

Palmetto City Commission
February 13, 2006 5:00 PM

Elected Officials Present:

Larry Bustle, Mayor
Mary Lancaster, Vice Mayor
Eric Ball, Commissioner
Tamara Cornwell, Commissioner
Tambra Varnadore, Commissioner
Brian Williams, Commissioner

Staff and Others Present:

Michele Hall, City Attorney
Chief Garry Lowe
Chris Lukowiak, Public Works Director
James R. Freeman, City Clerk
Ric Hartman, Planning Supervisor/Zoning Administrator
Frank Woodard, Deputy Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 5:01 p.m. A moment of silence for military personnel was observed, followed by the Pledge of Allegiance to the United States Flag.

1. WORKSHOP AGENDA APPROVAL

MOTION: Mr. Williams moved, Ms. Varnadore seconded and motion carried 4-0 to approve the February 13, 2006 5:00 p.m. workshop agenda.

2. DISCUSSION: PROPOSED BOAT DOCK ORDINANCE

Mr. Hartman explained the purpose of the proposed ordinance was not to penalize what's in existence, but to bring consistency, continuity and safety to the waterfront areas. The proposed ordinance will also help the waterfront property owners ascertain their rights and responsibilities.

Commission began the review with the key components of the proposed ordinance:

1. Open Waters: Manatee River and Terra Ceia Bay fall under the jurisdiction of the Army Corp of Engineers, Department of Environmental Protection (DEP) and Southwest Florida Water Management District (SWFWMD). It was staff's opinion current state and federal guidelines are adequate for open waters; the city may impose greater restrictions than those imposed by other regulatory agencies.

- Language will be incorporated into the ordinance to impose the standards of federal and state agencies to allow for consistency, safety and the City's enforcement capabilities.
- Submission of all necessary federal or state agencies' permits prior to obtaining a City permit will be required.
- The Building Official will be charged with the responsibility of enforcing the ordinance.

It was consensus of Commission to adopt the key components of open waters as discussed.

2. Man-made canals: SWFWMD and DEP have both adopted language exempting canals dredged by permit for single-family homes. Location of the docks in man-made canals will be as follows, and will be written in general terms without directional language:

- Parallel canal lots: Docks will be placed in the middle 50% of the waterfront property, except the first lot abutting a headland lot.
- A dock on the first parallel lot abutting a headland lot will be constructed at the farthest allowable portion of the property.
- Headland canal lots: The minimum footage of waterfront property owned to build a mooring dock will be 20 feet. The minimum footage of waterfront property owned to build an observation dock will be 15 feet. The ordinance proposes and encourages joint docking facilities at the shared property line of headland lots. Insurance for the jointly owned dock will be the responsibility of the property owners.

3. Length of docks in canals: Commission concurred that parallel docks may not exceed 50% of water frontage.

4. Slips: Commission made no changes in the proposed language.

5. Intrusion into waterways (canals): Commission made no changes in the proposed language.

Mr. Hartman acknowledged the need to further clarify the maximum length of the docks at the headland lots. Also in Section 10.109, he will clarify the definition between a mooring and observation dock.

Discussing dock maintenance agreements, Attorney Hall opined the ordinance should contain language stipulating a dock is not permitted unless ownership of the land is documented. Attorney Hall further stated the proposed ordinance should be written in a way that is the least restrictive while accomplishing the City's goal, and to ensure safety and access for waterfront properties.

As the Commission proceeds in the review of the proposed dock ordinance, it must be decided how existing docks will be regulated: 1) Will docks be grandfathered and be considered a legal nonconformity. or 2) Will docks be amortized over a specific period of time before the dock must be reconstructed to meet code. Mayor Bustle suggested amortization of docks, given the example of a new property owner wishing to construct a dock in an area of non-conforming docks.

Mayor Bustle reminded Commission he would be attending the Leadership Florida conference the end of the week.

Meeting adjourned at 6:15 pm.

Minutes approved: February 27, 2006


James R. Freeman
City Clerk