

CHAPTER 1 – GENERAL PROVISIONS

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CHAPTER 1 – GENERAL PROVISIONS

Section 100. Title.

This Manatee County Land Development Code may also be referred to as the Land Development Code or Code.

Section 101. Authority and Purpose.

This Land Development Code is enacted pursuant to the requirements and authority of Chapter 163, Part II, Florida Statutes (the “Community Planning Act”) and the general powers established in Chapter 125, Florida Statutes (County Government) and the Constitution of the State of Florida.

The purpose of this Land Development Code 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. Further, this Land Development Code is adopted in order to foster and preserve public health, safety, comfort and welfare in the unincorporated areas of the County. It is the intent of this Code that the development process in Manatee County be efficient, in terms of time and expense, effective, in terms of addressing the natural resource and public facility implications of proposed development, and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and the consideration of the interests of the citizens of the County.

Section 102. Administrative Procedures.

The County Administrator is authorized to establish administrative procedures for the implementation of this Code by County departments and staff. Such administrative procedures shall establish the technical standards and staff protocols for reviewing and processing development applications. Provided, however, any requirement that constitutes a substantive regulation of land development shall be included in this Code by amendment to the text hereof in accordance with applicable law.

Section 103. Applicability.

103.1. General Applicability.

The provisions of this Land Development Code shall apply to all development in unincorporated Manatee County. No development shall be undertaken without prior approval and issuance of a development order pursuant to the provisions of this Land Development Code, ~~except as noted in this section.~~

103.2. Exceptions.

- ~~A. Projects which have Special Exception status under Chapter 1, Section D.2 of the Comprehensive Plan, to the extent of that status, shall not be required to meet the requirements of the following sections:~~
- ~~1. Section 360, Certificate of Level of Service Compliance;~~
 - ~~2. Section 403.8.D, Coastal High Hazard Area Overlay District/Limitations on Permitted Uses;~~
 - ~~3. Section 403.8.E, Coastal High Hazard Area Overlay District/Setback Requirements and Wetland Buffers;~~
 - ~~4. Section 401.3.D.9, Waterfront Yards;~~
 - ~~5. Section 706, Wetland Protection; and~~
 - ~~6. Any other Section of this Code where the applicant can clearly demonstrate that the Section is a direct result of the Comprehensive Plan and could not have been required under the previous Comprehensive Plan.~~

Projects ~~which have Special Exception status under Chapter 1, Section 4B of the Plan, or projects~~ that have an approved development order or building permit prior to the effective date of this Code may continue to be developed in a manner consistent with the most recent approval for such project; provided that such approval was lawfully granted and has not expired or otherwise been terminated. However, such projects shall be subject to all provisions of this Code which are not specifically addressed in such approval or are not inconsistent with such approval.

~~B. Amendments to the projects addressed in A and B, above, shall be reviewed for consistency with Section 107 of this Code if non-conforming.~~

Except where specifically provided for in this Code, the following structures and uses shall be exempt from the regulations of this Code:

- A. *Utility Installations.* Wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, or water, or the collection of sewage or storm water operated or maintained by a governmental entity or a public utility including customary meter pedestals, telephone pedestals and distribution transformers, whether any such installation is located underground or aboveground but not including any substation located on or above the surface of the ground.
- B. *Railroad Facilities.* Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad rights-of-way, and maintenance and repair work on such facilities and equipment.
- C. *Public Schools.* Public Schools shall be required to adhere to all requirements of this Code except those requirements which public schools are not required to meet under Chapter 1013, Florida Statutes, the State Requirements for Educational Facilities, and the Amended and Restated Interlocal Agreement for Public School Facility Planning between the School Board of Manatee County, the County and certain municipalities.
- D. *Public Parks.* Passive activity recreation and temporary recreation uses conducted on county designated park land. This exemption does not apply to structures greater than one thousand (1,000) square feet or vehicle use areas larger than twenty-five (25) parking spaces located within County park land.

Section 104. Consistency with Comprehensive Plan.

In the event of a conflict between the regulations in the Land Development Code and the Comprehensive Plan, in all instances the Comprehensive Plan shall supersede the Code.

Section 105. Rules of Interpretation.

In the interpretation of the language of this Land Development Code, the rules set out in this section shall be observed unless such construction would be inconsistent with the manifest intent of the Board.

105.1. Generally.

- A. All provisions, terms, phrases and expressions contained in these regulations shall be liberally construed in order that the true intent and meaning of the Board may be fully carried out. Terms used in these regulations, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this State for the same terms. The terms used in this Code are intended for use with this Code only and may not apply to other codes or regulations. When a Section number within this Code is referred to, then all Subsections shall apply.
- B. In the interpretation and application of any provision of these regulations, the provision shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Land Development Code imposes greater restrictions upon the subject matter than a general provision imposed by another provision of these regulations or other County ordinance, unless stated otherwise the provision imposing the greater restriction or regulation shall be deemed to be controlling. References to Statutes in this Code are deemed to include successive and replacement regulations.
- C. It is not the intent of this Code to interfere with, abrogate or annul any order of a court of competent

jurisdiction, statute, or other provision of law. Further, this Code is not intended to abrogate any legally enforceable easement, covenant, or any other private agreement, or restriction; provided that where the provisions of this Code are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of this Code shall govern.

105.2. Computation of Time.

The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday recognized by the Board, that day shall be excluded. The next regular business day shall then be considered the last day.

105.3. Delegation of Authority.

Whenever a provision of this Code requires any County officer or employee to do some act or perform some duty, this Code shall be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

Whenever the Code refers to any specific County department or other agency to do some act or perform some duty, this Code shall be construed to allow the performance of such act or duty by the department or its successor that normally performs such act or duty.

In the instance of a conflicting delegation, the County Administrator shall designate the department, County Officer or employee responsible for such act or duty.

105.4. Gender.

Words importing the masculine gender shall be construed to include the feminine and neuter.

105.5. Non-Technical and Technical Words.

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning of law shall be construed and understood according to such meaning.

105.6. Number.

A word importing the singular number may extend and be applied to several persons and things as well as to one person and thing. The use of a plural number shall be deemed to include any single person or thing.

105.7. Shall, May.

The word "shall" is mandatory; "may" is permissive.

105.8. Tense.

Words used in the past or present tense include the future as well as the past or present.

105.9. Written or in Writing.

The term "written" or in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

105.10. Year.

The word "year" shall mean a calendar year, unless otherwise indicated.

105.11. Boundaries of Transportation Construction Districts.

Any road used as a boundary of a transportation construction district may be considered within any district it bounds for the purpose of using the transportation impact fees.

105.12. Used For.

For the purposes of administration and enforcement of Chapter 11 (Impact Fees) of this Code, the phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."

105.13. Connected Terms.

Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by a conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:

- A. "And" indicates that all the connected terms, conditions, provision, or events shall apply.
- B. "Or" indicates that the connected terms, conditions, provisions or event may apply singularly and in any combination.
- C. "Either...Or" indicates that the connected items, conditions, provisions, or events shall apply singularly, but not in combination.

105.14. References to Other Laws.

References to applicable laws such as Florida Statutes, the Florida Administrative Code, the United States Code, and to provisions of this Code or the County's Code of Ordinances shall include all amendments and successor provisions thereto.

Section 106. Enforcement, Violations, and Penalties.**106.1. Purpose and Intent.**

This Section is intended to establish enforcement responsibilities, define Code violations and provide penalties for violations.

- A. Authority.** In conducting investigations of suspected or known violations, the Department Director or designee shall have the authority, where otherwise lawful, to inspect property, obtain the signed statements of prospective witnesses, photograph violations, and do such other gathering of evidence as is necessary for the complete investigation of a violation.
- B. Responsibility.** The provisions of this Code, any local Codes or Ordinances, or other Codes, Statutes, Regulations as allowed by law may be enforced by the Department Director or designee.
- C. Initiation.** Investigations of violations under this Section shall be initiated by the Department Director or designee upon a complaint provided by any person, County official or employee, or upon direction of the Board of County Commissioners.

106.2. Violations.

A. Definition. In this section "violation of this Code" means:

1. Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance;
2. Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or
3. Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.

In this section "violation of this Code" does not include the failure of a County officer or County employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this Section.

B. Persons in Violation. Any person whether owner, lessee, principal, agent, employee, occupant of any land or

part thereof, and any architect, builder, contractor, agent or other person who participates, assists, directs, creates or maintains any situation that: (a) violates any provision of this Code, (b) permits any such violation, (c) fails to comply with any of the provision or requirements hereof, including any conditions, stipulations, or safeguards attached to any permit, variance, or other such final authorization or approval hereunder, or (d) who erects, constructs or reconstructs any building or structure, or uses any land in violations of any written statement or plan submitted and approved pursuant to this Code, shall be in violation of this Code.

1. Any person(s) in violation of this Code shall be held responsible for due violation and be subject to the penalties and remedies provided herein. Such person(s) upon conviction shall be subject to punishment as provided by law.
2. Each and every person who commits, participates in, assists in, or maintains such violation may individually be found guilty of a separate offense. Each day that such violation continues to exist shall constitute an additional and separate offense.
3. Any structure or lot erected, constructed, altered, occupied or used contrary to any provisions of this Code and all other applicable codes, stipulations, conditions, approvals and variances shall be declared to be unlawful.

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.
- B. **Penalty.** Any person violating the provisions of this Code or who shall fail to abide by and obey all regulations and orders adopted under this Code shall be punished as provided in Section 106.4. Each day that the violation shall continue shall constitute a separate violation.

106.4. Penalties.

- A. **General Penalty.** ~~Except as otherwise provided by law or ordinance, Any~~ violations of any provision of ~~the~~ specific sections of this code may be enforced as provided in Chapter 162, Florida Statutes, and the Manatee County Code of Ordinances. Each day that any violation of this code continues shall constitute a separate offense. In addition, the County may bring suit for damages for any violation of this article, and to restrain, enjoin, or otherwise prevent a violation of or mandate compliance with this article.
 1. The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise, the imposition of civil fines or other administrative actions.
 2. Violations of this Code that are continuous with respect to time may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent equitable relief.
- B. **Stop Work Order.** The Department Director may issue a Stop Work Order on a premises, lot or parcel that is in alleged violation of any provision of this Code, or is being done in a dangerous or unsafe manner. A Stop Work Order may be issued in place of or in conjunction with the actions and procedures identified in this Chapter. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Department Director shall not be required to give a written notice prior to stopping the work. Upon receipt of a Stop Work Order, all work associated with the violation shall immediately cease. Any work that continues after the issuance of a Stop Work Order shall constitute an irreparable or irreversible violation of the Stop Work Order. Therefore, Any person, (whether i.e., owner, lessee, principal, agent, employee, or other person) who continues to work after the Stop Work Order has been issued shall be in violation of this Code and upon conviction, may be punished as provided by law. The issuance of a Stop Work Order may be appealed in accordance with Chapter 3, Part X, Appeals, ~~for Land Development Code matters and the Construction Code Board of Appeals for Building Code related matters,~~ by any aggrieved person. An inspection fee shall be paid before any reinspection is conducted. Stop Work Orders may be issued by the Department Director pursuant to the Manatee County Building Code.

106.5. Other Remedies Preserved.

The foregoing provisions shall not be construed to preclude initiation by the County at any time of any lawful civil action or criminal action relating to the violation of a County ordinance upon authorization by the Board of County Commissioners, nor to preclude the operation of any other enforcement procedure.

Section 107. Nonconformities**107.1. Purpose and Intent.**

The purpose of this Section is to provide for the regulation and limit the development and continued existence of uses, structures, and lots established prior to the effective date of this Code which do not conform to the requirements of this Code and to address nonconformities that result from the exercise of eminent domain powers. It is the general intent of this Section to reduce nonconformities and eventually bring them into conformance.

107.2. Legally Existing Nonconforming Uses Structures and Lots.

Any nonconforming use, structure, or lot which lawfully existed as of the effective date of this Code and which remains nonconforming, and any use, structure, or lot which has become nonconforming as a result of the adoption of this Code or any subsequent amendment to this Code or as a result of an acquisition of real property by Manatee County or a state agency through the exercise or threat of exercise of its power of eminent domain may be continued or maintained only in accordance with the terms of this Section.

107.3. Applicability.

The provisions ~~of this section shall apply to all relating to~~ nonconforming uses and structures ~~as defined in Chapter 2 shall apply to all nonconforming uses and structures existing, or created on the effective date of this Code, and to all uses and structures that become nonconforming by reasons of any amendment thereof.~~ The provisions shall not apply, however, to any use established or structures erected or expanded in violation of law, regardless of the time of establishment or erection.

107.4. Signs.

Signs on nonconforming uses of land or structures and nonconforming signs shall be controlled by the provisions of Chapter 6 of this Code.

107.5. Nonconforming Uses.**A. Change or Expansion of Nonconforming Use.**

1. A legally existing nonconforming use may be changed to a permitted use or conditional use for the zoning district in which the property is located, in accordance with the procedures of Chapter 3 of this Code. A nonconforming use shall not be changed to another nonconforming use.
2. ~~Except as provided in this Section, a~~ lawful nonconforming use shall not be changed, intensified, expanded, extended or enlarged in any manner ~~that increases its nonconformity to current development standards beyond the floor area or lot area that it occupied on the effective date of this Code or the effective date of any amendment to this Code rendering such use nonconforming.~~ Exceptions from this provision include:
 - a. Residential Accessory Uses and Home Occupations ~~are exempted from this provision~~ provided they otherwise comply with this Code.
 - a.b. Legally established light industrial uses located within the R/O/R future land use category may change to a different light industrial use or may be enlarged provided the change or expansion is approved through the Special Permit approval process. However, should the operation cease for a period of six (6) months, it may not be re-established.
- 2.3. ~~A legally existing nonconforming use When a lot is used lawfully, as a legal non-conforming use, on the effective date of this Code, and Chapter 4 of this Code classifies such use as a "Special Permit" in the~~

zoning district in which it is located, ~~such use~~ is hereby deemed a lawful Special Permit use for the purpose of this Code and shall be subject to the following:

- a. Such use shall not be replaced or expanded, except in accordance with the provisions of Section 316, Special Permit and this section.
- b. The structure occupied by such use may be expanded or enlarged by not more than one thousand (1,000) square feet within any period of three (3) years without requiring an additional ~~sSpecial pPermit~~ approval, and provided that all dimensional requirements can be met, unless this Code or the ~~sSpecial pPermit~~ approval specifically prohibits such expansion or enlargement.

~~3.4.~~ A lawfully existing nonconforming use that would now require ~~an “administrative approval/permit”~~ shall be deemed to have administrative ~~permit~~ approval and shall be subject to the following:

~~a. Such use shall not be replaced or expanded except in accordance with the provisions of Section 315, Administrative Permits, and this section.~~

~~b.a.~~ The structure occupied by such use may be expanded or enlarged by not more than one thousand (1,000) square feet or ten (10) percent of the gross floor area, whichever is greater, not to exceed two thousand (2,000) square feet in area within any period of three (3) years without requiring administrative ~~permit~~ approval, and provided that all dimensional requirements can be met, unless this Code or previous approvals specifically prohibit such expansion or enlargement. An existing or new administrative ~~permit approval~~ shall not authorize or otherwise exempt a project from these square foot provisions.

B. Change to Conforming Use. If any nonconforming use is changed to a conforming use, it shall not thereafter be put into any nonconforming use.

C. Discontinuation of Nonconforming Use. If a nonconforming use is discontinued for a period of one (1) year or more, including any period of discontinuation before the effective date of this Code except where governmental action impedes, such use, then that use shall not be renewed or re-established thereafter and any subsequent use of the lot or structure shall conform to the use regulations of the zoning district in which it is located.

Standard agriculture practice which results in allowing a field to lie fallow will not be considered a discontinuation of a non-conforming use. Said non-conforming use is subject to verification by the property owner, ~~Agricultural and Natural Resources Department~~, and ~~other~~ County staff as deemed appropriate.

107.6. Nonconforming Structures

A. Repair or Reconstruction of Nonconforming Structure. Only ordinary repairs and maintenance as defined by this Code may be made to a nonconforming structure, unless exempted below.

1. If a nonconforming structure is damaged by a fire, flood, windstorm, or similar event, and the cost of restoring the structure to its condition immediately prior to the event is not considered a substantial improvement then the structure may be restored to its original nonconforming condition, provided that:
 - a. A building permit is secured;
 - b. Reconstruction is started within one (1) year from the date of the damage; and
 - c. Such reconstruction is diligently pursued to completion.

Cost of restoration shall be determined in the manner established by the Department Director.

2. If a nonconforming structure is destroyed or damaged by a fire, flood, windstorm, or similar event, and the cost of restoring the structure to its condition immediately prior to the event constitutes a substantial improvement, then the structure shall not be restored unless the structure as restored, and the use thereof, will thereafter conform to all requirements of the zoning district in which it is located and this Code. Structures subject to the exception provision in Section 107.6 and/or Section 107.9.C may be restored pursuant to Section 107.9.C regardless of the cost of restoration. Cost of restoration shall be determined in the manner established by the Department Director.
3. All structures located in the one hundred (100) year floodplain, shall adhere to the provisions of Section 802, Floodplain Management.

4. If Manatee County is declared a disaster area as a result of a storm, hurricane, tornado, flood or other similar act of God, by the Governor of the State of Florida or the President of the United States, then the provisions of Section 107.6.A.1 for the repair or reconstruction of a non-conforming structure shall be hereby modified to allow the replacement or reconstruction of the structure on the original foundation. This exception shall be allowed only if all of the following conditions are met:
 - a. The original structure was a multifamily residential building, mobile home in a mobile home park or subdivision, single-family detached home that is located in the Cortez Fishing Village HA Overlay District, or a single-family attached dwelling;
 - ~~b. The original structure has Special Exception status as provided for in the Manatee County Comprehensive Plan;~~
 - ~~e.b.~~ The necessary building permits and final site plans are issued within one (1) calendar year of the aforementioned storm, hurricane, tornado, flood or other similar acts of God; and
 - ~~d.c.~~ The repair or reconstruction is done in a manner substantially consistent with the prior development approvals for those structures in regards to height, area, type of structures, setbacks and density. Other Code and Comprehensive Plan provisions not inconsistent with the foregoing must be met.

Any Building Permits issued under this modification may be allowed a maximum of one time extension not to exceed ninety (90) days as may be allowed by the Manatee County Building Code.

This modification shall not exempt developments from meeting the minimum floor elevation or other provisions of Section 802 (Floodplain Management), Section 403.8.H (Coastal High Hazard Area Overlay District/Reconstruction of Structures), and Manatee County Building Codes.

- B. Alteration or Enlargement of a Nonconforming Structure.** Except as provided in this Section or in Section 107.9 (Nonconformities Resulting From Exercise of Power of Eminent Domain), a nonconforming structure shall not undergo any substantial improvement or be enlarged or moved in any manner unless provided below:
 1. The enlargement, movement, or alteration itself conforms to the requirements of this Code; and/or such alteration or enlargement makes the structure conforming;
 2. The use of the structure is conforming; and
 3. The property owner or developer secures the Department Director's approval for the enlargement or addition in accordance with this Code and other applicable regulations.
- C. Movement of a Nonconforming Structure.** Except as provided in this Section or in Section 107.9 (Nonconformities Resulting From Exercise of Power of Eminent Domain), a nonconforming structure shall not be moved in whole or in part to any other location unless every portion of such structure and the use thereof is made to conform with all requirements for the zoning district to which such structure is moved. The relocation of the structure shall also comply with structure relocation the requirements and other applicable County regulations.
- D. Nonconforming Structures in the Cortez Fishing Village HA Overlay District.** Single-family historic structures in the Cortez Fishing Village HA Overlay District which are legally non-conforming structures due to setbacks may be renovated and expanded at existing side yard setbacks for corner lots, or rear yard setbacks, provided that the renovation, expansion or addition meets the standards of other sections of this Code and the following additional standards:
 1. Any addition or renovation must receive a Certificate of Appropriateness by the Historic Preservation Board;
 2. The structure for which the renovation or addition is requested is residentially used;
 3. The existing side yard setbacks for corner lots on one side, must be no less than two (2) feet and no less than ten (10) feet on the other side;
 4. The addition or expansion shall be located no closer than ten (10) feet to another existing structure on an adjacent lot;
 5. No fill shall be used to elevate the addition; and
 6. The addition or renovation must comply with the Cortez Design Guidelines.

E. Unsafe Structure.

1. Any nonconforming structure determined to be unsafe by the Department Director may be restored to a safe condition, subject to the regulations for nonconforming structures. Such work on any nonconforming structure shall not place it in greater nonconformity.
2. If a nonconforming structure or portion of a structure contains a nonconforming use and becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Department Director to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations for non-conforming structures and district in which it is located. (Refer also to the Manatee County Unsafe Structure Ordinance and Section 106, Enforcement, Violations, and Penalties).

107.7. Nonconforming Densities in Residential Projects.

- A. Existing projects that exceed the allowed density of the zoning district or future land use category are subject to the following provisions:
 1. If individual units within a nonconforming condominium, apartment or mobile home park project are substantially damaged or destroyed by a fire, flood, windstorm, or similar act of God, such units may be replaced to their pre-existing density.
 2. No additions, expansions, movement or substantial alteration of existing units within the aforementioned nonconforming residential units and/or projects shall be allowed.
- B. The following residential developments which were existing as of May 15, 1989, and were conforming as to density prior to adoption of the Comprehensive Plan and have been rendered nonconforming with regard to density, may be rebuilt if destroyed or substantially damaged by an act of God. Any reconstruction shall be at the same density that existed at the time of said adoption. The number of units which may be rebuilt for an individual development are as follows:

DEVELOPMENT	ADDRESS	NUMBER OF UNITS
Casco Dorado	9800 Cortez Road	57
The Waterways	9604 Cortez Road	78

107.8. Nonconforming Lots.

A. Applicability. ~~The establishment of a use on a nonconforming lot shall be allowed provided that the lot~~~~A lot which does not conform to the applicable district regulations for minimum lot area or minimum lot width, or both, shall be deemed a nonconforming lot. Permitted Uses specified in such district regulations shall be exempt from such minimum lot area and minimum lot width requirements on a nonconforming lot which:~~

1. Was a legally created lot of record on the effective date of this Code;
2. Was not created in violation of this Code; ~~or the previous Code (Ord. 81-4), adopted May 4, 1981 and,~~
3. Was not part of a series of two or more vacant lots which:
 - a. were in a single ownership, and
 - b. share continuous street frontage along their front lot lines, and,
 - c. are sufficient when taken together to meet the minimum lot area and width requirements of the zoning regulations of this Code or prior zoning Codes which first made the lot nonconforming.

In the event that a nonconforming structure is located on a lot which is contiguous to one or more vacant lots, all under the same ownership, then the vacant lot(s) may be separated from the lot with a structure provided the lot with the structure maintains minimum district setbacks adjacent to the lot being separated.

B. Reduction in Size Prohibited. Except where necessitated by government action, a lot which is nonconforming by reasons of area shall not be reduced by area, and a lot which is nonconforming by width shall not be reduced by width. No lot shall be reduced in width or area where such reduction will make such lots non-conforming,

unless necessitated by government action.

- C. Use of Nonconforming Lots.** Nonconforming lots may be developed notwithstanding the failure of the lot to meet minimum lot area or minimum lot width requirements specified in the applicable district regulations, provided that the proposed development is a permitted use in the applicable district. All other regulations of this Code, including minimum required yards, shall be met.
1. Nonconforming lots which were legally created and are in single ownership, sharing continuous street frontage, if taken together would meet the minimum zoning district regulations, do not have to combine lots to meet the zoning district regulations if all of the lots are developed as affordable housing.
 2. Nonconforming lots created prior to this Code that contained more than one dwelling unit, were not in violation of previous Codes, and did not increase the density within the approved subdivision may now gain access by easement per Section 1001.1.~~CB.53~~.
 3. Nonconforming lots which were legally created and are in single ownership, sharing continuous street frontage, if taken together would meet the minimum zoning district regulations, do not have to combine lots to meet the zoning district regulations if the nonconformity exists only as a result of the exercise of eminent domain powers by the County or a state agency.
- D. Procedure.** As part of the application for a building permit for a nonconforming lot, the applicant shall file the following documents with the Department Director:
1. *Drawing.* Scaled drawing with dimensions and distances showing boundary lines of the lot and the proposed location, size and use of the structure.
 2. *Certificate.* Certificate of apparent ownership, or title opinion, stating that the Nonconforming lot of record is exempted from the minimum lot area and width requirements of this Code or prior zoning ordinances which made the lot nonconforming, the date and identification of the instrument by which the lot was created, and the basis for claiming nonconforming status.
- E. Lots in Nonconforming Mobile Home, Recreational Vehicle Parks and Subdivisions.** In Mobile Home and Recreational Vehicle Parks without recorded lots or lot lines, the midpoint of the shortest line that can be drawn between two structures shall be employed as the lot line for the purpose of this Code.

107.9. Nonconformities Resulting From Exercise of Power of Eminent Domain.

- A. Applicability.** The provisions of this Section shall apply to real property of which a portion is acquired by Manatee County or a state agency through the exercise or threat of exercise of eminent domain powers on or after February 1, 2006. This Section shall apply without regard to whether the real property acquisition is pursuant to an order of a court of competent jurisdiction or is pursuant to a process of negotiated purchase. This Section shall apply without regard to whether the acquisition was initiated by Manatee County or a state agency.
- B. Existing Nonconformities Preserved.** A nonconformity of any nature whatsoever which existed at the time of the real property acquisition shall not be deemed to be permitted, exempted, or reduced, in any manner, nor to any extent, by the application of this Section.
- C. Nonconformities Created by Eminent Domain Proceedings.**
1. A nonconformity created through the exercise of eminent domain powers shall not constitute a violation of this Code, and the owner of any property that is the subject of such nonconformity shall not be required to cure such nonconformity.
 2. Any structure or site improvement subject to this Section may be rebuilt, relocated, or reconstructed to cure the adverse impacts that result from the exercise of eminent domain powers, even if such rebuilding, relocation, or reconstruction does not conform to this Code with respect to area, width, depth, setbacks, required yards, landscape buffer, location of improvements, location of signs, or parking, so long as the following criteria are met:
 - a. The proposed rebuilding, relocation, or reconstruction is necessary to allow use of the property consistent with or similar to the pre-acquisition use of the property;
 - b. The size or intensity of the structure or use is not expanded in violation of Section 107.5.A or 107.6.B

hereof; and

- c. The rebuilding, relocation, or reconstruction will not result in a violation of the Comprehensive Plan.
 3. Either Manatee County or the state agency exercising its eminent domain powers, as the case may be, is authorized to apply for such permits or approvals necessary to carry out the rebuilding, relocation, or reconstruction of a structure or site improvement pursuant to this Section 107.9.C.
 4. Following any acquisition of a portion of real property subject to this Section by Manatee County, the County shall endeavor to record with the Clerk of the Circuit Court a notice of severance on the remainder of the real property not acquired. The failure to record such notice shall not limit or prevent the application of this Section to the subject property.
- D. Future Right-of-Way and Fire Safety Regulations.** The provisions of Sections 107.9.A to 107.9.C shall not apply nor be interpreted to waive or alter the provisions of this Code pertaining to future right-of-way lines, nor shall the provisions of this Section waive or alter the application of any fire prevention code or fire prevention requirements, either current or in the future, or applicable provisions of the Manatee County Building Codes.

Section 108. Public Works Standards Manual

In order to fully implement the requirements of the Comprehensive Plan and the Code, the County adopted the Manatee County Public Works Standards Manual. All development shall be reviewed by the County for compliance with the applicable criteria of this Manual.

A violation of any provision of the Public Works Standards Manual shall be deemed a violation of this Section and enforceable as provided in Section 106 of this Code.