

FILED FOR RECORD  
R. B. SHORE

ORDINANCE NO. 06-49

2006 SEP -8 AM 10: 19

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING SUBSECTION 1204.3 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE PROVIDING FOR CITATIONS FOR VIOLATIONS OF THE LAND DEVELOPMENT CODE; REPEALING SUB-SUBSECTION 1204.3.1 AND SUB-SUBSECTION 1204.3.2 OF THE LAND DEVELOPMENT CODE; RENUMBERING AND AMENDING SUB-SUBSECTION 1204.3.3 OF THE LAND DEVELOPMENT CODE TO PROVIDE SCHEDULE OF VIOLATIONS AND PENALTIES; REPEALING SUB-SUBSECTION 1204.3.5 AND SUB-SUBSECTION 1204.3.6 OF THE LAND DEVELOPMENT CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 162.21, Florida Statutes, authorizes counties and municipalities to enforce codes and ordinances through the issuance of citations under Section 162.21, Florida Statutes; and

WHEREAS, the Board of County Commissioners of Manatee County, Florida, has adopted and enacted Ordinance No. 90-01, as amended, codified as the Manatee County Land Development Code; and

WHEREAS, Subsection 1204.3 of the Manatee County Land Development Code, entitled Citations, provides for enforcement of violations of the Land Development Code through the issuance of citations and establishes a schedule of civil penalties for such violations;

WHEREAS, on June 20, 2006, the Board of County Commissioners of Manatee County adopted and enacted Ordinance No. 06-48 providing for the enforcement of all codes and ordinances, including the Manatee County Land Development Code, through the issuance of citations under Section 162.21, Florida Statutes; and

WHEREAS, Ordinance No. 06-48 establishes procedures for the implementation of Section 162.21, Florida Statutes; and

WHEREAS, the Board of County Commissioners of Manatee County desires to repeal procedures regarding citations in conflict with the provisions of Ordinance No. 06-48 and to amend

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the civil penalties for violations specified in Subsection 1204.3 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 repeal the procedures for citations and to amend the civil penalties specified in Subsection 1204.3 of the Manatee County Land Development Code 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 July 13, 2006, after due public notice, the Manatee County Planning Commission, sitting as the local planning agency, reviewed the proposed amendments to Subsection 1204.3 of 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 public hearings on August 15, 2006, and August 29, 2006, after due public notice, to consider the proposed amendments to Subsection 1204.3 of 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 hearings, 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 Subsection 1204.3 of 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. Subsection 1204.3 of the Manatee County Land Development Code is hereby amended to read as follows:

1204.3. Citations. This subsection ~~Chapter enables the County to issue citations in compliance with Chapter 162, Chapter 489, Florida Statutes, provides procedures for the implementation of such,~~ establishes a schedule of violations; and civil penalties for enforcement a schedule of this Code through citations under Section 162.21, Florida Statutes fines.

Section 2. Sub-subsection 1204.3.1 of the Manatee County Land Development Code is hereby repealed.

Section 3. Sub-subsection 1204.3.2 of the Manatee County Land Development Code is hereby repealed.

Section 4. Sub-subsection 1204.3.3 of the Manatee County Land Development Code is hereby renumbered as sub-subsection 1204.3.1 and amended to read as follows:

1204.3.1. 1204.3.3. Schedule of Violations and Penalties Fines.

~~The issuance of a citation shall be limited to violations of the~~

following listed Sections: A These violations of any provision of this Code is a shall be considered civil infractions. The civil penalties to Additional sections or violations may be assessed added through adoption of any ordinance that specifically states that a citation may be issued for a violation of any provision of specific sections of this Code shall be as follows: and the fine for such violation.

SCHEDULE OF CITATION VIOLATIONS AND PENALTIES FINE SCHEDULE

| <u>SECTION NUMBER</u> | <u>TITLE</u>                     | <u>CIVIL PENALTY FINE (DOLLAR)</u> |                           |
|-----------------------|----------------------------------|------------------------------------|---------------------------|
|                       |                                  | <u>FIRST VIOLATION</u>             | <u>REPEAT VIOLATIONS</u>  |
| 505                   | Special Permits                  | 150                                | 400                       |
| 506                   | Administrative Permits           | 100                                | <u>250</u> <del>200</del> |
| 507                   | Temporary Uses                   | 100                                | <u>250</u> <del>200</del> |
| 508                   | Site Plans                       | 150                                | 400                       |
| 514                   | Certificate of Appropriateness   | 150                                | 400                       |
| 702                   | Bulk and Dimensional Regulations | 100                                | <u>250</u> <del>200</del> |
| 703                   | Accessory Uses                   | 100                                | <u>250</u> <del>200</del> |
| <u>704</u>            | <u>Conditional Use Criteria</u>  | <u>100</u>                         | <u>250</u>                |
| <u>705</u>            | <u>Temporary Use Criteria</u>    | <u>100</u>                         | <u>250</u>                |
| 706                   | Access and Drainage Regulations  | <u>150</u> <del>50</del>           | <u>400</u> <del>100</del> |
| 707                   | Adult Entertainment Uses         | 150                                | 400                       |
| 708                   | Sale of Alcoholic Beverages      | 150                                | 400                       |
| 709                   | Lighting                         | 100                                | <u>250</u> <del>200</del> |
| 710                   | Off-Street Parking and Loading   | 100                                | <u>250</u> <del>200</del> |

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|            |   |                           |                           |
|------------|---|---------------------------|---------------------------|
| 711        | Driveway Access Regulations                                   | 100                       | <u>250</u> <del>200</del> |
| 712        | Required Access to Lots                                       | 100                       | <u>250</u> <del>200</del> |
| 713        | Visibility Triangles  | <u>100</u> <del>50</del>  | <u>250</u> <del>100</del> |
| 714        | Tree Protection   | <u>150</u> <del>100</del> | <u>400</u> <del>200</del> |
| 715        | Landscape and Screening Standards                             | 150                       | 400                       |
| 716        | Emergency Storm Shelter and Evacuation<br>Program             | 150                       | 400                       |
| 717        | Stormwater Management   | 150                       | 400                       |
| 718        | Floodplain Management   | 150                       | 400                       |
| 719        | Wetland Protection  | 150                       | 400                       |
| 721        | Habitat, <u>Wildlife</u> and Endangered Species<br>Protection | 150                       | 400                       |
| 722        | Installation of Required Improvements                         | 150                       | 400                       |
| 723        | Adverse Impact Performance Standards                          | 150                       | 400                       |
| 724        | Signs   | <u>100</u> <del>50</del>  | <u>250</u> <del>100</del> |
| 725        | Tall Structure and Object Height Limitations                  | 150                       | 400                       |
| 726        | Wild and Exotic Animals                                       | <u>100</u> <del>50</del>  | <u>250</u> <del>100</del> |
| 727        | Handicap Requirements   | 150                       | 400                       |
| 728        | Solid Waste Regulations                                       | 150                       | 400                       |
| <u>730</u> | <u>Fire Access Requirements</u>                               | <u>150</u>                | <u>400</u>                |
| 731        | Moored <u>Water Craft</u> <del>Watercraft</del>               | <u>100</u> <del>50</del>  | <u>250</u> <del>100</del> |
| 732        | Earthmoving   | 150                       | 400                       |
| 733        | Traffic Standards   | <u>100</u> <del>50</del>  | <u>250</u> <del>100</del> |
| 734        | Waterfront Structures   | 150                       | 400                       |

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|                                  |   |                          |                           |
|----------------------------------|---|--------------------------|---------------------------|
| 737                              | Entranceways                                    | 100                      | <u>250</u> <del>200</del> |
| 738                              | Groundwater/Wellhead Protection                 | 150                      | 400                       |
| <del>742</del> <del>912-13</del> | <u>Street and Structure Numbering Standards</u> | <u>100</u> <del>25</del> | <u>250</u> <del>50</del>  |
| <u>1204.1</u>                    | <u>Stop Work Order</u>                          | <u>150</u>               | <u>400</u>                |
| <del>1204.3.7</del>              | <del>Construction Licensing Violation</del>     | <del>150</del>           | <del>200</del>            |
| 1204.4                           | Historical and Archeological Protection         | 150                      | 400                       |
| 1204.6                           | Water Shortage Plan                             | <u>100</u> <del>50</del> | <u>250</u> <del>100</del> |

Section 5. Sub-subsection 1204.3.5 of the Manatee County Land Development Code is hereby repealed.

Section 6. Sub-subsection 1204.3.6 of the Manatee County Land Development Code is hereby repealed.

Section 7. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 8. 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 9. This ordinance shall take effect upon filing with the State of Florida Department of State.

ADOPTED AND ENACTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, on the 29<sup>th</sup> day of August, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: Joe McClure  
Chairman



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

By: Susan Poirine  
DC



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 1st day of September, 2006.

R.B. SHORE  
Clerk of Circuit Court

By: Diane E. Volness  
C.C.

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CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA



FLORIDA DEPARTMENT OF STATE

**Sue M. Cobb**

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

September 5, 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 September 1, 2006 and certified copies of Manatee County Ordinance No. 06-49, which was filed in this office on September 5, 2006.

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

Sincerely,

Handwritten signature of Liz Cloud with the initials "AK" written below it.

Liz Cloud  
Program Administrator

LC/bpn

Enclosure

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