

ORDINANCE NO. 2008-042

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, RELATING TO REGULATIONS GOVERNING SUBDIVISIONS AND THE DEVELOPMENT OF LAND; AMENDING SARASOTA COUNTY ORDINANCE NO. 2007-097, AS CODIFIED IN CHAPTER 74 OF THE SARASOTA COUNTY CODE; AMENDING SECTION E OF THE ENVIRONMENTAL TECHNICAL MANUAL; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1: This Ordinance amends Sarasota County Ordinance No. 2007-097 as codified in Chapter 74 of the Sarasota County Code. In this ordinance, deleted text is shown in ~~strikethrough~~ and new text is underlined.

Section 2: The Board of County Commissioners, sitting as the Land Development Regulation Commission, has reviewed the ordinance codified in this Article and found it to be consistent with the Sarasota County Comprehensive Plan.

Section 3: Chapter 74, the Land Development Regulations, Section of the Environmental Technical Manual, is hereby amended to read as follows:

E. MYAKKA RIVER PROTECTION ZONE

1. All activities conducted within the Myakka River Protection Zone shall be consistent with Chapter 54, Article XXXIII (the Myakka River Protection Code), Ordinance No. 2008-002.

~~1. 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.~~

~~2. 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:~~

~~a. 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~~

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to serve as a fire protection defensible space.

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

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

d. ~~Zone 4.~~ The 50-foot watercourse protection buffer of the Myakka River Area.

3. ~~Jurisdiction.~~ The following standard shall apply to all parcels within the Myakka River Protection Zone.

4. ~~Vegetation Removal.~~ The removal of native vegetation 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:

a. ~~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.

b. ~~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:

1. ~~To create or maintain private nature trails.~~

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

3. ~~To conduct native understory vegetation management, in accordance with a County-approved management plan.~~

4. ~~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).~~

5. ~~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.~~

~~e. *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:~~

- ~~1. To create or maintain private nature trails.~~
  - ~~2. To create or maintain a single access to a permitted dock or pier.~~
  - ~~3. To conduct native understory vegetation management, in accordance with a County-approved management plan.~~
  - ~~4. 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).~~
  - ~~5. 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.~~
- ~~5. *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.~~
- ~~6. *Tree Removal.* Tree removal shall be subject to the regulations contained in Sarasota County Code Section 54, Article 28.~~
- ~~7. *Requirements for On-site Sewerage Disposal Systems.* Within the Myakka River Protection Zone, on-site sewerage disposal system, whether upon a lot, a parcel, or within a subdivision, shall be located landward of the primary structure.~~
- ~~8. *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 also be required to monitor and maintain said restorative vegetation for a minimum of one year.~~

#### **Section 4. Severability.**

If any provision of this Article is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct,

and independent provision and such holding shall not affect the validity of the remaining provisions.

**Section 5. Effective Date.**

This Ordinance shall take effect immediately upon receipt by the Office of the Secretary of the State of Florida.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 22<sup>ND</sup> day of APRIL 2008.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

BY:   
Chair

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

BY:   
Deputy Clerk