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ORDINANCE  
NUMBER 2015 –

4 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
5 CHARLOTTE COUNTY, FLORIDA, AMENDING SECTION 3-9-65,  
6 BOATING STRUCTURES; PROVIDING FOR GENERAL  
7 REQUIREMENTS; PROVIDING FOR DEVELOPMENT STANDARDS  
8 FOR BOATING STRUCTURES ON WATER BODIES; PROVIDING  
9 FOR DEVELOPMENT STANDARDS FOR BOAT RAMPS; PROVIDING  
10 FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR  
11 SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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RECITALS

14 WHEREAS, the County's Land Development Regulations (LDRs) were originally  
15 adopted in 1981 and took effect on December 8, 1981; and

16 WHEREAS, over time, County Staff was directed to revise the existing LDRs  
17 and has been working over the last several years to accomplish the desired revisions;  
18 and

19 WHEREAS, the purpose of these revisions is to update development regulations  
20 by removing some outdated regulations and requirements and adding new standards, to  
21 make the LDRs more user-friendly, and to be consistent with the County's  
22 Comprehensive Plan; and

23 WHEREAS, in order to thoroughly review and update the existing LDRs, County  
24 Staff has divided the project into three phases; and

25 WHEREAS, Phase I focused on revisions to the conventional zoning districts and  
26 some sections of Article I. In General and Article III. Special Regulations of Chapter 3-9.  
27 Zoning; and

28 WHEREAS, Phase II focuses on all overlay codes and the remaining sections of  
29 Article I. In General and Article III. Special Regulations of Chapter 3-9. Zoning; and

1           WHEREAS, Phase III will focus on regulations found primarily in Chapter 3-5.  
2 Planning and Development, which may include topics such as wetlands, landscaping  
3 and buffers, and site and commercial design standards; and

4           WHEREAS, Phase I was approved by the Board of County Commissioners of  
5 Charlotte County, Florida ("Board") on November 25, 2014; and

6           WHEREAS, in order to thoroughly review and revise the County's LDRs, County  
7 Staff divided Phase II into small groups; and

8           WHEREAS, Phase II.1 was approved by the Board on February 24, 2015; and

9           WHEREAS, Phase II.2 was approved by the Board on April 28, 2015; and

10           WHEREAS, in Phase II.3, County Staff is recommending that Chapter 3-9 of the  
11 Code of Laws and Ordinances of Charlotte County, Florida, be amended by revising  
12 Section 3-9-65, Boating Structures; providing for general requirements; providing for  
13 development standards for boating structures on water bodies; and providing for  
14 development standards for boat ramps; and

15           WHEREAS, Phase II.3 has previously been heard by the Planning and Zoning  
16 Board ("P&Z Board") and, based on the findings and analysis provided by County Staff  
17 and the evidence presented to the P&Z Board, has been recommended for approval on  
18 April 13, 2015; and

19           WHEREAS, the Board considered Phase II.3 in a public hearing held on May 26,  
20 2015; and

21           WHEREAS, based on the findings and analysis provided by County Staff and the  
22 evidence presented to the Board, the Board has determined that the changes are

1 consistent with the County's Comprehensive Plan and are in the best interests of the  
2 County and its citizens.

3 NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners  
4 of Charlotte County, Florida:

5 Section 1. Chapter 3-9 of the Code of Laws and Ordinances of Charlotte County,  
6 Florida, is hereby amended by revising Section 3-9-65, Boating Structures; providing for  
7 general requirements; providing for development standards for boating structures on  
8 water bodies; and providing for development standards for boat ramps, by adding the  
9 underlined language and by ~~deleting the stricken language~~ to provide as shown in  
10 Exhibit "A" which is attached hereto and provided herein.

11  
12 Section 2. Conflict with Other Ordinances. The provisions of this Ordinance shall  
13 supersede any provision of existing ordinances in conflict herewith to the extent of said  
14 conflict.

15  
16 Section 3. Severability. If any subsection, sentence, clause, phrase, or portion  
17 of this Ordinance is for any reason held invalid or unconstitutional by any court of  
18 competent jurisdiction, such portion shall be deemed a separate, distinct, and  
19 independent provision and such holding shall not affect the validity of the remainder of  
20 this Ordinance.

21  
22 Section 4. Effective Date. This Ordinance shall take effect upon its filing with the  
23 Office of the Secretary of State, State of Florida.

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29 [SIGNATURE PAGE FOLLOWS]

1 PASSED AND DULY ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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BOARD OF COUNTY COMMISSIONERS OF  
CHARLOTTE COUNTY, FLORIDA

By: \_\_\_\_\_  
William G. Truex, Chairman

ATTEST:  
Barbara T. Scott, Clerk of  
Circuit Court and Ex-Officio  
Clerk to the Board of County  
Commissioners

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
Janette S. Knowlton, County Attorney



LR2015-3323

**Sec. 3-9-65. Boating Structures**

**(a) General**

- (1) For the purposes of this section, boating structures shall include all boat docks, boat ramps, boat lifts, marine elevators, pilings, boat shelters or other structures as determined by the Zoning Official or his/her designee. Where non-commercial boat docks are constructed as the principal use on a vacant property, fences, walls and boat lifts shall be permitted as accessory uses and structures.
- ~~(2a) No boating structures docks, boat houses or boat lifts, covered or uncovered, shall be constructed without the issuance of a building permit.~~
- ~~(e3) No such boating structures shall be permitted in the waters of the Gulf of Mexico.~~
- (4) Boating structures are required to meet the minimum side yard requirement set forth in the zoning district in which the property is located except as otherwise permitted in this section.
- (5) At the end of canals boating structures must remain within an area determined by extending a line from each corner of the canal on a 45 degree angle to the mid point of the canal. Where two properties share a property line at the end of a canal the property line will extend in to the canal to establish division between the properties.
  - (a) Boating structures at the end of canals with less than 75 feet of water frontage must maintain a 10% side setback as determined by the portion of the property that abuts the water.
- ~~(6) Unwalled roofed areas or boat shelters are permitted on boating structures provided the overhang extends no more than two feet seaward of the permitted dock or boat lift conforming piers, docks or wharves, provided that no part of such structures shall extend further seaward than a permitted dock or wharf.~~
- (7) All mooring pilings, docks, lifts and exposed boat lift cradles located in a canal more than 15 feet seaward of the seawall or mean high waterline shall be marked with white or yellow reflectors, and the top three feet shall be painted white. Docks extending more than 15 feet seaward of the seawall or mean high water line shall be required to mark only the two outermost pilings with reflectors.
- (8) No boating structures shall fall within a State Sovereign Submerged Land easement granted to the County unless approved by the County.
- (9) No boating structures shall impede safe navigation nor shall any such structures extend into the navigable channel.
- ~~(f10) This section, except that portion requiring a building permit, shall not apply to structures within a three-sided marina-basin, provided, however, that all three (3) sides of the marina-basin and the underlying marina-basin bottom land are under unitary ownership and control.~~
- (11) If the requirements of this section cannot be met, an application for a Special Exception may be filed in accordance with the procedures of Section 3-9-6.2, Special Exceptions.

**(b) Boating Structures on Waterbodies**

- ~~(b1) In natural bodies of water, including those which have been altered or dredged, such no boating structures shall not be erected or watercraft moored nearer to the centerline of an open water span or edge of marked channel than fifteen (15) feet, nor shall any structures extend from the mean high waterline more than ten (10) 25 percent of the open water span at the point of installation, or less than fifteen (15) feet from the centerline of the open water span or edge of marked channel, whichever is less. The edge of the marked channel shall be considered the~~

Land Development Regulations  
Chapter 3-9. Zoning  
Article III. Special Regulations

Sec. 3-9-65. Boating Structures

straight line drawn between successive channel markers. The open water span shall be measured from seawall to seawall or mean high waterline to mean high waterline at point of installation.

- (2) On man-made bodies of water, such structures shall not extend further seaward than the lesser of ten (10) ~~25~~ percent of the open water span or twelve (12) ~~25~~ feet from the mean high waterline or seawall at the point of installation, whichever is less. Unwalled roofed areas or boat shelters are permitted on conforming piers, docks or wharves, provided that no part of such structures shall extend further seaward than a permitted dock or wharf.
- (3) Signs prohibiting mooring shall be posted on the seaward end of any boat structure that extends the maximum length into a waterbody as permitted in this section.
- (4) The open water span shall be measured from seawall to seawall or mean high waterline to mean high waterline at point of installation. County staff will verify the open water span of a water body at the applicant's request with a review fee.
- (5) Boating structures shall be designed to prevent or minimize impacts to grass beds and other biologically productive bottom habitats. Where a boating structure is in conflict with subsections (b) (1) or (2) of this article, an extended length may be permitted where necessary to prevent impacts to grass beds and other biologically sensitive bottom habitats. A benthic survey prepared by an environmental professional may be required by the Zoning Official or his/her designee.
- (6) The length of boating structures shall be sufficient to provide for a minimum water depth of minus four (-4) feet mean low water. Where a boating structure is in conflict with subsections (b)(1) or (2) of this article, an extended length may be permitted where necessary to obtain minus four (-4) feet mean low water. A bathymetric survey verifying sufficient depth shall be required from a licensed professional.
- (7) A water depth of less than minus four (-4) feet mean low water may be permitted if it can be demonstrated that the lesser depth will not result in boat impacts to sensitive bottom communities.

(c) Boat Ramps

- (1) In the event separate access is created for a boat ramp from a public right-of-way, a permitted driveway apron must be built in accordance with the requirements of the Charlotte County Code of Ordinances.
  - (2) Seawall removal in conjunction with boat ramp construction must be done in accordance with the requirements of the Charlotte County Code of Ordinances.
  - (3) Boat ramps are required to meet a minimum side yard setback of six feet in all zoning districts.
  - (4) Boat ramps in residential zoning districts shall not be used for commercial purposes.
- (d) No pilings or other mooring devices shall extend further seaward in a man-made canal than the lesser of twenty-five (25) percent of the width of the canal or twenty-five (25) feet. All pilings and other mooring devices located in a canal more than fifteen (15) feet seaward of the seawall or mean high waterline shall be marked with red or yellow reflectors or other acceptable reflectorized markings and the top three (3) feet thereof shall be painted white.

**Cross reference**— Boats, docks and waterways, Ch. 3-1. & Article XV. Surface Water and Wetland Protection, Sec. 3-5-348. Standards.