

FILED FOR RECORD  
R. B. SHORE

2005 FEB 24 AM 11:44

CLEARING HOUSE COURT  
MANATEE CO. FLORIDA

ORDINANCE NO. 06-20

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING SECTION 103, APPLICABILITY, MANATEE COUNTY LAND DEVELOPMENT CODE TO PROVIDE FOR A SEVERABILITY CLAUSE APPLICABLE TO THE SIGN REGULATIONS IN SECTION 724, SIGNS, SIGN-RELATED DEFINITIONS IN SECTION 201, AND OTHER CODE PROVISIONS REGULATING SIGNS AS REQUIRED FOR INTERNAL CONSISTENCY IN THE MANATEE COUNTY LAND DEVELOPMENT CODE; SETTING FORTH FINDINGS AS TO LEGISLATIVE INTENT TO PROVIDE FOR THE CONTINUED EFFECTIVENESS OF ALL PORTIONS OF THE SIGN REGULATIONS CONTAINED IN THE LAND DEVELOPMENT CODE REGARDLESS OF WHETHER THE VALIDITY OF ONE OR MORE PARTS OF THE SIGN REGULATIONS ARE DECLARED INVALID; SETTING FORTH RELATED FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.

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**WHEREAS**, the Board of County Commissioners of Manatee County, Florida is authorized under Chapters 125 and 163, Florida Statutes to enact zoning and other land development regulations to protect the health, safety and welfare of the citizens of Manatee County, Florida; and

**WHEREAS**, Section 724 of the Manatee County Land Development Code (the "Land Development Code") , sign-related definitions in Section 201, Land Development Code, along with other Code provisions, originally enacted pursuant to Ordinance 90-01 and amended from time-to-time, establishes regulations regarding the permitting, the placement and maintenance of signs within the unincorporated area of the County; and

**WHEREAS**, the intent of the Board of County Commissioners is to provide for the severability of the sign regulations contained in Sections 724 and 201 of the Land Development Code along with other code provisions as required for internal consistency, so as to allow for the continued enforcement of regulations regarding the construction, placement, density and size of signs in the event any portion of the sign regulations in the Land Development Code is declared invalid by a court of competent jurisdiction; and

**WHEREAS**, the Board of County Commissioners finds the Board would have enacted the sign regulations contained in the Land Development Code complete with its permit requirements, exemptions and regulations of the construction, placement,

density and size of signs as provided by Land Development Code even if any portion of the sign regulations were declared invalid by a court of competent jurisdiction; and

**WHEREAS**, the Manatee County Planning Commission has been established pursuant to Manatee County Ordinance 90-01, as amended, in accordance with Sections 302 and 503 of said Ordinance and Section 163.3194(2), Florida Statutes, is required to review proposed amendments to the Manatee County Land Development Code after holding a public hearing on the matter and make its recommendations to the Board of County Commissioners; and

**WHEREAS**, the Manatee County Planning Commission at a public hearing on January 12, 2006, regarding the above cited amendments to the Land Development Code with due public notice having been provided, and having reviewed and considered all comments received during said public hearing, including the staff comments and reports, recommended said amendments to the Land Development Code as being consistent with the adopted Manatee County Comprehensive Plan and meeting the requirements of Section 503, Land Development Code and Sections 163.3202(2) and 163.3213(1) and (2) Florida Statutes; and

**WHEREAS**, pursuant to Chapters 163 and 125, Florida Statutes, and the provisions of the Sections 502 and 503 of the Land Development Code the Board of County Commissioners of Manatee County held public hearings on January 24, 2006 and February 14, 2006 with due public notice having been provided, to consider proposed amendments to the above referenced Land Development Code; and

**WHEREAS**, the Board of County Commissioners further considered all oral and written comments, including staff reports and studies received, during said public hearings along with the specific recommendations of the Planning Commission; and

**WHEREAS**, it is the intent of the Board of County Commissioners to provide for an enhanced and restated severability clause applicable to the sign regulations in the Land Development Code in reaction to recent developments in applicable case law.

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

Section 1. Purpose, Intent and Findings. This Ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended. The Board of County Commissioners hereby adopts the above findings in the preamble of this ordinance as findings of the Board of County Commissioners and said findings are incorporated herein by reference.

Section 2. Amendment of Section 103 of the Land Development Code. Section 103 of the Manatee County Land Development Code (Manatee County

Ordinance No. 90-01, as amended) (the "Land Development Code") is hereby amended to add a new Section 103.4 entitled: "Severability of Sign Regulations". Said new Subsection 103.4 shall provide as follows:

Section 103.4. Severability of Sign Regulations. If any part or provision of the sign regulations contained in Sections 724, 201 and other provisions of the Land Development Code regulating signs or application thereof to any person or circumstance is adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these sign regulations or the application thereof to other persons or circumstances. The Board of County Commissioners hereby declares that it would have enacted the remainder of these sign regulations even without any such part, provision, or application. It is the specific intent of the Board of County Commissioners that each provision of the sign regulations contained in Sections 724, 201 and other provisions of the Land Development Code regulating signs shall stand alone and operate independently of any other provision herein. If any section, subsection, sentence, phrase, or portion of the sign regulations in Sections 724, 201 or other provisions of the Land Development Code containing sign regulations, is declared invalid for any reason, it is specifically declared by the Board of County Commissioners that such section, subsection, sentence, phrase, or portion is separate, distinct and independent of all other sections, subsections, sentences, phrases, or portions of the sign regulations in the Land Development Code such that all other provisions are intended to remain valid and enforceable.  
[additions to text indicated by underlining]

Section 3. Codification. The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the new Section 103.4, as set forth in Section 2 of this Ordinance, into the Land Development Code.

Section 4. Severability. If any section, sentence, clause or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses or provisions of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective immediately upon filing in the Office of the Secretary of State in Tallahassee, Florida.

**PASSED AND DULY ADOPTED** with a quorum present and voting, by the Board of County Commissioners of the County of Manatee, Florida this 14<sup>th</sup> day of FEB, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA



By: [Signature]  
Chairman

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

By: [Signature]  
Deputy Clerk



STATE OF FLORIDA, COUNTY OF MANATEE  
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.  
Witness my hand and official seal this 16<sup>th</sup> day of February, 2006.  
R. B. SHORE  
Clerk of Circuit Court  
By: [Signature] D.C.

FILED FOR RECORD  
R. B. SHORE

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CLERK OF CIRCUIT COURT  
MANATEE CO. FLORIDA



FLORIDA DEPARTMENT OF STATE

**Sue M. Cobb**

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

February 22, 2006

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

Attention: Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated February 16, 2006 and certified copy of Manatee County Ordinance No. 06-20, which was filed in this office on February 20, 2006.

As requested, the date stamped copy is being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/mp

Enclosures

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