

Planning Commission: 08/13/2020

ORDINANCE NO. 20-34

An Ordinance of the Board of County Commissioners of Manatee County, Florida, Regarding Land Development; Providing for Purpose and Intent; Providing Findings; Amending Sections 106.3.A, 370 AND 402.5 of the Land Development Code to Clarify the Requirements for Enforcement, Appeals of Administrative Decisions and the Schedule of Uses for Planned Development Zoning Districts; Providing for Codification; Providing for Applicability; Providing for Severability; and Providing an Effective Date.

P.C.: 07/09/2020 and 08/13/2020

B.O.C.C.: 09/03/2020 and 10/01/2020

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and in accordance with Section 341 of the Land Development Code, I move to recommend ADOPTION of Ordinance 20-34, amending the Manatee County Code of Ordinances, as recommended by staff.

PLANNING COMMISSION ACTION:

On July 9, 2020, by a vote of 6 – 0, the Planning Commission continued the public hearing to August 13, 2020.

PUBLIC COMMENT AND CORRESPONDENCE:

July 9, 2020 Planning Commission

There were no public comments.

Nothing was entered into the record.

SUMMARY/BACKGROUND

Sections 106.3.A, 370 and 402.5 of the Land Development Code (LDC) includes language that requires clarification or is otherwise inconsistent with other provisions of the LDC. The County Attorney's Office has recommended amendments to these sections to clarify them.

PROPOSED CHANGES

- LDC Section 106.3.A will be amended to clarify that it does not authorize lawsuits by third parties against the County to require the County to enforce the LDC. This is consistent with intent of Section 106.3.A and court decisions.
- LDC Section 370 will be amended to clarify that “any aggrieved person” may file an appeal of an administrative decision under the LDC. This is consistent with the intent of Section 370 and the historical interpretation of this Section by County staff.
- LDC Section 402.5 will be amended to authorize interpretations of uses in planned development districts in the same manner as interpretations of uses in “straight zoning” districts. This is consistent with the intent of Section 402.5 and the historical interpretation of this Section by County staff.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The Land Development Code is enacted pursuant to Section 163.3202 of the Florida Statutes and its purpose is to implement the Comprehensive Plan of the County by establishing regulations, procedures, and standards for review and approval of all development and use of land in the unincorporated portions of the County. It is stated in Chapter 1 of the LDC that “*the Code is adopted in order to foster and preserve public health, safety, comfort, and welfare in the unincorporated areas of the County.*”

The land use decisions that are affected by the amendments must be made in accordance with the Comprehensive Plan. The amendments do not affect or change the consistency requirements regarding enforcement of the LDC, appeals of administrative decisions, or permitted uses within planned development zoning districts.

ATTACHMENTS

1. Newspaper Advertising
2. Ordinance No. 20-34.