage deposit will be collected at the time of departure, which will be immediately refunded upon timely and damage free return.

[BOOK](#)

Custom Multi Day Boat Rental

2 days

Customized boat rental for more than one day.

[BOOK](#)

Half Day Vintage Boat Rental

4 hours \$105

Half Day day rental of our 1965 Orlando Clipper Runabout between 8:00 am - 12:00 PM or 12:00 - 4:00 Includes Fuel.

Explore the coastal waters of the Mud River and Jenkins Creek. Adventure up the Weeki Wachee River into the crystal clear waters, looking to spot, manatees, otters, various birds, deer, fish and other wildlife! Contact us for multi day rental availability and pricing.

A \$35 Resort fee will be added to register as resort guests for parking and day use of the grounds for picnicing, BBQ, fishing, restroom, etc. A \$500 damage deposit will be collected at the time of departure, which will be immediately refunded upon timely and damage free return.

[BOOK](#)

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Vintage Boat Rentals!

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arrange reservations**

20 foot pontoon boat that can
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available for our guests at cabin by the sea
in Hernando Beach for exploring the
coastal marsh and flats, Gulf of America,



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English



Single Day Vintage Boat Rental of the "Scarlett Siren"

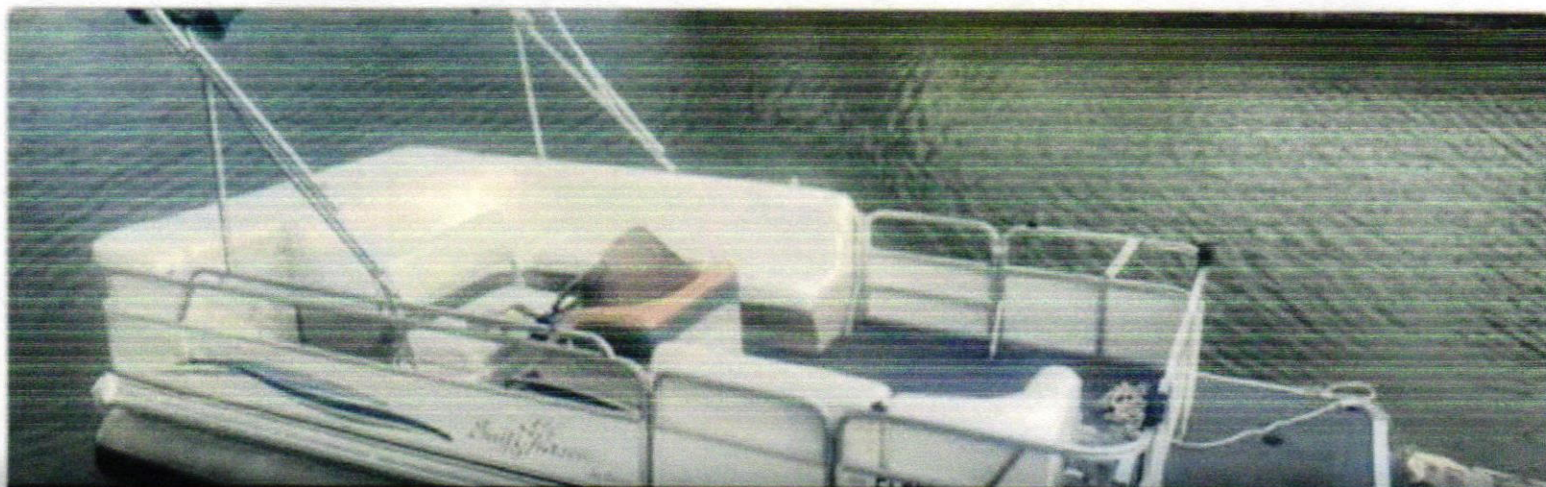
8 hours \$165

Full day rental of our 1965 Orlando Clipper Runabout between 8:00 am - 5:00 PM. Includes Fuel.

Explore the coastal waters of the Mud River and Jenkins Creek. Adventure up the Weeki Wachee River into the crystal clear waters, looking to spot, manatees, otters, various birds, deer, fish and other wildlife! Contact us for multi day rental availability and pricing.

A \$35 Resort fee will be added at checkout to register as resort guests for parking and day use of the grounds for picnicing, BBQ, fishing, restroom, etc. A \$500 damage deposit will be collected at the time of departure, which will be immediately refunded upon timely and damage free return.

BOOK



H-2027 Public Exhibit
11/10/20 P.E.Z.

IN THE COUNTY COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR HERNANDO COUNTY, FLORIDA

HERNANDO COUNTY,

Plaintiff,

v.

Case No.: H-27-2023-CC-

520 SW 15 STREET, LLC and
WEEKI WACHEE BOAT RENTALS, LLC,

Defendants.

COMPLAINT

Plaintiff, HERNANDO COUNTY ("County"), by and through its undersigned counsel and pursuant to Rule 1.100(a) of the Florida Rules of Civil Procedure, sues the Defendants, 520 SW 15 STREET, LLC ("520 SW 15 Street") and WEEKI WACHEE BOAT RENTALS, LLC ("Weeki Wachee Boat Rentals"), and alleges:

INTRODUCTORY ALLEGATIONS

1. This is an action for a permanent injunction and other related equitable remedies filed pursuant to the provisions of the Hernando County Code of Ordinances ("Code").
2. This Court has jurisdiction of this action pursuant to Sections 34.01(1)(b) and 162.30 of the Florida Statutes.
3. At all times pertinent to this Complaint, the County was a political subdivision of the State of Florida.
4. At all times pertinent to this Complaint, 520 SW 15 Street was a limited liability company with its principal place of business in Hernando County, Florida.
5. At all times pertinent to this Complaint, Weeki Wachee Boat Rentals was a limited liability company with its principal place of business in Hernando County, Florida.

6. At all times pertinent to this Complaint, 520 SW 15 Street owned real property located at 6004 Cortez Boulevard, Weeki Wachee, Florida 34607, and more specifically described as

Lots 1 and 1A, PALM GROVE COLONY, UNIT NO. 1, according to the Plat thereof as recorded in Plat Book 7, Page(s) 17, of the Public Records of Hernando County, Florida.

Parcel ID No.: R29-222-17-2840-0000-0010

Key No.: 89692

(the "Subject Parcel"). The Subject Parcel is where Weeki Wachee Boat Rentals committed its violations of the Code.

7. At all times pertinent to this Complaint, Weeki Wachee Boat Rentals operated a boat rental business at the Subject Parcel.

8. All conditions precedent to the commencement of the instant action have occurred or have been met.

FACTUAL ALLEGATIONS

9. On May 30, 2023, Code Enforcement Officer Michael Steele ("Officer Steele") performed an initial inspection of the Subject Parcel after receiving complaints relating to traffic issues and excessive parking on the right-of-way near the Subject Property.

10. On the Subject Parcel, there are signs that direct vacation rental customers to an area of the Subject Property to obtain boat rentals for their use.

11. On June 26, 2023, a Notice of Violation was issued to 520 SW 15 Street, providing it until July 16, 2023, to correct their violations of the Code.

12. On July 17, 2023, Officer Steele performed a reinspection of the Subject Parcel and found that the rental boats were still present on the Subject Parcel. On this date, the rental boats were being cleaned and prepared at the Subject Parcel by employees of the Defendants for the use of future vacation rental customers.

Hernando Public Edh
"Hernando Pérez"

13. Also on July 17, 2023, Officer Steele issued citations before the Special Master of Hernando County, Florida for the Defendants' violations of the Code.

DEFENDANTS' VIOLATION OF APPENDIX A OF THE CODE

14. The Defendants'¹ operation of a boat rental business at the Subject Parcel violates the requirements of Appendix A of the Code.

15. In Hernando County, all properties located in the unincorporated areas are assigned a land use district (e.g., Residential, Commercial, Industrial, etc.). App. A, Art. IV, § 1, Code.

16. "Each zoning district is established to permit only those uses specifically listed as permitted except as hereinafter provided and is intended for the protection of those uses. *Id.* Art. II, § 1A.

17. The Subject Parcel is split zoned, with one portion being zoned R-1B and the remaining portion being zoned C-2.

18. The permitted uses in the R-1B zoning district are single-family dwellings and community residential homes of six or fewer residents. *Id.* Art. IV, § 2B(1).

19. The permitted accessory uses in the R-1B zoning district are carports, garages, or other buildings not used as dwellings and "customarily incidental to the principal use of the premises." *Id.* § 2B(2).

20. The operation of a boat rental business is not a permitted use in the R-1B zoning district.

¹ Throughout Chapter 162 of the Florida Statutes, it allows the assessment of fines and penalties against "violators" of the local codes and ordinances but does not define the term "violation." See *McNulty v. Bowser*, 233 So. 3d 1277, 1279 (Fla. 5th DCA 2018) (stating that in the absence of a word being defined in the statute, a court can consult dictionaries to derive the term's ordinary definition). A "violation" is an "infraction or breach of the law." Black's Law Dictionary (11th ed. 2019). Under the Local Government Code Enforcement Boards Act, a "violation" is any person, whether it be the property owner or the business operating on the property, who breaches the Code. Therefore, a "violation" is one who breaks the law.

21. The permitted uses in the C-2 zoning district do not expressly allow the operation of a boat rental business; however, the C-2 zoning district allows "[a]ny use permitted in the C-1 General Commercial District." *Id.* § 3A(2). Operation of "light marine establishments" is permitted in the C-1 zoning district. *Id.* § 3(1)(v).

22. "Light" in the Code is defined as

Those uses which are nonhazardous and whose premises do not contain any outdoor or open storage or above ground tank storage of merchandise, products or materials or any outdoor or open storage of equipment, materials, or other items utilized by such establishments in practicing their vocation or occupation except for automobiles and delivery or service trucks.

Id. Art. I, § 3(71).

23. "Marine establishments" in the Code are identified as "boats and motorboats" as well as "new parts and accessories." *Id.* Art. II, § 1B(65).

24. Because the outdoor storage and rental of motorized boats from the Subject Parcel do not fall within the definition of "light" in the Code, such uses are not authorized in the C-1 nor in the C-2 zoning district.

25. Moreover, the operation of a commercial boat rental facility is not a permitted use in the R-1B zoning district.

26. Thus, the Defendants' operation of the boat rental business on the Subject Parcel violates Appendix A of the Code.

27. Compliance with the Code by all landowners is compulsory so that the health, safety, and welfare of the County and its citizens can be protected.

28. The County is without an adequate remedy at law.

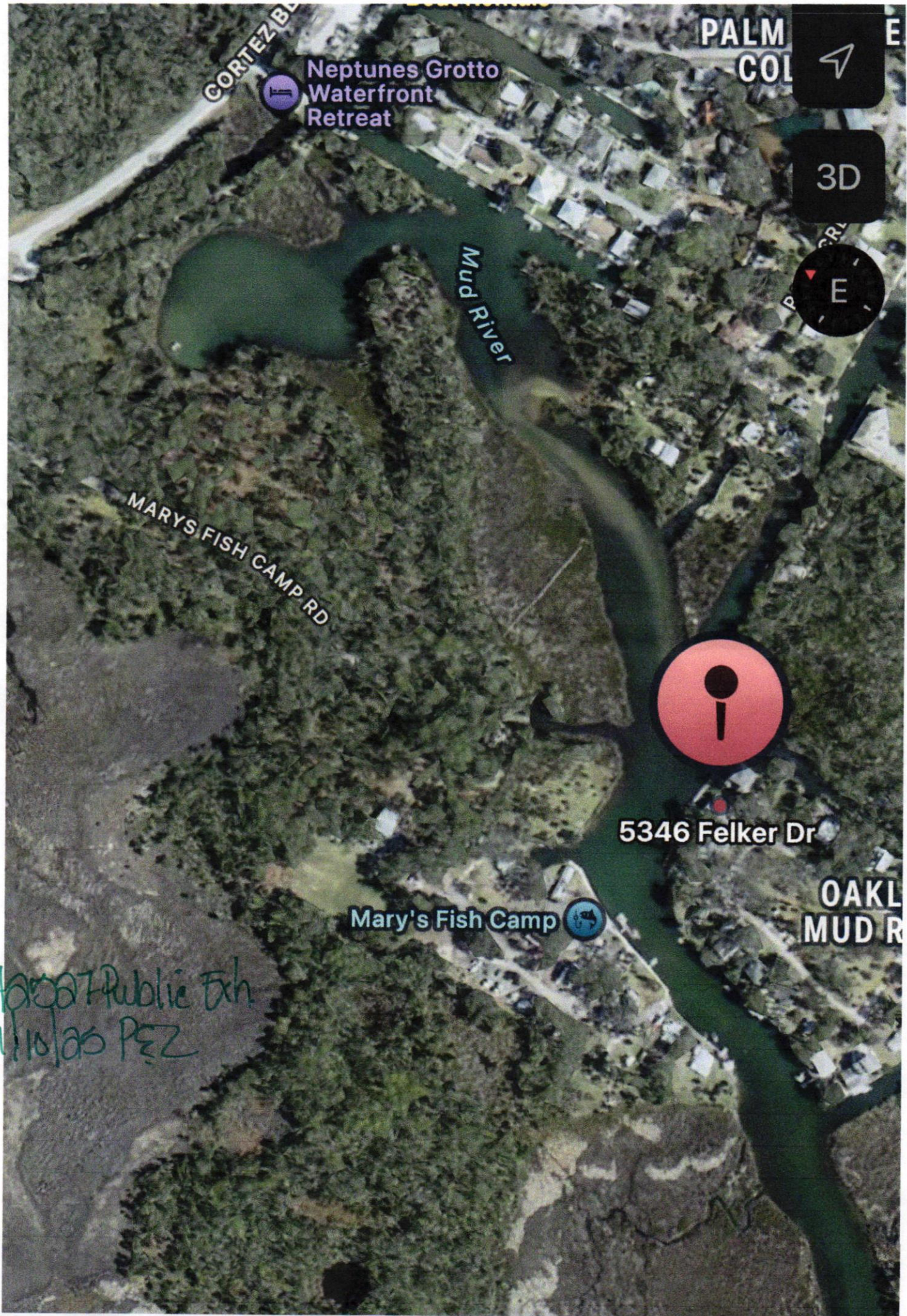
29. The County will be irreparably harmed unless a temporary injunction and a permanent injunction are issued, to ensure that the violations do not continue.

30. The County has a clear legal right to an injunction against the Defendants.
31. The issuance of an injunction will serve the public's interest.
32. All conditions precedent to the commencement of this action have occurred or have been waived.

WHEREFORE, Plaintiff, HERNANDO COUNTY, prays for the entry of a judgment in its favor and against the Defendants, WEEKI WACHEE BOAT RENTALS, LLC and 520 SW 15 STREET, LLC:

- A. Granting a temporary injunction to the Plaintiff to enjoin the operation of the boat rental business on the Subject Parcel; and,
- B. Granting a permanent injunction enjoining the Defendants from operating a boat rental business on the Subject Parcel; and,
- C. Granting Plaintiff an award for its costs; and,
- D. Granting such other and further relief as this Court deems just and proper.

/s/ Kyle J. Benda
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Attorneys for Plaintiff



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