

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA AMENDING ORDINANCE 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, AS AMENDED, TO AMEND SECTION 201, DISTRICT REGULATIONS, TO ALLOW PLANNED MARINA DEVELOPMENT; TO CREATE A NEW SUB-SECTION IN SECTION 203, SCHEDULE OF DISTRICT REGULATIONS, PROVIDING FOR THE ESTABLISHMENT OF A PLANNED MARINA DEVELOPMENT DISTRICT (PDM) AS A ZONING CLASSIFICATION, ESTABLISHING PRINCIPAL AND ACCESSORY USES, DIMENSIONAL REGULATIONS, AND DEVELOPMENT DESIGN STANDARDS FOR THAT CLASSIFICATION; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Manatee County is authorized under Chapter 125, Florida Statutes, to enact zoning regulations that reflect standards to protect the health, safety, and welfare of the citizens of Manatee County, Florida; and

WHEREAS, by the adoption of Ordinance 81-4, the Manatee County Board of County Commissioners enacted the "Manatee County Comprehensive Zoning and Land Development Code" as a comprehensive code regulating land use development in Manatee County; and

WHEREAS, the Board of County Commissioners has deemed it necessary to amend The Code from time to time as circumstances dictate; and

WHEREAS, the Planning Commission initiated an amendment to the Code on October 1, 1986, which is the amendment hereby adopted except as the same may have been modified by direction of the Board of County Commissioners during the public hearing thereon; and

WHEREAS, the Manatee County Planning Commission, as the Local Planning Agency for Manatee County, has reviewed the matter embraced by this amendment, and has held a Public Hearing for this purpose on December 3, 1986; and

FILED FOR RECORD

DEC 24 1986

CLERK OF COUNTY
MANATEE COUNTY, FLORIDA

SECRETARY OF STATE

DEC 19 11 32 AM '86

FILED

"2" Zoning, Amends Zoning & Land Develop. Code
Est. Planned Marina Develop District

86-45

WHEREAS, the Board of County Commissioners, has considered the testimony, evidence, and documentation related to this Ordinance, the recommendation and findings of the Planning Commission, and all other matters presented to the Board at Public Hearing upon this Ordinance held on December 11, 1986; and

WHEREAS, the changes for the Code represented by this amendment will establish the Planned Marina Development District to implement the Planned Marina Development use provisions of The Manatee Plan; and

WHEREAS, the proposed amendment is consistent with the requirements of The Manatee Plan, Ordinance 80-4;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

That the text of Ordinance 81-4, Manatee County Comprehensive Zoning and Land Development Code, is amended in the following manner:

- 1. Section 201A.6, shall be amended to add:
 - "e. Planned-Marina Development", and
- 2. Section 203, is amended to add:
 - "203CC PDM Planned Marina Development District
 - 1. Purpose and Intent
 - (a) The PDM District is established to implement provisions of The Manatee Plan and may be applied only as provided for by The Manatee Plan.
 - (b) The PDM District is established to implement the Planned Marina Development use provisions of The Manatee Plan and shall (1) encourage innovative and creative design to facilitate use of the most advantageous construction techniques in the development of waterfront land for a planned commercial marina and boat livery and other selected secondary uses; (2) ensure ample provision and efficient use of open space; promote high standards in the layout, design and construction of boat livery/marina development on navigable waters of the County; promote environmentally sensitive use of waterfront property; preserve and enhance waterfront vistas; and (3) otherwise implement the stated purpose and intent of this ordinance. To these ends, rezoning to and development under this district will be permitted only in accordance with a development plan prepared and adopted in accordance with the provisions of Section 205B.

2. Use Regulations (See Section 202A)

No land* shall be used* except as follows:

a. Permitted Uses:

(1) Principal Uses:

- (a) Marina*
- (b) Boat livery*
- (c) Hotel and motel* located on a site with marina or boat livery
- (d) Food service establishment* located on a site with marina or boat livery
- (e) Private clubs* located on a site with marina or boat livery

(2) Accessory Uses:

- (a) Sale of bait and fishing equipment
- (b) Laundry facilities
- (c) Lockers and sanitary facilities
- (d) Retail sales establishment* and other such uses as may be reasonably associated with waterfront activities.

b. Use Limitations:

The following limitations and requirements apply to all uses in this district.

- (1) General Standards for Planned Development: All development shall conform to the standards set forth in this section and Section 203W.
- (2) Conformance with Final Development Plan: All Permitted Principal and Accessory Uses shall be allowed only in locations shown on the approved Final Development Plan.
- (3) Conformance with Section 205H - Floodplain Management: All structures shall meet the requirements of Section 205H of the Land Development Code.

3. Dimensional Regulations:

a. Minimum PDM District size: 2 acres of land above the mean high water line*.

b. Bulk:

(1) Maximum Floor Area Ratio(FAR): 1.0

The maximum floor area ratio for land area above the mean high water line* may be increased by the Board of County Commissioners, to a maximum of 1.5 under the following conditions:

(a) Landscaped Open Space

Where more landscaped open space is provided than required by Para. 4. below, .01 additional floor area shall be permitted for each additional 2% of landscaped open space, but not to exceed .05 additional FAR.

(b) Amenities

Unique design features, landscaping using a minimum of 50 percent native tidal area vegetation*, as listed below under 4.b., public access or recreation uses through the provision of waterfront seating, pedestrian or bicycle circulation facilities in the Planned Development which help to achieve an attractive and desirable development; as determined by the Board of County Commissioners in each instance, but not to exceed a total of .1 additional FAR.

(c) Parking Garage Facilities

Multi-level parking facilities for at least 20% of the required number of parking spaces, but not to exceed a total of .1 additional FAR. Multi-level parking shall increase the amount pervious surface or enhance buffering of the parking area through tiering,

(d) Preservation of Cultural Features

Preservation and restoration of buildings, structures or sites which have historic, archaeological or architectural significance; as determined by the Board of County Commissioners in each instance, but not to exceed a total of .05 additional FAR.

(e) Preservation of Environmental Features

Preservation of unique, fragile or endangered ecosystems, wildlife habitats or environmentally sensitive areas; or preservation of major shade trees with a canopy of 15 feet or more, scenic vistas or areas; as determined by the Board of County Commissioners in each case, but not to exceed a total of .05 additional FAR.

(f) Restoration of Environmental Features

Restoration of unique, fragile or endangered ecosystems, wildlife habitats or environmentally sensitive areas; as determined by the Board of County Commissioners in each case, but not to exceed a total of .2 additional FAR.

(2) Setbacks from Property Lines

Front(street side)	25	feet
Side**	10	feet
Rear**	15	feet

**When abutting a residential district, the minimum setback shall be 20 feet plus 5 feet for each two feet the building exceeds 35 feet in height above Federal Emergency Management Agency (FEMA) Base Flood Elevation.

(3) Waterfront Setbacks for all buildings other than dry storage facilities*

No waterfront yard shall be less than 25 feet, unless the following conditions are met:

- (a) No native, waterfront vegetation* within 25 feet upland of the shoreline will be destroyed;
- (b) the primary orientation of all buildings is toward open water to promote the waterfront vista. However, the main entrance of the building may be oriented toward the street;
- (c) the buildings do not extend beyond the shoreline*; and
- (d) all applicable state and federal requirements pertaining to waterfront property are satisfied, including, but not necessarily limited to:

Coastal Construction: Chapter 161, F.S. as implemented through Chapters 16B-33, 16B-24, and 16B-26 F.A.C.,

Dredge and Fill: Chapter 403, F.S., and Chapters 17-3, 17-4, and 17-12, F.A.C. Federal laws regulating dredge and fill include the River and Harbor Act of 1899, the Clean Water Act of 1972 (Public Law 95-217), the Federal Fish and Wildlife Coordination Act of 1958, and the National Environmental Policy Act of 1969. Federal regulations governing dredging and filling are contained in Title 33, Section 209.320 of the Code of Federal regulations.,and

Aquatic Preserves: Chapter 258, F.S..

(4) Waterfront Setbacks for dry storage facilities*

50 feet for structures which do not exceed 35 feet. See also (5) of this section.

(5) Maximum Height of Structures:

- (a) Dry storage facilities* - Maximum height of dry storage facilities* is 35 feet above FEMA Base Flood Elevation, but this height may be increased two feet for each additional 5 feet set back from the required waterfront setback, but shall not exceed 50 feet in height.
- (b) Docks and wharves - Functionally dependent uses, such as but not limited to, docks and wharves may be built below the FEMA Base Flood Elevation.
- (c) All other structures - shall not exceed 35 feet above FEMA Base Flood Elevation.

(6) Buffering, Screening:

Landscaped buffering and screening shall be provided adjacent to the project boundaries, and attractive landscaping shall be provided along all streets, as provided in Sections 205F.2 and 205F.3. In addition to Sections 205F.2 and 205F.3, the landscape design shall use berms and the clustering of additional vegetation to enhance the external appearance of the site.

4. Open Space Requirements

a. Minimum Amount

Landscaped open space* shall be comprised of not less than 20% of gross area of the project site above the mean high water line*. However, mangrove and shoreline grass preservation areas, and docks, wharves and other comparable over-water-structures may be included in the calculation of open space.

b. Open Space Design

Required open space shall be designed to support and aesthetically contribute to the project's vehicular, bicycle and pedestrian circulation system, and shall provide areas devoted to passive recreation activities. Consistent with good design, landscaping of open space areas shall incorporate existing native tidal area vegetation* and environmentally significant areas. Landscaped open space shall include 25 percent native tidal area vegetation*. All parking lot landscaping shall exceed and be superior to the requirements of Section 205F.2, Parking Lot Landscaping. This may be accomplished through terraced parking, or additional shrubbery and trees.

5. Design Standards:

a. Structures and Signs

All structures, signs and landscaping shall be of unified design and theme. Orientation and place-

ment should enhance the sense of open space and minimize the impact on the environment and surrounding development. Design elements shall emphasize the harmony of color, texture, lines and mass.

b. Landscaping and Parking

Landscaped and parking areas shall be designed to mitigate any internal and external negative visual impacts of the development and to enhance its design and theme.

6. Additional Requirements:

a. Public Thoroughfares, Access, Circulation

The project shall have direct access abutting a major thoroughfare. Where necessary to accommodate expected traffic generated by the project, the Preliminary and Final Development Plans shall include acceleration and deceleration lanes, channelization and intersection improvements, and other appropriate system improvements. The policies of the Land Use Element of The Manatee Plan shall govern proposed projects within corridors and commercial activity centers.

b. Parking and Loading

At a minimum, off street parking and loading requirements in general shall be determined by Section 205E.1 and Section 205E.2, however:

- (1) The minimum parking ratio for dry storage facilities* may be one parking space per six dry boat slips, and parking may be shared by two or more uses provided that the applicant has demonstrated* that parking facilities shall meet the need of these uses and that fifty percent of the decrease in parking area, as a result of shared parking, will be dedicated to additional landscaped open space.
- (2) Fifty (50) percent of the total shared parking area shall be constructed of turf block or paver block.

c. Treatment of Stormwater Runoff

The first one (1) inch of rainfall shall be treated to protect water quality.

d. Uncovered Show Areas

The ground surface of all unenclosed areas used for the display and sales of boats and other nautical equipment shall be grass, groundcover or turf block.

e. Pedestrian Circulation

Pedestrian circulation shall be designed to maximize separation from vehicular circulation and shall include convenient and safe pedestrian walkways and safety islands in all parking areas.

f. Trash and Utility Plant Screens

In the Planned Development District all central refuse, trash and garbage collection containers shall be screened from sight or located in such a manner so as not to be visible from any public area within or adjacent to the Planned Development District.

g. Signs and Channel Markers

(1) On-premise signs

Signs in the PDM District shall be permitted only in accordance with an approved sign plan submitted with the Preliminary Site Plan and must meet the requirements of Ordinance No. 81-23 as amended. Such sign plan shall provide for effective controls on the type, height, number, size and location of all signs in the development, and shall be designed to minimize sign proliferation and maximize the architectural integration of all signs into the development.

(2) Channel markers

All channels shall be clearly marked and maintained. Channel markers shall be shown on the Preliminary Site Plan.

h. Protection of the West Indian Manatee

(1) If the Department of Natural Resources has identified the waters surrounding the Planned Marina Development District as an area frequented by the manatee, the West Indian Manatee shall be protected during the construction period.

(a) The contractor shall instruct all personnel associated with the project of the presence of manatees and the need to avoid collisions with manatees.

(b) All personnel will be advised that there are civil and criminal penalties for harming, harassing or killing manatees which are protected under the Endangered Species Act of 1973, the Marine Mammal Protection Act of 1972, and the Florida Manatee Sanctuary Act of 1978. The developer will be held responsible for any manatee harmed, harassed or killed as a result of construction of the project.

(c) All construction activities in open water will cease upon the sighting of manatees within 100 yards of the project area. Construction activities will not resume until the manatees have departed the project area.

(d) A log detailing sightings, collisions, or injury to manatees which have occurred during the construction period shall be kept.

- (2) Following project completion, a report summarizing the above incidents and sightings shall be submitted to the Florida Department of Natural Resources, Manatee Recovery Program, (100 Eighth Ave., SE, St. Petersburg, FL 33701-5095) and to the U.S. Fish and Wildlife Service (2747 Art Museum Drive, Jacksonville, FL 32207).
- (3) If the Department of Natural Resources has identified the waters surrounding the Planned Marina Development District as an area frequented by the manatee, an idle/no wake speed zone shall be clearly marked in the channel from the marina facility to a point beyond the manatee area or to the Intracoastal Waterway. Signs is to be shown on Preliminary Site Plan.
- (4) Manatee awareness signs shall be installed and maintained at prominent locations within the construction area/facility. A marina site plan shall be sent to the Florida Department of Natural Resources, (FDNR) (100 Eighth Ave., S.E., St. Petersburg, FL 33701-5095). FDNR personnel will specify sign locations.
 - (a) The signs shall be 3' x 4', 125 guage 61TS aluminum, covered with white, engineer-grade, reflective sheeting; black painted lettering; black screened design; and orange, engineer-grade, reflective tape border. The 3' x 4' "Caution Manatee Area" signs shall be fabricated to the specifications of the uniform waterway markings for design.
 - (b) The installation of the 3' x 4' signs shall be made in accordance with the specifications of the Department of Natural Resources for such signs. Sign installation specifications will be furnished to the permittee when sign locations are designated.
 - (c) Placement and installation of signs will be certified as on designated stations to FDNR by the project Professional Engineer before the marina facility is in use.
 - (d) Signs and pilings are to remain the responsibility of the owner(s) and are to be maintained for the life of the marina in a manner acceptable to the Department of Natural Resources.
- (5) Any collision with a manatee shall be reported immediately on the manatee "hotline" (1-800-342-1821) and to the U.S. Fish and Wildlife Service, Jacksonville Endangered Species Field Station (904-791-2580).
- (6) A permanent educational display shall be established and maintained at a prominent location to increase the awareness of boaters using the facility of the presence of manatees and need to minimize the threat of boats to these animals. The display should include

information on the location of the facility with respect to boat speed zones in the area, the threat which boats pose to manatees and the manatee "hotline" number (1-800-342-1821). Other information which may aid in the conservation of the species may be obtained from the Florida Department of Natural Resources.

h. Protection of Waterway Bottom and Grassbeds

- (1) For bodies of water considered to be Outstanding Florida Waters, no new dredging is allowed unless it can be shown the proposed dredging is in the public's interest as required by Florida Statute 403.911 and Florida Statute 403.918(2). However, restrictions of The Manatee Plan prevail.
- (2) A sea grass beds* replacement and maintenance program shall be established by the property owner and approved by the Department of Natural Resources. This program shall include a baseline survey of sea grass beds* which shall be submitted with the Preliminary Site Plan and a program for replacement of sea grass beds* disturbed during construction and any cumulative damage caused by increased boat traffic generated by the facility. The replacement ratio shall be two to one. A permit for the removal or transplanting of sea grass beds shall be obtained from the Department of Environmental Regulations and the Department of Natural Resources, Bureau of Aquatic Weeds, prior to approval of a final site plan.", and

3. Section 205B.3.

- a. Planned Development Approval Process shall be amended to add:

"PDM" to listing of Planned Districts., and

4. ARTICLE 7, DEFINITIONS is amended to alphabetically add the following definitions which shall read:

"DEMONSTRATE - means to prove through a study or model that is approved by the Director.

"NATIVE VEGETATION means vegetation that is indigenous to Manatee County. This includes varieties for tidal and inland areas.

TIDAL AREA NATIVE VEGETATION means trees, shrubs and plants that are indigenous to land adjacent to or in tidal areas. These shall include for:

Forest (Upland) Zone - Cabbage palm (Sabal palmetto), Sand pine (Pinus clausa), Sand live oak (Quercus virginiana var. geminata), Southern red-cedar (Juniperus silicicola), Gumbo-limbo (Bursera simaruba), Red bay (Persea borbonia), Florida privet (Forestiera segregata), and Buckthorn (Bumelia celastrina).

Scrub (Upland) Zone - Spanish bayonet (*Yucca aloifolia*), Saw palmetto (*Serenoa repens*), Southern wax myrtle (*Myrica cerifera*), Sea-grape (*Coccoloba uvifera*), Coontie (*Zamia pumila*), Prickly-pear (*Opuntia stricta*), Youpon holly (*Ilex vomitoria*), Cocoplum (*Chryso-balanus icaco*), Gray nickerbean (*Caesalpinia bonduc*), Bay cedar (*Suriana maritima*), Groundsel (*Baccharis halimifolis* var. *angustior*), Necklace pod or Silver bush (*Sophora tomentosa*), and Inkberry (*Scaevola plumieri*).

Marsh/Mangrove Zone - Seaside goldenrod (*Solidago sempervirens* var. *mexicana*), Sea lavender (*Limonium carolinianum*), Coin vine (*Dalbergia ecastophyllum*), Christmas berry (*Lycium carolinianum*), Red mangrove (*Rhizophora mangle*), White mangrove (*Languncularia racemosa*), Black mangrove (*Avicennia germinans*), Buttonwood (*Conocarpus erectus*), Salt-meadow cordgrass (*Spartina patens*), Smooth cordgrass (*Spartina alterniflora*), Seashore saltgrass (*Distichlis spicata*), Salt jointgrass (*Paspalum vaginatum*), marsh elder (*Iva frutescens*), Sea oxeye (*Borrchia frutescens*), Saltwort (*Batis maritima*), Perennial glasswort (*Salicornia virginica*), and Sea blite (*Suaeda linearis*).

INLAND AREA NATIVE VEGETATION means trees, shrubs and plants that are indigenous to inland and fresh water areas.

SEA GRASS - means plants that are completely adapted to the marine environment, having a well-developed anchoring system and the ability to function normally and complete the generative cycle when full submerged in salt water. Some species which occur in the waters in and around Manatee County include: Shoal-grass (*Halodule wrightii*), Turtle-grass (*Thalassia testudium*), Manatee-grass (*Syringodium filiforme*), Widgeon-grass (*Ruppia maritima*), Star-grass (*Halophila englemanni*), Johnson's Sea-grass (*Halophila johnsonii*) and Paddle-grass (*Halophila decipiens*)."

5. Severability. If any part, section, subsection, or other portion of this Ordinance, or any application thereof to any person or circumstance is declared to be void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severables, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The Board declares that no invalid or prescribed provision or application was an inducement to the enactment of this Ordinance, and

that it would have enacted this Ordinance regardless of the invalid or prescribed provision or application.

6. Effective Date. This Ordinance shall take effect immediately upon receipt of the official acknowledgment from the Secretary of State that same has been filed with that office.

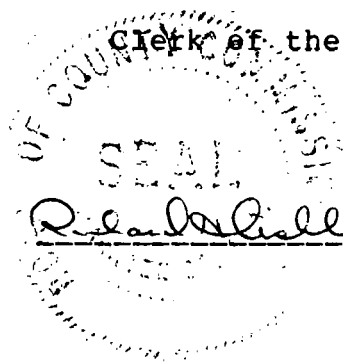
PASSED AND DULY ADOPTED, with a quorum present and voting this the 11th day of December, 1986.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

By: Edward W. Chaney
Vice-Chairman

ATTEST: R. B. Shore
Clerk of the Circuit Court

By: R. B. Shore - Deputy Clerk



STATE OF FLORIDA

COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 11th day of December, 1986.

SUBJECT: 86-45

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING ORDINANCE 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, AS AMENDED, TO AMEND SECTION 201, DISTRICT REGULATIONS, TO ALLOW PLANNED MARINA DEVELOPMENT; TO CREATE A NEW SUB-SECTION IN SECTION 203, SCHEDULE OF DISTRICT REGULATIONS, PROVIDING FOR THE ESTABLISHMENT OF A PLANNED MARINA DEVELOPMENT DISTRICT (PDM) AS A ZONING CLASSIFICATION, ESTABLISHING PRINCIPAL AND ACCESSORY USES, DIMENSIONAL REGULATIONS, AND DEVELOPMENT DESIGN STANDARDS FOR THAT CLASSIFICATION; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 12th day of December, 1986, in Bradenton, Florida.


R. B. Shore, Clerk of Circuit Court
R. B. Shore, Clerk of Circuit Court
Manatee County, Florida

SECRETARY OF STATE

DEC 19 11 32 AM '86

FILED



FLORIDA DEPARTMENT OF STATE
 George Firestone
 Secretary of State

RECEIVED
 CLERK OF THE COURT
 MANATEE COUNTY FLORIDA

December 22, 1986

R. B. Shore
 Clerk of the Circuit Court
 Manatee County
 P.O. Box 1000
 Manatee County Courthouse
 Bradenton, Florida 33506

Dear Sir:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of December 12, 1986
 and certified copy/ies of Manatee
 County Ordinance(s) Nos. (86-45), 7-86-94, 7-86-97 and
7-86-103
2. Receipt of _____ County Ordinance(s)
 relative to:
 (a) _____
 which we have numbered _____
 (b) _____
 which we have numbered _____
3. We have filed this/these ordinance(s) in this office
 on December 19, _____ 1986.
4. The original/duplicate copy/ies showing the filing
 is/are being returned for your records.

Cordially,

(Mrs.) Liz Cloud, Chief
 Bureau of Administrative Code

LC/

Enclosures