

ORDINANCE 01-26

AUG 27 11 27 AM '01

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED): AMENDING THE REQUIREMENTS FOR THE PLACEMENT OF WATERFRONT STRUCTURES AND THE MOORING OF BOATS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Manatee County, Florida, is authorized under Chapters 125, 162, 163, 177 and 380, Florida Statutes, to enact zoning and other land development regulations to protect the health, safety, and welfare of the citizens of Manatee County, Florida, and;

**WHEREAS**, Sections 163.3201, 163.3202, 163.3204, 163.3211 and 163.3213, Florida Statutes, empowers and requires the Board of County Commissioners of Manatee County, Florida to implement adopted comprehensive plans by the adoption of appropriate land development regulations and specifies the scope, content and administrative review procedures for said regulations; and

**WHEREAS**, Section 163.3202, Florida Statutes, further provides that certain specified and mandated regulations are to be combined and compiled into a single land development code for the jurisdiction; and

**WHEREAS**, the Manatee County Planning Commission has been established pursuant to Manatee County Ordinance 90-01, as amended, and in accordance with Sections 302 and 503 of said ordinance and Section 163.3194(2), Florida Statutes, is required to review proposed amendments to the Manatee County Land Development Code after holding a public hearing on the matter, make its recommendations to the Board of County Commissioners; and

**WHEREAS**, the Manatee County Planning Commission, has reviewed an amendment to the above cited Codes altering it partially in order to more adequately address and prepare for Manatee County's future development and growth and implement the Manatee County Comprehensive Plan; and

**WHEREAS**, the Manatee County Planning Commission held a public hearing session on July 12, 2001 on the above cited amendments with due public notice having been provided, and having reviewed and considered all comments received during said public hearing, including the staff comments and reports, recommended said amended version of the Manatee County Land Development Code as being consistent with the adopted Manatee County Comprehensive Plan and meeting the requirements of Section 5, 163.3202(2) and 163.3213(1) and (2), Florida Statutes; and

FILED  
2001 AUG 27 AM 8:55  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

**WHEREAS**, pursuant to Chapters 163 and 125, Florida Statutes, and the provisions of the Sections 502 and 503 of the Manatee County Land Development Code, on July 24, 2001 and August 14, 2001, the Board of County Commissioners of Manatee County held public hearings, with due public notice having been provided, to consider proposed amendments to the above referenced Land Development Code; and

**WHEREAS**, the Board of County Commissioners further considered all oral and written comments, including staff reports and studies received, during said public hearings along with the specific recommendations of the Planning Commission; and

**WHEREAS**, in exercise of said authority the Board of County Commissioners of Manatee County, Florida, has determined it necessary and desirable to amend and revise in part the Manatee County Land Development Code in order to implement the Manatee County Comprehensive Plan and meet its responsibilities under Florida Statutes to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within Manatee County; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Manatee County, Florida, as follows:

Section 1. Purpose and Intent. This ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Title of Land Development Code. The amendments to the Land Development Code for the County of Manatee, Florida, attached hereto as Exhibit "A", shall be known as "The Manatee County Land Development Code Amendments".

Section 3. Amendment of Existing Land Development Code. This ordinance hereby amends and revises the Manatee County Land Development Code, also known as Manatee County Ordinance 90-01, as amended, as shown on Exhibit "A" attached hereto and incorporated herein by reference.

Section 4. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.



ORDINANCE 01-26  
Attachment A

Section 734.1 amend as follows:

734.1. *Generally.* No waterfront or erosion control structures shall be erected, expanded, or reconstructed except in accordance with: an Administrative Permit pursuant to this Section and Sections 506 and 704 of this Code and the applicable provisions of (1) the General Permit requirements by Army Corps of Engineers (COE); (2) the general consent criteria of the Department of Environmental Protection (DEP) requirements, (s403.813(2) F.S.S.) or and (3) separate permits issued by DEP, COE and the Southwest Florida Water Management District for certain waterfront structures, which must be obtained prior to the issuance of Administrative Permits.

Section 734.2.1 amend as follows:

734.2. *Standards.* No such permit shall be granted unless the proposed activity is in compliance with all applicable County, State and Federal laws, is consistent with the Comprehensive Plan, and is in compliance with the following requirements as applicable.

734.2.1. *Distance from Channel.* Private residential waterfront structures shall not extend waterward of the mean or ordinary high water line more than twenty-five (25) percent of the width of the waterbody. Waterfront structures shall not be placed within an existing channel nor impede navigation. Also, boats shall not be moored in a manner which impedes navigation or encroaches on an existing channel.

Section 734.2.2 amend as follows:

734.2.2. *Maximum Height of Boathouses and Boat Hoists.* Covered boathouses and covered boat hoists shall not exceed a height of twenty (20) feet above mean high water or ten (10) feet above the ground on which they are placed, whichever is higher. Such structures shall meet Section 734.2.1. ~~not be placed more than thirty (30) feet from the shoreline without a Administrative Permit pursuant to Section 704, Conditional Uses.~~ Boathouses may have a roof structure, but may not have enclosed walls; ~~per Army Corps of Engineers, General Permit SAJ-3.~~ Boathouse roofs shall be tied down per Manatee County Building Codes.

Section 734.2.4 amend as follows:

734.2.4. *Residential Dock Density.* The density of multi-family docking facilities and single-family docks on lots created after the effective date of the Comprehensive Plan, (May 15, 1989) shall not exceed one (1) boat slip for every one hundred (100) feet of shoreline owned.

Section 734.2.5 amend as follows:

734.2.5. All residential multi-family and non-residential waterfront structures shall require a building permit, and a final inspection.

Section 734.3.2 amend as follows:

734.3.2. New boat ramps shall be located away from sites of high manatee concentrations. (See Section 721.4).

Section 734.3.3 amend as follows:

734.3.3. Eyecatching educational displays at every boat ramp and marina shall be posted to alert boaters to possible presence of manatees and apprise boaters of boating regulations in the area. Signs shall conform to Sections 603.14.1 and 721.4 of this Code.

734.3.4. No new boat ramps shall be located in areas characterized by significant seagrass flats as indicated in Section 721.4.2 of the Code.

Section 734.5.4 amend as follows:

734.5.4. The Building ~~Division of the Planning Department~~ Department shall review the proposed construction for Comprehensive Plan policy and other regulation compliance.



STATE OF FLORIDA, COUNTY OF MANATEE  
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 15<sup>th</sup> day of

August, 2001

R.B. SHORE  
Clerk of Circuit Court

By [Signature]

**DIVISIONS OF FLORIDA DEPARTMENT OF STATE**

Office of the Secretary  
Division of Administrative Services  
Division of Corporations  
Division of Cultural Affairs  
Division of Elections  
Division of Historical Resources  
Division of Library and Information Services  
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MEMBER OF THE FLORIDA CABINET



**FLORIDA DEPARTMENT OF STATE**

**Katherine Harris**

Secretary of State

**DIVISION OF ELECTIONS**

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Preservation Board

**RINGLING MUSEUM OF ART**

**RECEIVED**

**AUG 27 2001**

**BOARD RECORDS**

August 22, 2001

Honorable R. B. Shore  
Clerk of the Circuit Court and Comptroller  
Manatee County  
Post Office Box 1000  
Bradenton, Florida 34206

Attention: Diane E. Vollmer

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 15, 2001 and certified copy of Manatee County Ordinance No. 01-26, which was filed in this office on August 22, 2001.

As requested, the original date stamped copy is being returned for your records.

Sincerely,

Liz Cloud, Chief

Bureau of Administrative Code

LC/mp

Enclosure

**BUREAU OF ADMINISTRATIVE CODE**

The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (850) 488-8427  
FAX: (850) 488-7869 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: [election@mail.dos.state.fl.us](mailto:election@mail.dos.state.fl.us)



Manatee County

Clerk of the Circuit Court and Comptroller

R.B. "Chips" Shore

P.O. Box 25400 • Bradenton, Florida 34206 • (941) 749-1800 • FAX (941) 741-4082 • www.clerkofcourts.com

August 15, 2001

Liz Cloud, Chief  
Bureau of Administrative Code  
The Elliot Building  
401 South Monroe Street  
Tallahassee, Florida 32399-0250

Dear Ms. Cloud:

Enclosed are two certified copies each of Ordinance **01-26**, adopted by the Board of County Commissioners, Manatee County, Florida, in open session on August 14, 2001.

**SUBJECT: Waterfront Structures and Mooring of Boats**

Please stamp both copies with the date filed by the Office of the Secretary of State, retain one copy of each Ordinance for your file and return one copy of each to my office.

Sincerely,

*Kent L. Anderson, D.C.*  
for R. B. Shore  
By Susan G. Romine, D.C.

RBS:SGR/klc  
Enclosures  
cc: Board Records