

**ORDINANCE 23-25 fka 22-52
COUNTY INITIATED LAND DEVELOPMENT CODE TEXT AMENDMENT
MAINTENANCE WITHIN WETLAND BUFFERS PLN2204-0072**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE; AMENDING SECTION 706.3.B.4, GENERAL PROHIBITIONS; EXEMPTIONS TO DELETE THE TERM “MINOR” AND REPLACE IT WITH THE APPLICABLE CROSS-REFERENCES TO EXISTING SECTIONS THE LAND DEVELOPMENT CODES; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING THE LAND DEVELOPMENT CODE PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida:

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 Community Planning Act, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

1. It is in the interest of the public health, safety and welfare to adopt the amendments set forth in this Ordinance to:

- Remove the word “minor” from Section 706.3.B.2 of the LDC, because it is not defined in the LDC.
- Refer to Sections 706.7 and Section 107 (Nonconformities) for allowable activities within wetland buffers and to nonconformities regarding existing structures.

2. The Manatee County Planning Commission has been duly designated in Section 301, Land Development Code as the Local Planning Agency of the County.

3. Section 163.3174(4)c, Florida Statutes, provides that the Local Planning Agency shall review proposed land development regulations and make recommendations to the governing body as to consistency of the proposed land development regulations with the adopted Comprehensive Plan.

4. Section 301.1.D., Land Development Code, authorizes the Planning Commission to hold public hearings and make recommendations as to proposed amendments to the text of the Land Development Code.

5. The Planning Commission acting its capacity as the Local Planning Agency, held a duly noticed and advertised public hearing on October 13, 2022, as to the proposed

LDC Text Amendment and found it to be consistent with the Manatee County Comprehensive Plan and the standards for review in Section 341, Land Development Code and has recommended their adoption to the Board.

6. The Board held three (3) duly noticed and advertised public hearings on October 20, 2022, January 13, 2023, and February 16, 2023, to receive public comments and consider the recommendation of the Planning Commission as to the LDC Text Amendments.

7. The adoption of the LDC Text Amendments will foster and preserve the public health, safety and welfare and aid in the harmonious, orderly and progressive development of the County and thus will serve a valid public purpose.

Section 3. Chapter 7, Wetland Protection, Section 706.3.B.2 of the Land Development Code is hereby amended as set forth in Exhibit “A” of this Ordinance.

Section 4. Codification. The publisher of the County’s Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3 of this Ordinance into the Land Development Code.

Section 5. Applicability. The amendments set forth in this Ordinance shall apply to all applications, decisions or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

Section 6. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective as provided by law.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 16th day of February 2023.



**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: 
Kevin Van Ostenbridge, Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court and Comptroller

By: 
Deputy Clerk

EXHIBIT A

Chapter 7 – ENVIRONMENTAL AND CULTURAL RESOURCE PROTECTION

[...]

Part II. – NATURAL RESOURCES PROTECTION

[...]

Section 706. – Wetland Protection.

[...]

706.3. - General Prohibition; Exemptions.

A. Prohibition. No development, as defined in this Code, shall occur in a wetland or wetland buffer unless approved in accordance with this Section.

B. Exemptions. The requirements of this Section shall not apply to the following activities, which the Board hereby finds to comply with the requirements of Objective 3.3.1 of the Comprehensive Plan by nature and purpose:

1. Manual clearing of nuisance exotic plant species or noxious endemic vegetation such as poison ivy or cattails;

2. ~~Minor Maintenance~~ or ~~minor~~ emergency repair to existing structures or improved areas, consistent with Section 706.7. Legal, nonconforming structures in existence before wetland buffers were established with an approved site plan or building permit may be maintained or repaired, in accordance with Section 107;

3. Overhead utility crossings, provided that associated access roads shall be subject to the requirements of this Section;

4. Maintenance, together with incidental dredge and fill activities in ditches, public roads and other rights-of-way, and other related drainage systems;

5. Mosquito or aquatic weed control activities permitted by federal, state, regional or local agencies;

6. Alterations of wetlands affected by phosphate mining activities, which shall be governed by Chapter 2-20 of the Manatee County Code of Ordinances;

7. Those activities exempted by the Florida Department of Environmental Protection pursuant to the provisions of Chapter 62-312, Florida Administrative Code, to the extent that such activities are not prohibited by other provisions of this Code or policies of the Comprehensive Plan;

8. Clearing and/or construction of walking trails in compliance with the specifications of this Section 706.5; and

9. Construction of timber boardwalks/catwalks for direct access to waterbodies, wildlife management shelters, footbridges, observation decks and similar water-related structures not requiring dredging and/or filling for their placement in compliance with the specifications of this Section of this Code. All such structures shall be elevated on pilings to permit the unobstructed flow of water and movement of wildlife, to minimize shading of the area beneath the structure, and to preserve the natural contour of the wetland. Excavation and filling of irrigation or drainage ditches in uplands on non-hydric soils that are not treated as wetlands by the State.

[...]

706.7. - Wetland Buffers.

Generally, a wetland buffer of at least fifty (50) feet shall be observed from the most landward extent of any post-development jurisdictional wetland contiguous with the Terra Ceia Aquatic Preserve, the Sarasota Bay Outstanding Florida Water, or the Little Manatee Outstanding Florida Water, and the inflowing watercourses within the Watershed Protection Overlay Districts. A wetland buffer of at least thirty (30) feet shall be observed from the most landward extent of all post-development wetlands that are not contiguous with the above-named water bodies or within the Watershed Protection Overlay Districts. The County may require increased wetland buffers adjacent to Outstanding Florida Waters, riverine systems or larger isolated wetlands, to enhance watershed protection, to maintain aesthetic view sheds, to preserve native upland habitat, to provide wildlife corridors, or to minimize adverse impacts to the ecological value of uplands for aquatic or wetland dependent listed animal species.

A. Prohibited Activities. Prohibited activities in wetland buffers shall at a minimum include:

1. Development, except as set forth in Section 706.7.B, below; and
2. The removal or other disturbance of any earth, trees, shrubbery and other plants except as set forth in Section 706.7.B, below.

B. Permitted Activities. Allowable activities in wetland buffers shall include:

1. Limited clearing of vegetation in a wetland buffer may be permitted as part of a required stormwater management system outfall, where allowed under other Sections of this Code;
2. Limited clearing of vegetation in a wetland buffer may be permitted in order to allow public or riparian access to the water, provided that:
 - a. The path cuts through the wetland buffer to the water, so as to provide an access way generally perpendicular to the shoreline; and
 - b. The access way shall not exceed ten (10) feet in width;
3. The construction of elevated boardwalks, catwalks or docks in wetland buffers, provided that such structures are no more than four (4) feet in width (unless greater width is approved by the Department Director); and are elevated at least three (3) feet above land or water to prevent continuous shading of vegetation. Additionally, the construction of wildlife management shelters, footbridges, observation decks and similar water-related structures in wetland buffers, provided that all such structures must be

elevated on pilings to permit the unobstructed flow of water and movement of wildlife, prevent continual shading of the area beneath the structure, and preserve the natural contour of the land. At grade trails shall be allowed in wetland buffers, provided that no impervious surfaces are constructed;

4. The clearing of boat launch areas through wetland buffers, provided that such areas shall be no more than ten (10) feet in width, unless greater width is approved by the Department Director;

5. The removal of nuisance or exotic plant species, such as Brazilian pepper, Australian pine, or melaleuca, or noxious endemic vegetation such as poison ivy or cattails from wetland buffer;

6. The conduct of mosquito or aquatic weed control activities in wetland buffers, provided such activities are conducted pursuant to a program approved by the Department of Agriculture and Consumer Services in the case of insect control, and the Department of Environmental Protection in the case of aquatic weed or algae control;

7. The placement of protective barriers to limit access to the wetland or its wetland buffers, if such structures are approved by the Department Director;

8. Activities authorized by the Department Director, as provided in this Chapter;

9. Activities associated with wetland impacts approved pursuant to Section 706.5; and

10. Activities authorized by the Department Director that are part of a wetland buffer maintenance plan designed to allow plantings within the wetland buffer and to provide for maintenance of the wetland buffer in a functionally viable manner. The wetland buffer management plan may be approved by the Department Director in conjunction with a Preliminary Development Plan, Preliminary Plat or Site Plan.

[...]



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

February 17, 2023

Honorable Angelina Colonnese
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, FL 34206

Attention: Vicki Tessmer

Dear Honorable Angelina Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. 23-25, which was filed in this office on February 17, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/rra

Vicki Tessmer

From: ords@municode.com
Sent: Monday, February 27, 2023 12:40 PM
To: Vicki Tessmer; nicole.knapp@mymanatee.org
Subject: Manatee County, FL Land Development Code - 2016 (12202) Supplement 15 Update 3

****THIS IS AN AUTOMATICALLY GENERATED EMAIL****

Below, you will find the material that we have received/recorded to your account. This material is being considered for inclusion in your next/current update, Supplement 15 Update 3

Document	Adopted Date	Recorded	Recorded Format
Ordinance No. 23-17	2/16/2023	2/27/2023	Word
Ordinance No. 23-05	1/19/2023	2/4/2023	Word
Ordinance No. 23-13	2/16/2023	2/27/2023	Word
Ordinance No. 23-14	2/16/2023	2/27/2023	Word
Ordinance No. 23-15	2/16/2023	2/27/2023	Word
Ordinance No. 23-18	2/16/2023	2/27/2023	Word
Ordinance No. 23-19	1/19/2023	2/4/2023	Word
Ordinance No. 23-20	1/19/2023	2/4/2023	Word
Ordinance No. 23-25	2/16/2023	2/27/2023	Word



Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly.



We can post newly enacted ordinances in the online Code after each meeting.