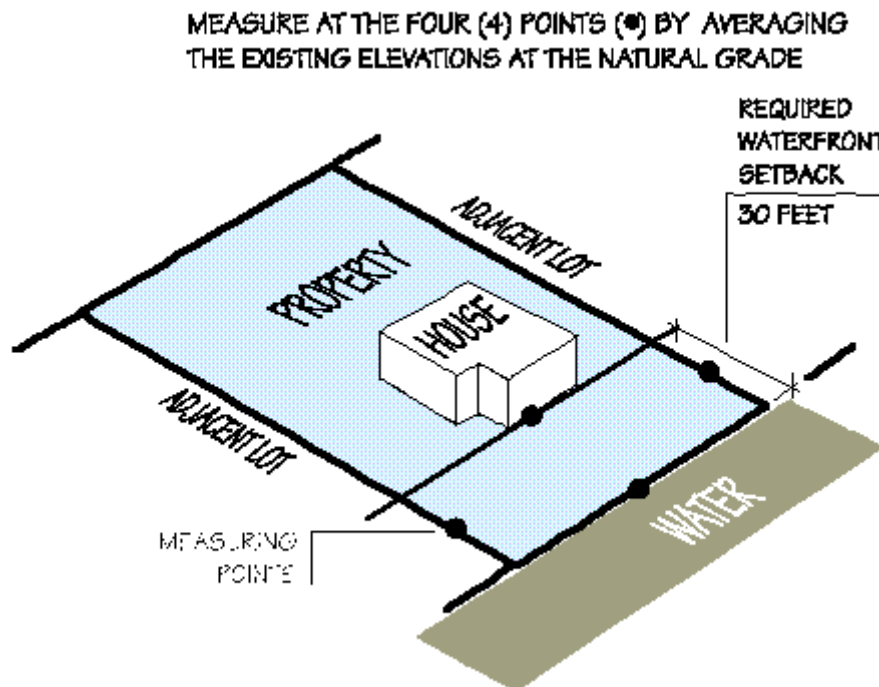


Division 13. Waterfront Property and Docks**Section VII-1301. Waterfront Property**

- A. When a waterfront yard is also a rear or side yard, the applicable minimum setback requirement for waterfront setbacks shall control over the minimum rear or side setback requirement.
- B. Except for setbacks adjacent to the Gulf of Mexico, the depth of required waterfront setbacks shall be thirty (30) feet. All waterfront setbacks shall be measured from the mean high-water line.
- C. RESERVED.
- D. Where property is located adjacent to the Gulf of Mexico and lying between New Pass and Big Pass, the gulf-front setback shall be one hundred fifty (150) feet from the mean high-water line; provided that setbacks for gulf-front setbacks on zoning lots with a depth less than two hundred fifty (250) feet shall be reduced in order that the building area, including the front yard, shall be one hundred (100) feet in depth.
- E. The height of structures in waterfront setbacks shall be limited to not more than thirty (30) inches above ground level. Ground level, for purposes of measuring the height of structures within a waterfront setback, shall be determined as depicted in the following graphic:



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- F. Structures up to thirty (30) inches above ground level may be allowed in the required one hundred fifty (150) foot gulf-front setback by approval of the City Commission issued at a public hearing held for such purpose. At such public hearing the property owner shall establish to the satisfaction of the City Commission that the proposed structure:
1. Will not endanger the stability of the beach-dune system.
 2. Will not accelerate erosion.
 3. Will not adversely impact neighboring properties.
 4. Will not interfere with the public's use and enjoyment of any public beaches in the vicinity.
- G. Structures greater than thirty (30) inches above ground level are not permitted in the required one hundred fifty (150) foot gulf-front yard. The City Commission shall have the sole and exclusive authority to grant variances from the terms of this paragraph.
- H. Should any structure permitted under subsection (F) or (G) above require approval of the State of Florida Department of Natural Resources pursuant to the provisions of the Beach and Shore Preservation Act, written proof of such approval shall be provided to the Director of Building, Zoning and Code Enforcement prior to the issuance of a City building permit for the subject structure. Nothing herein shall be construed to supersede or in any way limit the jurisdiction of the Department of Environmental Protection to issue permits for construction within required gulf-front setbacks, if required by the Florida Statutes.
- I. Structures designed to protect the beach and dune system or to preserve vegetation by providing a means of pedestrian access to the gulf-front beaches shall be exempt from the requirements of this Section.
- J. Except for docks, seawalls, groins and other beach or shore protection devices and as otherwise specifically provided by these regulations, no structures shall be erected that will extend beyond the building line of waterfront property.
(Ord. No. 00-4193, Sec. 17, 2-22-00)

Section VII-1302. Docks

Docks may be erected subject to the following regulations:

A. Docks on the open waters of Sarasota Bay, Big Pass and New Pass shall project into said waters no less than necessary:

1. To reach a minimum depth of minus three (-3.0) feet mean low water; or
2. So as to maintain, from the lowest point of the keel or propeller, whichever is lower, of the vessel to be berthed at the dock, a minimum clearance over any submerged bottom lands of one (1) foot as measured at mean low water.

Provided, however, except for docks which are thirty (30) feet or less in length, a dock shall not extend farther than to a depth of minus four (-4.0) feet mean low water, nor shall a dock exceed an overall length of one hundred (100) feet, exclusive of tie-off pilings as measured at a right angle from the shoreline. The total area of any dock shall not exceed five hundred (500) square feet, as measured seaward from mean high water. Such docks shall not be located within twenty-five (25) feet of the extended property lines of the property upon which the dock is erected or within twenty-five (25) feet of the extended property lines of any adjacent property. However, if the individual zoning lot as platted, upon which the dock is to be erected, is less than sixty-five (65) feet in length along the shoreline, such dock shall not be located within eight (8) feet of the extended property line of the property upon which the dock is erected or within eight (8) feet of the extended property lines of any adjacent property.

- B. Docks on all other waterfront property and inlets or narrow waters of Sarasota Bay, shall not project into said waters so as to be located within the middle fifty (50) percent thereof or exceed a maximum length of thirty (30) feet, as measured from mean high water, whichever is less. The total area of any such dock shall not exceed five hundred (500) square feet, as measured seaward from mean high water. Such docks shall not be located within eight (8) feet of the extended property lines of the property upon which the dock is erected or within eight (8) feet of the extended property lines of any adjacent property.
- C. No tie-off piling, vessel or boat lift shall be placed, or docked so that any portion thereof projects into the middle fifty (50) percent of any waterway.
- D. No terminal platform or marginal dock shall be more than two hundred fifty (250) square feet.
- E. No boat dock, tie-off piling, vessel, or boat lift shall obstruct navigation or the use of public waterways or impede access to existing navigable channels or waterways, whether or not such channels or waterways are marked or chartered.

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- F. No dock shall be constructed to create a vertical wall of solid earth or concrete so as to act as a bulkhead or breakwater.
- G. The maximum decking elevation of a dock shall be plus five (+5.0) feet mean high water. Railings shall not exceed forty-two (42) inches in height above the decking of the dock.
- H. A private residential dock shall be designed and constructed to permanently accommodate no more than three (3) vessels. The access dock shall be limited to a maximum width of six (6) feet. There shall be no more than one (1) private residential dock per buildable waterfront zoning lot it will serve.
- I. Community boat docks, are Minor Conditional Uses in RSF-E, 1, 2, 3 and 4 zone districts and shall be subject to the following additional regulations:
1. The total number of boat slips shall not exceed the total number of single-family zoning lots in the new residential subdivision served by a community boat dock.
 2. Use of a community boat dock shall be limited to residents of the single-family subdivision served by the dock. A community boat dock shall not be used or operated as rental marinas nor shall any person or entity rent any community boat dock except to residents of the new residential subdivision served by such dock.
 3. The access dock shall not exceed six (6) feet in width, finger piers shall not exceed three (3) feet in width, and twenty-five (25) feet in length.
 4. The Planning Board shall find that the construction of a community boat dock at the proposed location is consistent with the Natural Resources, Conservation and Coastal Zone Protection Element of the City of Sarasota Comprehensive Plan.
 5. The total aggregate area of a community boat dock shall not exceed one thousand (1,000) square feet.
- J. Private residential multi-slip docks shall be designed and constructed to accommodate no more vessels than the total number of dwelling units within the multi-family development to which the docks are accessory. The access dock shall not exceed six (6) feet in width, finger piers shall not exceed three (3) feet in width, and twenty-five (25) feet in length.
- K. Structures in connection with a marine fueling facility, storage and sales of marine-related products and attendant's shelter are permitted on commercial docks, provided that such structures shall not exceed an area of fifty (50) square feet or a height of ten (10) feet above the decking of the dock.
- L. Docks shall not include or accommodate nonwater dependent structures and are not to be used for nonwater dependent purposes.

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- M. Boat lifts shall not exceed seven (7) feet in height above mean high water, as measured to the top of the lifter beam. Davits shall not exceed eight (8) feet in height above the decking of a dock. Davits shall not exceed ten (10) feet in height above a seawall cap. No dock shall have more than one (1) boat lift or davit for each permitted vessel.
- N. Pilings shall not exceed ten and one-half (10½) feet in height above mean high water.
- O. Fish cleaning tables shall not exceed forty-two (42) inches in height above the decking of a dock. No dock shall have more than one (1) fish cleaning table.
- P. Benches and boat lockers shall not exceed ninety-six (96) inches in length, thirty-six (36) inches in width or thirty-six (36) inches in height above the decking of a dock. No dock shall have more than one (1) bench and one (1) boat locker for each permitted vessel.
- Q. Upland walkways shall be subject to the height limitation for structures in waterfront setbacks.
- R. If state or federal permission is required for the erection of any dock, such permission shall be presented in writing to the Director of Building, Zoning and Code Enforcement prior to the issuance of any building permit for a dock.
- S. Docks in the G zone district shall be subject to Major Conditional Use approval.

Section VII-1303. Dredging and Filling

While dredging and filling of waterfront and submerged lands under the jurisdiction of the Trustees of the Internal Improvement Fund of the State of Florida are subject to the authority of the trustees, the City reaffirms its position that there shall be no filling of submerged and waterfront lands beyond the established mean high water line. There shall be no dredging operations seaward beyond established mean high water lines, except for those dredging operations necessary to maintain boat channels and basins.

Section VII-1304. Seawall, Groins and Beach Protective Devices

Where properties are located on the waters of the Gulf of Mexico or the waters of passes, seawalls, groins and other beach protection devices shall be erected only by special permit of the City Commission, upon it being proved by the permittee at a public hearing held for such purpose that such beach protection works are necessary to prevent such erosion, are properly designed to prevent erosion of the property on which they are to be erected, and will not adversely affect adjacent and nearby properties. On all other water frontage, seawalls and bulkheads may be erected only landward of mean high water lines. In no event shall such seawalls or bulkheads exceed an elevation of plus five (+5.0) feet above the mean low watermark.