

2003 NOV 19 AM 7:48

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, RELATING TO THE MYAKKA RIVER PROTECTION ORDINANCE, RELATING TO REGULATIONS GOVERNING SUBDIVISIONS AND THE DEVELOPMENT OF LAND; AMENDING SARASOTA COUNTY ORDINANCE NO. 81-12, AS CODIFIED IN CHAPTER 74 OF THE SARASOTA COUNTY CODE; PROVIDING FOR A FINDING OF CONSISTENCY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR PURPOSE; AMENDING SECTIONS 74-7, 74-31, 74-61 AND THE ENVIRONMENTAL TECHNICAL MANUAL OF CHAPTER 74; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

1. The Board of County Commissioners, sitting as the Land Development Regulation Commission, has found this ordinance to be consistent with *Apoxsee*, the Revised and Updated Sarasota County Comprehensive Plan.
2. Section 74-7(c) of the Sarasota County Code is hereby amended to add/modify definitions and read as follows:

FIRE PROTECTION CLEAR ZONE. That area surrounding a structure with a width determined by the Fire Marshal as necessary to protect a structure from wildfire.

INVASIVE SPECIES. For the purposes of these regulations, the acceptable listings of invasive species can be found in Sarasota County's Exotic Plant Code, Section 54-621, state regulations (Chapters 5B-57.007 and Chapter 62C-52.011 of Florida Administrative Code), the Florida Exotic Pest Plant Council's list of Category I and II invasive species as appropriate to this geographic region, as well as the following species: *Talipariti tiliaceum* (Sea hibiscus). In addition, Sarasota County reserves the right to develop additional lists of non-native, nuisance and invasive species.

MYAKKA RIVER AREA. That corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, contained in part III, Chapter 258, Florida Statutes, together with a corridor of land including the maximum upland extent of wetland vegetation as determined by the Department of Environmental Protection pursuant to Chapter 403, Florida Statutes, and Chapters 62-3 and 62-312, Florida Administrative Code.

MYAKKA RIVER NATIVE VEGETATION. Plants that are indigenous to the Myakka River Protection Zone.

MYAKKA RIVER WILD AND SCENIC PROTECTION ZONE. An upland buffer that extends 220 feet on each side of the Wild and Scenic segment of the Myakka River (from river mile 7.5 to river mile 41.5) measured from the landward edge of the Myakka River Area.

VEGETATION REMOVAL. Any act by which vegetation is relocated, trimmed, poisoned, uprooted, disced, mowed, cut down, or in any other manner destroyed or altered.

3. Section 74-31(b)(1) of the Sarasota County Code is hereby amended to add paragraph a., which reads as follows:

- a. An owner or owner's representative shall request a pre-application meeting prior to undertaking any activity pertaining to the ordinances which relate to the Myakka River Wild and Scenic Protection Zone. The County shall not be required to accept an application as submitted until such a meeting has occurred.

4. Section 74-61(b)(4) contained in Chapter 74 of the Sarasota County Code is hereby amended to add paragraph a., which reads as follows:

- a. An owner or owner's representative shall request a pre-application meeting prior to undertaking any activity affected by the ordinances which relate to the Myakka River Wild and Scenic Protection Zone. In the absence of such a meeting, the County shall not be required to accept the application as submitted.

5. The Environmental Technical Manual contained in Chapter 74 of the Sarasota County Code is hereby amended to add Section F, which reads as follows:

F. MYAKKA RIVER PROTECTION ZONE

- (a) DEFINITIONS. For purposes of this section, notwithstanding anything contained herein to the contrary, the definition of Development shall be: A subdivision of land or a site and development as defined by these regulations, a residential mobile home park, and any other construction whether residential, commercial, industrial, office, professional, institution, or recreation.

- (b) GENERAL. The vegetation removal standard for the Myakka River Protection Zone contained below provides protection for the resource values identified in the Myakka Wild and Scenic River Management Plan. For the purposes of this standard, the Myakka River Protection Zone consists of four zones, which are delineated graphically in Appendix E1, and are also described as follows:

1. ZONE 1. The fire protection zone. That zone, of variable width, constituting the minimum allowable vegetative removal and turfgrass installation area necessary to allow for fire protection purposes such as the positioning of fire trucks and hoses, as well as to serve as a fire protection defensible space.

2. ZONE 2. The house and other structures, on a lot or parcel, as well as the area between the house and the street.

3. ZONE 3. The area between the landward extent of the 50-foot watercourse protection buffer of the Myakka River Area and the landward extent of the Myakka River Protection Zone, excluding zones 1 and 2.

4. ZONE 4. The 50-foot watercourse protection buffer of the Myakka River Area.

(c) JURISDICTION. The following standard shall apply to all parcels within the Myakka River Protection Zone.

(d) VEGETATION REMOVAL. The removal of native vegetation and or turfgrass installation shall be prohibited within the Myakka River Protection Zone with the exception that the continuation of yard maintenance activities such as mowing, trimming, or pruning of vegetation that had been conducted within the Myakka River Protection Zone prior to the adoption date of this amendment, and with the exception of the following:

1. ZONE 1 AND 2 EXCEPTIONS. Vegetative removal may be allowed in association with County-approved permits for construction of structures or to create or maintain a fire protection clear zone around the structure. The fire protection clear zone for structures in the Myakka River Protection Zone shall be determined by the Fire Marshal during the permitting process.

2. ZONE 3 EXCEPTIONS. Native vegetation removal may be allowed in Zone 3 only after review and written approval by Resource Protection only for the following purposes:

a. To create or maintain private nature trails.

b. To create or maintain a single access to a permitted dock or pier.

c. To conduct native understory vegetation management, in accordance with a County-approved management plan, to reduce fuel loads.

d. Reasonable selective pruning of side branches to enhance a view from a primary structure within or outside the River Protection Zone. Such selective pruning shall not occur within the River Area and the view "window" through the River Protection Zone preferably should be co-aligned with other approved vegetative removal (i.e., paths or access to a dock or pier).

e. Native vegetation removal associated with and limited to exempt earthmoving activities listed in Section 4(b) of Chapter 54, Article XII of the Sarasota County Code.

3. ZONE 4 EXCEPTIONS. Native vegetation removal may be allowed in Zone 4 only after review and written approval by Resource Protection only for the following purposes:

a. To create or maintain private nature trails.

b. To create or maintain a single access to a permitted dock or pier.

c. To conduct native understory vegetation management, in accordance with

a County-approved management plan, to reduce fuel loads.

d. Reasonable selective pruning of side branches to enhance a view from a primary structure within or outside the River Protection Zone. Such selective pruning shall not occur within the River Area and the view "window" through the River Protection Zone preferably should be co-aligned with other approved vegetative removal (i.e., paths or access to a dock or pier).

e. Native vegetation removal associated with and limited to exempt earthmoving activities listed in Sections 54-349(b)(9), 54-349(b)(10), and 54-349(b)(15) of Chapter 54, Article XII of the Sarasota County Code.

(e) REMOVAL OF NON-NATIVE, NUISANCE AND INVASIVE SPECIES. The removal of non-native, nuisance, and invasive species is allowed, provided such removal does not damage native vegetation

(f) TREE REMOVAL. Tree removal shall be subject to the regulations contained in Sarasota County Code Section 54, Article 28.

(g) REQUIREMENTS FOR ON-SITE SEWERAGE DISPOSAL SYSTEMS. Within the Myakka River Protection Zone, on-site sewerage disposal systems, whether upon a lot, a parcel, or within a subdivision, shall be located landward of the primary structure.

(h) PENALTIES. Any person who fails to comply with the requirements of this standard shall be required to restore the affected or impacted portion of the Myakka River Protection Zone to its pre-existing elevation and native vegetation. The person shall be also be required to monitor and maintain said restorative vegetation for a minimum of one year.

6. Section B.6.b.1) of the Subdivision Technical Manual contained in Chapter 74 of the Sarasota County Code is hereby amended to read as follows:

1) On-site sewerage disposal systems should be located in the front yard or other area, which will provide a convenient and economical connection to a future central sewerage system. Within the Myakka River Protection Zone, on-site sewerage disposal systems whether upon a lot, a parcel, or within a subdivision shall be located landward of the primary structure.

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

PASSED AND DULY ADOPTED by the Board of County Commissioners of Sarasota County, Florida, this 12th day of NOVEMBER, 2003.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By: *Shannon H. Starn*
Chairman

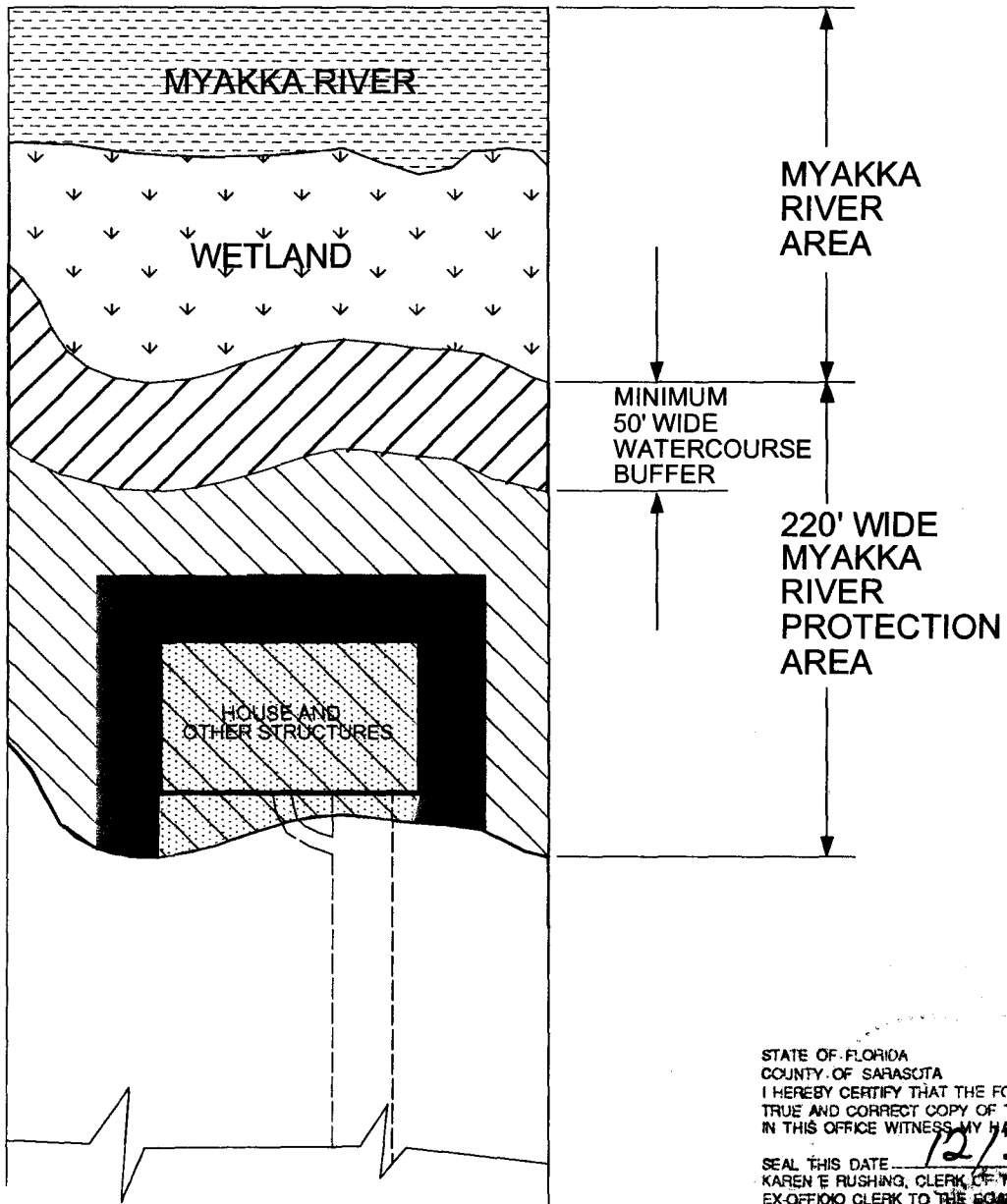
ATTEST:

KAREN E. RUSHING, Clerk of Circuit Court
and Ex-Officio Clerk of the
Board of County Commissioners of
Sarasota County, Florida

By: *Candice G. Powell*
Deputy Clerk

APPENDIX E.1


Illustration of the Four Zones of the Vegetative Removal Standard




STATE OF FLORIDA
 COUNTY OF SARASOTA
 I HEREBY CERTIFY THAT THE FOREGOING IS A
 TRUE AND CORRECT COPY OF THE ORIGINAL FILED
 IN THIS OFFICE WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE 12/27/05
 KAREN E RUSHING, CLERK OF THE CIRCUIT COURT
 EX-OFFICIO CLERK TO THE BOARD OF COUNTY
 COMMISSIONERS, SARASOTA COUNTY, FLORIDA
 BY [Signature]
 COUNTY CLERK

 ZONE 1 (Clear Zone for Fire Safety)

 ZONE 3 (Conservation Area)

 ZONE 2 (House, Other Structures, and Street Yard)

 ZONE 4 (Watercourse Buffer)

NOTE: ILLUSTRATION NOT TO SCALE