

ORDINANCE NO. 13-43

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE RELATING TO CODE ENFORCEMENT BOARD; AMENDING SECTION 201 PROVIDING DEFINITIONS TO REPEAL DEFINITIONS OF CODE ENFORCEMENT OFFICER AND REPEAT VIOLATION; AMENDING SUB-SUBSECTION 304.3.2 PROVIDING LIMITATIONS ON HEARING OFFICER ACTIVITIES WHILE APPOINTED TO DELETE REFERENCE TO CODE ENFORCEMENT BOARD; REPEALING SECTION 305 OF THE LAND DEVELOPMENT CODE ENTITLED CODE ENFORCEMENT BOARD; AMENDING SUB-SUB-SUB-SUBSECTION 704.59.3.13.6 PROVIDING GENERAL STANDARDS FOR APPLICATION REQUIREMENTS FOR PERSONAL WIRELESS SERVICE FACILITIES TO DELETE NOTICE AND FINDING BY CODE ENFORCEMENT BOARD; AMENDING SUB-SUB-SUBSECTION 704.59.3.20 PROVIDING GENERAL STANDARDS FOR ABANDONMENT OF PERSONAL WIRELESS SERVICE FACILITIES TO DELETE REFERRAL TO CODE ENFORCEMENT BOARD; REPEALING SECTION 1203 OF THE LAND DEVELOPMENT CODE ENTITLED NOTICE OF VIOLATION; AMENDING SUB-SUBSECTION 1205.2.c PROVIDING GENERAL PENALTY FOR VIOLATIONS TO DELETE FINDING BY CODE ENFORCEMENT BOARD; AMENDING SUB-SUBSECTION 1206.8.5 PROVIDING ADDITIONAL PENALTIES FOR JUNK VEHICLES TO DELETE AUTHORITY OF SPECIAL MASTER AND CODE ENFORCEMENT BOARD; ABOLISHING THE MANATEE COUNTY CODE ENFORCEMENT BOARD; TRANSFERRING CASES PENDING BEFORE THE CODE ENFORCEMENT BOARD TO SPECIAL MAGISTRATES DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Subsection 162.03(1), Florida Statutes, authorizes counties and municipalities to create or abolish by ordinance local government code enforcement boards as provided in Chapter 162, Part I, Florida Statutes; and

WHEREAS, Subsection 162.03(2), Florida Statutes, authorizes counties and municipalities, by ordinance, to adopt an alternate code enforcement system that gives code enforcement boards or special magistrates designated by the local governing body, or both, the authority to hold hearings and assess fines against violators of the respective county or municipal codes and ordinances; and

WHEREAS, the Manatee County Land Development Code creates a code enforcement board and special masters, both of which have authority to hold hearings and assess fines for violations of County codes and ordinances; and

WHEREAS, on October 8, 2013, the Board of County Commissioners of Manatee County adopted and enacted Ordinance No. 13-36 giving special magistrates designated by the Board the authority to hold hearings and assess fines for violations of codes and ordinances in force in unincorporated Manatee County, including the Manatee County Land Development Code, pursuant to Subsection 162.03(2), Florida Statutes; and

WHEREAS, Ordinance No. 13-36 establishes procedures for enforcement of violations of County codes and ordinances, including the Manatee County Land Development Code, that are consistent with the provisions specified in Chapter 162, Part I, Florida Statutes; and

WHEREAS, various sections of the Manatee County Land Development Code referring to the code enforcement board and special masters conflict with or duplicate the provisions of Ordinance No. 13-36; and

WHEREAS, to eliminate conflict with and duplication of Ordinance No. 13-36, the Board of County Commissioners of Manatee County desires to amend and repeal various sections of the Manatee County Land Development Code referring to the code enforcement board and special masters; and

WHEREAS, the Board of County Commissioners of Manatee County desires to abolish the Manatee County Code Enforcement Board created by Section 305 of the Manatee County Land Development Code; and

WHEREAS, the Board of County Commissioners of Manatee County has determined that it is in the best interest of the County to amend and repeal various sections of the Manatee County Land Development Code referring to the code enforcement board and special masters and to

abolish the Manatee County Code Enforcement Board as provided in this ordinance; and

WHEREAS, pursuant to Sections 163.3174(4)(c) and 163.3194(2), Florida Statutes, and Sections 302 and 503 of the Manatee County Land Development Code, the Manatee County Planning Commission is required to review proposed amendments to the Manatee County Land Development Code after holding a public hearing and make recommendations to the Board of County Commissioners of Manatee County regarding the consistency of the proposed amendments with the adopted Manatee County comprehensive plan; and

WHEREAS, at a public hearing held October 10, 2013, after due public notice, the Manatee County Planning Commission, sitting as the local planning agency, reviewed the proposed amendments to the Manatee County Land Development Code set forth in this ordinance, considered all comments received during said public hearing, including staff comments and reports, and recommended the proposed amendments as being consistent with the adopted Manatee County comprehensive plan and meeting the requirements of Sections 163.3194(2) and 163.3202(1), Florida Statutes, and Section 503 of the Manatee County Land Development Code; and

WHEREAS, pursuant to Sections 125.66 and 163.3202, Florida Statutes, and Sections 502 and 503 of the Manatee County Land Development Code, the Board of County Commissioners of Manatee County held a public hearing on October 22, 2013, after due public notice, to consider the proposed amendments to the Manatee County Land Development Code set forth in this ordinance; and

WHEREAS, after consideration of all oral and written comments received during said public hearing, including staff comments and reports, together with the recommendations of the Manatee County Planning Commission, the Board of County Commissioners of Manatee County has determined that the proposed amendments to the Manatee County Land Development Code set

forth in this ordinance are consistent with the adopted Manatee County comprehensive plan and should be enacted.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. Section 201 of the Manatee County Land Development Code is hereby amended by repealing the following terms and definitions:

Section 201. Definitions.

~~Code Enforcement Officer shall mean any designated County employee or agent whose duty it is to enforce codes, ordinances and resolutions enacted by Manatee County. Code Enforcement officers shall be immune from prosecution, civil or criminal, for trespass upon real property while in the discharge of said duties.~~

~~Repeat Violation shall mean one of the following:~~

- ~~(A) A violation of a provision of a code or ordinance by a person whom the Code Enforcement Board or Special Master has previously found to have violated the same provision within five (5) years; or~~
- ~~(B) An alleged violation that a citation or notice of violation has been issued for a violation of the same provision within five (5) years.~~

Section 2. Sub-subsection 304.3.2 of the Manatee County Land Development Code is hereby amended to read as follows:

Section 304. Hearing Officers.

304.3. Appointment, Qualifications, Term, Removal and Compensation. The Board shall appoint one or more qualified Hearing Officers. Each Officer shall be appointed for a renewable term of one to four years.

304.3.2. Limitations on Hearing Officer Activities While Appointed. A Hearing Officer shall

not hold other appointive or elective office or position in the County government.

Further, a Hearing Officer shall not present nor assist in the preparation of any land use matter or application before another Hearing Officer, the Board, ~~Code Enforcement Board~~ or Construction Code Board of Appeals during his or her term nor shall the Hearing Officer present or assist in preparation of any land use matter or application requiring Administrative Approval by the Planning Director. The firm with which a Hearing Officer is or was associated with shall not present or assist in the preparation of any land use matter before that Hearing Officer.

All Hearing Officers shall be subject to Chapter 112, Part III, Florida Statutes.

All Hearing Officers shall be subject to Chapter 112, Part III, Florida Statutes.

Section 3. Section 305 of the Manatee County Land Development Code, entitled Code Enforcement Board, is hereby repealed.

Section 4. Sub-sub-sub-subsection 704.59.3.13.6 of the Manatee County Land Development Code is hereby amended to read as follows:

Section 704. Conditional Use Criteria.

704.59. Personal Wireless Service Facilities.

704.59.3. General Standards.

704.59.3.13. Application requirements. In addition to the requirements of Section 508, an application for a telecommunication facility shall contain:

704.59.3.13.6. A written instrument executed by the PWSF owner or operator and, in the case of a leased site, a written instrument executed by the lessor and lessee, binding their successors and assigns, in a form suitable for recording in the official records, granting Manatee County and its agents and employees a license to enter the real property on which the site is located and remove any abandoned

telecommunication tower at the owner or operator's expense following enforcement action, ~~subject to proper notice and a finding by the Code Enforcement Board that the tower has been abandoned.~~

Section 5. Sub-sub-subsection 704.59.3.20 of the Manatee County Land Development Code is hereby amended to read as follows:

Section 704. Conditional Use Criteria.

704.59. Personal Wireless Service Facilities.

704.59.3. General Standards.

704.59.3.20. Abandonment. Any telecommunication tower which has no operational antenna located thereon for a period of six (6) months will be deemed to be abandoned, and therefore shall constitute a violation of this Code. The owner or operator of the abandoned telecommunication facilities shall be given six (6) months after being provided with written notification ~~a notice~~ of said violation to either reactivate or dismantle and remove the telecommunications facilities. In the event of the owner or operator's failure to comply with the County's request for removal, the matter may be subject ~~referred to the Manatee County Code Enforcement Board for enforcement action~~. Nothing herein shall be construed to limit the County's right to pursue any other legal remedy.

Section 6. Section 1203 of the Manatee County Land Development Code, entitled Notice of Violation, is hereby repealed.

Section 7. Sub-subsection 1205.2.c of the Manatee County Land Development Code is hereby amended to read as follows:

Section 1205. General penalty; continuing violations; cessation of building and other land use permits.

1205.2. Except as otherwise provided by law or ordinance, a person convicted of a violation of this

Code shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a term not exceeding sixty (60) days, or by both such fine and imprisonment. With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.

- c. The Board may order the County Administrator and applicable County employees to cease, and thereupon the County Administrator and applicable County employees shall cease, issuance of any Building Permits or renewals or extensions thereof, and all review of applications for, and issuance of, land use permits for any location in unincorporated Manatee County to any person, or anyone acting on behalf of, for the benefit of or in concert with such person, who, on or after February 7, 1992, has been found through a code enforcement hearing ~~by the Code Enforcement Board~~ or by a court of competent jurisdiction to have two (2) or more violations of this Code pertaining to the use of land, or one (1) violation of this Code pertaining to the use of land which poses an imminent threat to the public health, safety and welfare, unless such building or land use permit is required in order to cure the violation. Issuance of permits may resume once the violation has been cured or the person has provided a letter of credit to the County in an amount that, in the judgment of the County Administrator, would be sufficient for the County to perform the work necessary to cure the violation in the event that the person fails to cure it.

Section 8. Sub-subsection 1206.8.5 of the Manatee County Land Development Code is hereby amended to read as follows:

Section 1206. Additional Penalties.

1206.8. Junk Vehicles. Manatee County declares that junk vehicles per se are a nuisance due

primarily to safety, aesthetics, and visual impact on surrounding areas and, as such, may be removed when found to be in violation of this Code. Such junk vehicles constitute a breeding ground for mosquitos, snakes, rats, rodents, and other vermin. Further, junk vehicles constitute a fire hazard, a dangerous attraction to children, and a haven for drug dealers. When a junk vehicle is found:

5. The authorization in this Section for the towing of junk vehicles shall not be construed to ~~negate the authority of the County, Special Master or Code Enforcement Board to hear and adjudicate appropriate cases~~ nor shall it preclude the county from pursuing other remedies available under this Code or other county ordinances or State law to enforce this section.

Section 9. The Manatee County Code Enforcement Board created by Section 305 of the Manatee County Land Development Code shall be abolished on the effective date of this ordinance.

Section 10. All cases pending before the Manatee County Code Enforcement Board on the effective date of this ordinance shall be transferred to the special magistrates designated by the Board of County Commissioners pursuant to Ordinance No. 13-36.

Section 11. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 12. This ordinance shall become effective November 1, 2013.



APPROVED AND ENACTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, on the 22<sup>nd</sup> day of October, 2013.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA



By: Larry Bustto  
Chairman

ATTEST: R. B. Shore  
Clerk of the Circuit Court

By: Robin Liberty, D.C.

SARASOTA HERALD-TRIBUNE  
PUBLISHED DAILY  
SARASOTA, SARASOTA COUNTY, FLORIDA

Bobbi Roy  
Manatee County Planning Dept.  
1112 Manatee Ave. W., 4th. flr.  
Bradenton, FL 34205

STATE OF FLORIDA  
COUNTY OF MANATEE

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED SHARI BRICKLEY, WHO ON OATH SAYS SHE IS ADVERTISING DIRECTOR OF THE SARASOTA HERALD-TRIBUNE, A DAILY NEWSPAPER PUBLISHED AT SARASOTA, IN SARASOTA COUNTY FLORIDA; AND CIRCULATED IN CHARLOTTE COUNTY DAILY; THAT THE ATTACHED COPY OF ADVERTISEMENT, BEING A NOTICE IN THE MATTER OF:

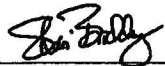
**Ordinance 13-43**

IN THE COURT WAS PUBLISHED IN MANATEE EDITION OF SAID NEWSPAPER IN THE ISSUES OF:

October 11, 2013

AFFIANT FURTHER SAYS THAT THE SAID SARASOTA HERALD-TRIBUNE IS A NEWSPAPER PUBLISHED AT SARASOTA, IN SAID SARASOTA COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER HAS THERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID SARASOTA COUNTY, FLORIDA, EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MAIL MATTER AT THE POST OFFICE IN BRADENTON, IN SAID MANATEE COUNTY, FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF THE ATTACHED COPY OF ADVERTISEMENT; AND AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID NOR PROMISED ANY PERSON, FIRM OR CORPORATION ANY DISCOUNT, REBATE, COMMISSION OR REFUND FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR PUBLICATION IN THE SAID NEWSPAPER.

SIGNED \_\_\_\_\_

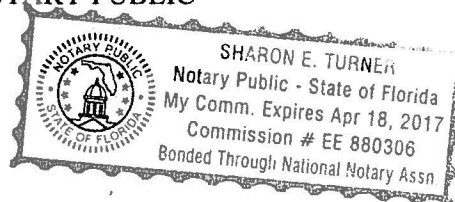


SWORN TO AND SUBSCRIBED BEFORE ME THIS 11 DAY OF OCTOBER, 2013 A.D., BY SHARI BRICKLEY WHO IS PERSONALLY KNOWN TO ME.

(SEAL) \_\_\_\_\_



NOTARY PUBLIC



# NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Section 125.66 of Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing in the Chambers of the Board at the Manatee County Administrative Complex, 1112 Manatee Avenue West, first floor, Bradenton, Florida, during its regular meeting of **October 22, 2013, at 9:00 a.m.**, or as soon thereafter to consider, act upon, enact, or reject the following Ordinance.

## ORDINANCE NO. 13-43

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE RELATING TO CODE ENFORCEMENT BOARD; AMENDING SECTION 201 PROVIDING DEFINITIONS TO REPEAL DEFINITIONS OF CODE ENFORCEMENT OFFICER AND REPEAT VIOLATION; AMENDING SUB-SUBSECTION 304.3.2 PROVIDING LIMITATIONS ON HEARING OFFICER ACTIVITIES WHILE APPOINTED TO DELETE REFERENCE TO CODE ENFORCEMENT BOARD; REPEALING SECTION 305 OF THE LAND DEVELOPMENT CODE ENTITLED CODE ENFORCEMENT BOARD; AMENDING SUB-SUB-SUBSECTION 704.59.3.13.6 PROVIDING GENERAL STANDARDS FOR APPLICATION REQUIREMENTS FOR PERSONAL WIRELESS SERVICE FACILITIES TO DELETE NOTICE AND FINDING BY CODE ENFORCEMENT BOARD; AMENDING SUB-SUB-SUBSECTION 704.59.3.20 PROVIDING GENERAL STANDARDS FOR ABANDONMENT OF PERSONAL WIRELESS SERVICE FACILITIES TO DELETE REFERRAL TO CODE ENFORCEMENT BOARD; REPEALING SECTION 1203 OF THE LAND DEVELOPMENT CODE ENTITLED NOTICE OF VIOLATION; AMENDING SUB-SUBSECTION 1205.2.c PROVIDING GENERAL PENALTY FOR VIOLATIONS TO DELETE FINDING BY CODE ENFORCEMENT BOARD; AMENDING SUB-SUBSECTION 1206.8.5 PROVIDING ADDITIONAL PENALTIES FOR JUNK VEHICLES TO DELETE AUTHORITY OF SPECIAL MASTER AND CODE ENFORCEMENT BOARD; ABOLISHING THE MANATEE COUNTY CODE ENFORCEMENT BOARD; TRANSFERRING CASES PENDING BEFORE THE CODE ENFORCEMENT BOARD TO SPECIAL MAGISTRATES DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

The Public is invited to speak at this hearing, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The Public may also provide written comments for the Board of County Commissioners to consider.

Interested parties may appear and be heard at the meeting with respect to the proposed Ordinance. Pursuant to Section 286.0105 of Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he or she will need a record of the proceedings and for such purpose, she or he may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

The proposed Ordinance is available for public inspection at the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, second floor, Bradenton, Florida, during regular business hours. A reasonable charge may be made for the provision of copies.

Rules of procedure for this public hearing are in effect pursuant to Resolution 10-195. A copy of this Resolution is available for review or purchase from the Building and Development Services Department (see address below).

Please Send Comments To: Manatee County Building and Development Services Department  
Attn: Agenda Coordinator  
1112 Manatee Ave. West 2<sup>nd</sup> Floor  
Bradenton, FL 34205

All written comments will be entered into the record.

For More Information: Copies of the proposed amendment will be available for review and copying at cost approximately ten (10) days prior to the public hearing. Information may also be obtained by calling 748-4501 x 6878, between 8:00 AM - 5:00 PM.

Americans With Disabilities: The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, FAX 745-3790.

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**SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.**

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS**  
Manatee County Building and Development Services Department  
Manatee County, Florida

1623771

# BRADENTON HERALD

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Bradenton Herald  
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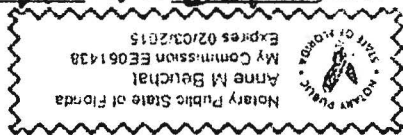
## STATE OF FLORIDA COUNTY OF MANATEE

Before the undersigned authority personally appeared Angela Williams, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copies of the advertisement, being a Legal Advertisement in the matter of, **NOTICE OF ORDINANCE NO. 13-43** was published in said newspaper in the issues of **10/11/2013**. Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Angela Williams  
(Signature of Affiant)

Sworn to and subscribed before me this

11 Day of Oct, 2013



Anne M. Beachat  
SEAL & Notary Public

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

## Copy of Newspaper Advertising

### Bradenton Herald

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SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS  
Manatee County Building and Development Services Department  
Manatee County, Florida

065367\_50



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

October 24, 2013

Honorable R. B. "Chips" Shore  
Clerk of the Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, Florida 34206

Attention: Robin Liberty, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. 13-43, which was filed in this office on October 24, 2013.

Sincerely,

Liz Cloud  
Program Administrator

LC/elr

Enclosure

**From:** [Ords Admin](#)  
**To:** [Robin Liberty](#)  
**Subject:** Manatee County, FL Land Development Code - 1990(12202)  
**Date:** Friday, October 25, 2013 3:41:58 PM

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We have received your file. Thank you for your submission.

Respectfully,  
Ords Admin.  
[ords@municode.com](mailto:ords@municode.com)

1-800-262-2633  
(850) 576-3172 ext. 227  
Fax No. 850-575-8852  
P.O. Box 2235  
1700 Capital Circle, S.W.  
Tallahassee, FL 32317-2235

**When available, please send all documents in WORD format to [Ords@municode.com](mailto:Ords@municode.com). However, if WORD format is not available, we welcome any document format including PDF.**

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**From:** Robin Liberty [mailto:[robin.liberty@ManateeClerk.com](mailto:robin.liberty@ManateeClerk.com)]  
**Sent:** Friday, October 25, 2013 9:16 AM  
**To:** Ords Admin  
**Cc:** Vicki Tessmer  
**Subject:** Manatee County Ordinance 13-43

**Ordinance 13-43** was adopted by Manatee County Board of County Commissioners on October 22, 2013.

*Thank you,*

*Robin Liberty*  
Board Records Minutes Secretary, Enterprise Content  
For R.B. "Chips" Shore  
Manatee County Clerk of the Circuit Court & Comptroller  
[www.manateeclerk.com](http://www.manateeclerk.com)  
[robin.liberty@manateeclerk.com](mailto:robin.liberty@manateeclerk.com)  
941-741-4018

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**From:** [Robin Liberty](mailto:Robin.Liberty@manateeclerk.com)  
**To:** ["CountyOrdinances@dos.myflorida.com"](mailto:CountyOrdinances@dos.myflorida.com)  
**Subject:** Ordinance 13-43  
**Date:** Thursday, October 24, 2013 11:14:00 AM  
**Attachments:** [MAN20131022 Ordinance2013 43.pdf.pdf](#)

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**Ordinance 13-43** was adopted by Manatee County Board of County Commissioners on October 22, 2013.

*Thank you,*

*Robin Liberty*

Board Records Minutes Secretary, Enterprise Content  
For R.B. "Chips" Shore  
Manatee County Clerk of the Circuit Court & Comptroller  
[www.manateeclerk.com](http://www.manateeclerk.com)  
[robin.liberty@manateeclerk.com](mailto:robin.liberty@manateeclerk.com)  
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October 22, 2013 - Regular Meeting  
Agenda Item #39

Subject

Ordinance No. 13-43 Amending Manatee County Land Development Code Relating to Code Enforcement Board

Approved in Open Session 10/22/13,  
Manatee Board of County Commissioners

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Maureen Sikora

Assistant County Attorney

941-748-4501

Joe Fenton

Division Manager

941-748-4501 ext. 6854

Action Requested

After reviewing the proposed amendments to the Manatee County Land Development Code set forth in Ordinance No. 13-43 and considering all comments received during the public hearing on this ordinance, including staff comments, together with the recommendations of the Manatee County Planning Commission regarding the consistency of the proposed amendments with the adopted Manatee County Comprehensive Plan, motion to approve Ordinance No. 13-43.

Enabling/Regulating Authority

Chapter 162, Part I, Florida Statutes

Background Discussion

- At the Board of County Commissioners work session held August 20, 2013, Code Enforcement Division Manager Joe Fenton recommended revising the code enforcement hearing process to utilize special magistrates in place of the code enforcement board. Such revision would improve the efficiency of the code enforcement process by eliminating duplication of work for code enforcement officers and other County staff and by replacing the current procedure which consists of two hearings (a plea hearing before the special magistrate followed by a full hearing before the code enforcement board) with a

single hearing conducted by the special magistrate.

- On October 8, 2013, the Board of County Commissioners approved and enacted Ordinance No. 13-36 giving special magistrates designated by the Board the authority to hold hearings and assess fines for violations of County codes and ordinances, including the Manatee County Land Development Code. Various sections of the Land Development Code referring to the code enforcement board and special masters conflict with or duplicate the provisions of Ordinance No. 13-36. Since the code enforcement board and special masters were established in the Manatee County Land Development Code, a separate ordinance is required to amend and repeal the applicable sections of the Land Development Code.
- Attached is a copy of Ordinance No. 13-43 amending the Manatee County Land Development Code relating to the code enforcement board. This ordinance amends and repeals various sections of the Land Development Code referring to the code enforcement board and special masters and abolishes the Manatee County Code Enforcement Board. The ordinance contains the following significant provisions:
  - Definitions of code enforcement officer and repeat violation are repealed from Section 201 providing definition.
  - Reference to code enforcement board is deleted from Sub-subsection 304.3.2 pertaining to hearing officers.
  - Section 305 entitled Code Enforcement Board is repealed.
  - References to code enforcement board are deleted from provisions to Section 704 pertaining to personal wireless service facilities.
  - Section 1203 entitled Notice of Violation is repealed.
  - Reference to code enforcement board is deleted from Sub-subsection 1205.2.c providing general penalty for violations.
  - References to special master and code enforcement board are deleted from Sub-subsection 1206.8.5 providing additional penalties for junk vehicles.
  - The Manatee County Code Enforcement Board is abolished and cases pending before the Code Enforcement Board are transferred to special magistrates designated by the Board of County Commissioners.
- On October 10, 2013, the Manatee County Planning Commission held a public hearing, reviewing the proposed amendments to the Manatee County Land Development Code contained in Ordinance No. 13-43, and recommended to the Board of County Commissioners that the proposed amendments are consistent with the adopted Manatee County Comprehensive Plan. The proposed amendments set forth in Ordinance No. 13-43 are consistent with the following objectives and policies of the Manatee County Comprehensive Plan:
  - Policy 2.1.3.4 of the Future Land Use Element, which provides for working with the Manatee Sheriff's Office to reduce criminal activity within the urban area;
  - Policy 2.1.3.9 of the Future Land Use Element, which provides for identifying needs and coordinating improvement activities in neighborhoods throughout the urban area;
  - Objective 6.1.4 of the Housing Element, entitled Substandard Housing, which provides for reducing the number of substandard housing units;
  - Policy 6.1.4.2 of the Housing Element, which provides for identifying and encouraging the rehabilitation of substandard housing;
  - Policy 6.1.4.4 of the Housing Element, which provides for increasing code enforcement activities in CDBG eligible areas;
  - Objective 2.6.2 of the Monitoring Element, entitled Residential Compatibility/Transition, which provides for compatibility of residential uses with adjacent residential and nonresidential uses;
  - Objective 2.6.3 of the Monitoring Element, entitled Industrial Compatibility and Performance Measures, which provides for compatibility of industrial development with adjacent uses;
  - Objective 2.9.2 of the Monitoring Element, entitled Adverse Impact on Housing, which provides for mitigating or preventing adverse impacts on residential uses;

Manatee County Government Administrative Center  
Commission Chambers, First Floor  
9:00 a.m. - October 22, 2013

- Objective 2.10.2 of the Monitoring Element, entitled Diversity, which provides for size, function, and compatibility of new commercial development; and
- Objective 6.1.4 of the Monitoring Element, entitled Substandard Housing, which provides for reducing the number of substandard housing units.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

Ordinance No. 13-43 prepared by CAO

Agenda Memorandum drafted by CAO

Reviewing Attorney

N/A

Instructions to Board Records

Return stamped copy of Agenda Memorandum and copy of signed Ordinance No. 13-43 to Code Enforcement Division ([laurie.menard@mymanatee.org](mailto:laurie.menard@mymanatee.org)) and County Attorney's Office ([maureen.sikora@mymanatee.org](mailto:maureen.sikora@mymanatee.org)). File certified copy of Ordinance No. 13-43 with State of Florida Department of State no later than October 31, 2013. Send copy of Ordinance No. 13-43 to Municipal Code Corporation.

**Emailed 10/24/13, RLL**

Cost and Funds Source Account Number and Name

n/a

Amount and Frequency of Recurring Costs

n/a

Attachment: [LDC amendments. code enforcement board. Ordinance. No. 13-43. final.pdf](#)

Attachment: [Copy of Newspaper Advertising Ord. 13-43 for 10-22-13 BC.pdf](#)

Copy of Newspaper Advertising

Bradenton Herald

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Section 125.66 of Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing in the Chambers of the Board at the Manatee County Administrative Complex, 1112 Manatee Avenue West, first floor, Bradenton, Florida, during its regular meeting of **October 22, 2013, at 9:00 a.m.**, or as soon thereafter to consider, act upon, enact, or reject the following Ordinance.

**ORDINANCE NO. 13-43**

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE RELATING TO CODE ENFORCEMENT BOARD; AMENDING SECTION 201 PROVIDING DEFINITIONS TO REPEAL DEFINITIONS OF CODE ENFORCEMENT OFFICER AND REPEAT VIOLATION; AMENDING SUB-SUBSECTION 304.3.2 PROVIDING LIMITATIONS ON HEARING OFFICER ACTIVITIES WHILE APPOINTED TO DELETE REFERENCE TO CODE ENFORCEMENT BOARD; REPEALING SECTION 305 OF THE LAND DEVELOPMENT CODE ENTITLED CODE ENFORCEMENT BOARD; AMENDING SUB-SUB-SUBSECTION 704.59.3.13.6 PROVIDING GENERAL STANDARDS FOR APPLICATION REQUIREMENTS FOR PERSONAL WIRELESS SERVICE FACILITIES TO DELETE NOTICE AND FINDING BY CODE ENFORCEMENT BOARD; AMENDING SUB-SUB-SUBSECTION 704.59.3.20 PROVIDING GENERAL STANDARDS FOR ABANDONMENT OF PERSONAL WIRELESS SERVICE FACILITIES TO DELETE REFERRAL TO CODE ENFORCEMENT BOARD; REPEALING SECTION 1203 OF THE LAND DEVELOPMENT CODE ENTITLED NOTICE OF VIOLATION; AMENDING SUB-SUBSECTION 1205.2.c PROVIDING GENERAL PENALTY FOR VIOLATIONS TO DELETE FINDING BY CODE ENFORCEMENT BOARD; AMENDING SUB-SUBSECTION 1206.8.5 PROVIDING ADDITIONAL PENALTIES FOR JUNK VEHICLES TO DELETE AUTHORITY OF SPECIAL MASTER AND CODE ENFORCEMENT BOARD; ABOLISHING THE MANATEE COUNTY CODE ENFORCEMENT BOARD; TRANSFERRING CASES PENDING BEFORE THE CODE ENFORCEMENT BOARD TO SPECIAL MAGISTRATES DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

The Public is invited to speak at this hearing, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The Public may also provide written comments for the Board of County Commissioners to consider.

Interested parties may appear and be heard at the meeting with respect to the proposed Ordinance. Pursuant to Section 286.0105 of Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he or she will need a record of the proceedings and for such purpose, she or he may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

The proposed Ordinance is available for public inspection at the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, second floor, Bradenton, Florida, during regular business hours. A reasonable charge may be made for the provision of copies.

Rules of procedure for this public hearing are in effect pursuant to Resolution 10-195. A copy of this Resolution is available for review or purchase from the Building and Development Services Department (see address below).

Please Send Comments To: Manatee County Building and Development Services Department  
Attn: Agenda Coordinator  
1112 Manatee Ave. West 2<sup>nd</sup> Floor  
Bradenton, FL 34205

All written comments will be entered into the record.

For More Information: Copies of the proposed amendment will be available for review and copying at cost approximately ten (10) days prior to the public hearing. Information may also be obtained by calling 748-4501 x 6878, between 8:00 AM - 5:00 PM.

Americans With Disabilities: The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, FAX 745-3790.

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MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS  
Manatee County Building and Development Services Department  
Manatee County, Florida

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Sarasota Herald Tribune

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