

**ORDINANCE NO. 2019- 10**

**GLADES COUNTY, FLORIDA**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GLADES COUNTY, FLORIDA, AMENDING THE GLADES COUNTY CODE OF ORDINANCES, PART II LAND DEVELOPMENT, CHAPTER 109 – BUILDINGS AND BUILDING REGULATIONS; SPECIFICALLY AMENDING ARTICLE V. BOATHOUSES, SEAWALLS AND DOCKS, SECTION 109-274; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CODIFICATION; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CONFLICT; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Glades County is desirous of expanding the regulations applicable to Section 109-274.- Location; and

**WHEREAS**, the County wishes to provide regulations pertinent to the jurisdiction of the waterways for the design and permitting of boathouses, boat docks, and structures; and

**WHEREAS**, the Glades County Board of County Commissioners has determined that the following revisions to Chapter 109 – Building and Building Regulations, Glades County Code of Laws and Ordinances, may be allowed while providing the appropriate level of regulation for review and approval; and

**WHEREAS**, the Glades County Board of County Commissioners desires to enact an ordinance revising Chapter 109 – Building and Building Regulations.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Glades County, Florida as follows:

**SECTION 1. RECITALS.**

The above recitals are true and correct and incorporated herein as though fully set forth below.

**SECTION 2. ADOPTION OF AMENDMENT TO PART II – LAND DEVELOPMENT, CHAPTER 109 – BUILDINGS AND BUILDING REGULATIONS.**

The following revisions shall be incorporated into Chapter 109 – Building and Building Regulations.

**Sec. 109-274. - Location.**

For waterways under the jurisdiction of Glades County:

- (a) Boathouses, docks and fish-cleaning houses may be placed on the rear property line provided the structure does not protrude into the body of water more than 25 percent of its width, but not to exceed 10 feet. Location shall allow for 20 feet of unobstructed horizontal and vertical clearance in the center of the canal for navigation.



- (b) Seawalls may be placed on the rear property line provided the property line does not protrude into the body of water, past the average water line. Construction plans shall be approved by the county manager or his designee. The permit fee shall be the same as prescribed by the county.
- (c) The applicant shall submit construction and plot plans to the county manager or his designee for approval. The permit fees shall be the same as prescribed by the county. No private boathouse shall be used for the purpose of human habitation. This section is applicable only to structures and designs of buildings adjacent to public waterways.
- ~~(d) Structures must meet all construction requirements for the county and other governmental and regulatory agencies including, but not limited to, the department of environmental protection and South Florida Water Management District.~~

For waterways under the jurisdiction the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection and the South Florida Water Management District:

- (a) Boat docks and structures shall be approved for a Glades County building permit if the applicant meets all the design and permitting criteria under the USACE federal requirement, the FL DEP state requirement, and/or the South Florida Water Management District regional requirement:
  - 1. A copy of the USACE, FL DEP and, or the SFWMD permit shall be provided to Glades County in order to obtain a building permit from Glades County.

### **SECTION 3. AUTHORITY.**

This Ordinance is enacted pursuant to the provisions of Chapters 125 and Chapter 403, Florida Statutes, and other applicable provisions of law.

### **SECTION 4. CODIFICATION.**

It is hereby the intention of the Board of County Commissioners of Glades County, Florida, and it is hereby provided that the provisions of this Ordinance may become and be made a part of the Code of Glades County, Florida.

### **SECTION 5. SCRIVENER'S ERRORS.**

Sections of this Ordinance may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the County Manager, or the County Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the County Clerk.

**SECTION 6. CONFLICT.**

Any provision of any Glades County ordinance or regulation which is in conflict with the provisions of this Ordinance is repealed prospectively to the extent of such conflict.

**SECTION 7. LIBERAL CONSTRUCTION.**

The terms and provisions of this Ordinance shall be liberally construed to affect the purpose for which it is adopted.

**SECTION 8. SEVERABILITY.**

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, invalid or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect the applicability of this Ordinance to any other person, property or circumstances.

**SECTION 9. EFFECTIVE DATE.**

This Ordinance shall take effect upon the adoption of this Ordinance by the Board of Commissioners of Glades County, Florida, and upon a filing of a certified copy hereof with the Florida Department of State.

The foregoing Ordinance was offered by Commissioner Ahern, who moved its adoption. The motion was seconded by Commissioner Strenth, and being put to a vote, the vote was as follows:

TIMOTHY STANLEY	<u>yes</u>
WESTON PRYOR	<u>yes</u>
JOHN AHERN	<u>yes</u>
DONNA STORTER LONG	<u>yes</u>
DONALD STRENGTH	<u>yes</u>

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**[NEXT PAGE FOR SIGNATURE]**

This Ordinance was duly passed and adopted this 13th day of August, 2019.

BOARD OF COUNTY COMMISSIONERS OF  
GLADES COUNTY, FLORIDA

BY: [Signature]  
Timothy Stanley, Chairman



ATTEST:

[Signature]

Sandra Brown,  
Clerk of Court



APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY

BY: [Signature]  
Richard W. Pringle, County Attorney