

**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.**

**BE IT ORDAINED** by the Board of County Commissioners of Manatee County, Florida:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Community Planning Act, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

1. Section 106.3.A of the Land Development Code sets forth the requirements for enforcement of the Land Development Code.
2. Section 370 of the Land Development Code sets forth the requirements for appeals of administrative decisions.
3. Section 402.5 of the Land Development Code sets forth the requirements for the schedule of uses for planned development zoning districts.
4. It is in the interest of the public health, safety and welfare to adopt the amendments set forth in this Ordinance to clarify the requirements for enforcement, appeals of administrative decisions and the schedule of uses for planned development zoning districts.
5. The Manatee County Planning Commission held a duly noticed and advertised public hearing on July 9, 2020, received public comments, the staff report and has reviewed the amendments set forth in this

Ordinance and has found these amendments to be consistent with the Manatee County Comprehensive Plan and the standards for review in Section 341 of the Code, and has recommended their adoption to the Board, on \_\_\_\_ and \_\_\_\_.

Section 3. Amendment of Section 106.3.A, 370, and 402.5 of the Land Development Code. Sections 106.3.A, 370 and 402.5 of the Land Development Code are hereby amended as set forth in Exhibit "A" to this Ordinance.

Section 4. Codification. The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3 of this Ordinance into the Land Development Code.

Section 5. Applicability. The amendments set forth in this Ordinance shall apply to all applications, decisions or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

Section 6. 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 7. Effective Date. This Ordinance shall become effective as provided by law.

**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the \_\_\_\_ day of \_\_\_\_\_, 2020.

**BOARD OF COUNTY  
COMMISSIONERS OF MANATEE  
COUNTY, FLORIDA**

By: \_\_\_\_\_  
**Chairperson**

**ATTEST: ANGELINA COLONNESO  
Clerk of the Circuit Court and Comptroller**

By: \_\_\_\_\_  
**Deputy Clerk**

**ORDINANCE EXHIBIT "A"**  
**AMENDMENT OF SECTIONS 106.3.A, 370 AND 402.5**  
**OF THE LAND DEVELOPMENT CODE**  
**(underlined language added, strike-through language deleted)**

**106.3. - Enforcement.**

- A. **Remedies.** The Board of County Commissioners or any aggrieved person may have recourse to such remedies in law and equity as may be necessary to insure compliance with the provisions of this Code, including injunctive relief to enjoin and restrain any person violating the provisions of this Code, and any rules and regulations adopted under this Code, and the court shall, upon proof of the violation of the Code, have the duty to forthwith issue such temporary and permanent injunctions as are necessary to prevent the violation of the Code. This section shall not be construed to authorize claims for injunctive relief against the County to compel the County to apply or enforce this Code.

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**Section 370. - Appeals of Administrative Decisions.**

Appeals by any aggrieved person from the decisions from any written order, requirement, decision, determination or interpretation made by an administrative official in the enforcement of these regulations shall be heard by the Board.

**402.5. - Schedule of Uses for PD Districts.**

Except as specifically provided in this Code, regulations governing the use of land, water and structures within the PD districts shall be as shown in the following table.

Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop or establish a new use.

Uses of land or structures not expressly listed in the table are prohibited and shall not be established in that district.

Uses and structures which are customarily and clearly incidental to permitted principal uses and structures, shall be also permitted.

Whenever there is any uncertainty as to the classification of a use listed in the following table, the Department Director shall determine the classification, if any, within which the use falls, based on its characteristics and similarity to other uses in the district. If a use has characteristics similar to more than one (1) classification, the use shall be construed as the classification having the most similar characteristics. In the event that a particular use is determined not to be within an allowed defined use, then the particular use shall be prohibited. Notwithstanding the foregoing, if the site

| plan or development order for a planned development lists the specific uses permitted within such planned development, then only such listed uses shall be permitted, unless otherwise approved by the Board of County Commission at an advertised public hearing.